KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/62/90812/W**
Site Address:	3, Woodlea Avenue, Marsh, Huddersfield, HD3 4EF
Description:	Erection of single storey rear extension
Recommending Officer:	Joanna Rednall

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-Jun-2024

The Site

3, Woodlea Avenue is a two-storey detached property located in Marsh, Huddersfield. The exterior walls are constructed from artificial stone with a concrete tile roof. The site is located within a cul-de-sac where surrounding development is similar in terms of design with the dominant construction material being artificial stone. The property benefits from an integral garage and an area of hardstanding surfacing to the front. To the rear from the property is a long, lawned garden.

The Proposal

The application is seeking planning permission for the erection of a single storey rear extension.

The extension would be constructed from artificial stone with a lean-to roof infilled with concrete tiles. The measurements of the extension are as follows:

- ~4m projection
- ~6.7m width
- ~2.2m eave height
- ~3.4m ridge height

With regard to fenestration, there would be two openings within the rear/northwest facing elevation. The roof would host two rooflights.

Planning History

Relevant planning history for this site is summarised as follows:-

2012/91733 Erection of single storey rear extension - *Conditional full permission*

2021/91494 Work to TPOs 03/79 *RG - PART GRANTED/PART REFUSED*

History of Negotiations

Following a consultation with KC Arboricultural officers, further information was requested regarding the Tree Preservation Order on site. The requested information was not provided.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.
Final publicity date expired: 9 May 2024
No representations were received as a result of the publicity.

Consultations

KC Arboricultural officer – further information required.

Allocation & Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity
LP33 Trees

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the National Planning Policy Framework. LP1 goes on further to stating that:

> *The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Section 5.6 of the Council's adopted SPD provides specific guidance for single storey rear extensions:
5.6 Single storey extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;

- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed rear extension is considered to appropriately abide by the key design principles as set out in the SPD. Although the extension would not be set 1 metre away from the neighbouring boundary with No.5, with only a ~0.8m gap to be retained, as the side elevation of the dwelling to be extended is sited along the shared boundary, it is considered there would be no visual benefit in setting the extension in by a whole metre and it would be unreasonable of the LPA to request such an amendment in this case.

From a visual amenity perspective, the proposed single storey rear extension at 3, Woodlea Avenue is considered to be a subservient addition, located to the rear of the property and of a complementing size/scale. Further to this, the rear extension will also be of an in keeping appearance, using materials that match those on the host dwelling. The openings are also proposed to be UPVC to match the host property. Furthermore, the proposed lean-to roofing style ensures no undue bulking/massing to the overall design of the extension, ensuring that no obtrusiveness will be caused to the rear of the property.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being No.1 & No.5 Woodlea Avenue.

Impact on No.1 Woodlea Avenue

This dwelling is located to the south of the application site and set back from the rear elevation of the application site.

Given the single storey nature of the proposed extension to 3, Woodlea Avenue, as well as it being set off the immediate neighbouring boundary by ~1m, it can be concluded that no detrimental impacts of overshadowing or overbearing will be caused as a result of its erection. The proposed rear extension poses no significant impact upon privacy greater than that which exists already given no glazing is proposed within the side elevations.

In addition, it is important to note that this property is set back from the application property, further working to mitigate any potential overshadowing/overbearing impacts of the development.

Impact on No.5 Woodlea Avenue

This dwelling is located to the north of the application site.

The extension would be set off the immediate neighbouring boundary by ~0.8m

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Policy LP24 (i) of the Kirklees Local Plan states that proposals should promote good design by ensuring that the retention of viable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits. This is mirrored within the NPPF where at paragraph 130 it is set out that existing trees should be retained wherever possible.

This is further supported within the SPD which, under Key Design Principle 13 states that proposals for extensions should normally retain valuable and important trees in accordance with Local Plan Policy LP33. It goes on to state that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.

To the north-west of the site is a woodland which is protected by a Tree Preservation Order under number 03/79/w11, as well as a small tree to the southern boundary. Due to the siting of the extension in relation to these trees, the Council's Arboricultural Officer was informally consulted as part of the application process. Comments have been received which request further information including an Arboricultural Impact Assessment to ensure that the

trees are not materially impacted by the proposed development. The requested information has not been submitted therefore the LPA is unable to complete a full assessment of the development upon existing woodland TPO to the rear of the site.

It is therefore considered that the proposed works do not meet the requirements of policy LP33 of the Kirklees Local Plan which seeks to protect development which directly or indirectly threaten trees or woodlands or significant amenity and Policy LP24 (i) of the Kirklees Local Plan, policies within Chapter 12 of the NPPF and Key Design Principle 13 of the House Extensions and Alterations SPD.

6 – Representations:

None received

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reasons set out in this report, refusal is recommended.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2024/90812

Officer Recommendation:

Reason

1. Insufficient and inadequate information has been submitted to enable a full assessment of the development upon existing woodland Tree Preservation Order to the rear of the site. The development would have a direct conflict with the tree due to the increase of the footprint of the property. To permit the development would be contrary to Policies LP2, LP24 (i) and LP33 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Key Design Principle 13 of the Council's adopted House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			22/03/2024
Site plan and existing elevations			02/04/2024
Location Plan and Existing Ground Floor Plan			02/04/2024
Proposed ground floor plan			22/03/2024
Proposed rear elevation and proposed side elevations			22/03/2024
Climate change statement			02/04/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Following a consultation with KC Arboricultural officers, further information was requested regarding the Tree Preservation Order on site. The requested information was not provided.

Report Dated:	21/06/2024