

**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:	2024/62/91044/W
Site Address:	35, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ
Description:	Erection of extensions including associated alterations
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 23-Jul-2024

Officer Report

Site Description

35 Cumberland Avenue is a two storey, detached property located in Fixby, Huddersfield. The property is constructed from stone and pebbledash render to the front and side elevations with the rear of the property whereby the property has been extended is timber clad. The property is set within a modestly sized garden with an integral garage accessed from the hardstanding area to the front of the property with lawned areas to the front, side and rear.

Surrounding development is predominantly residential with the properties along Cumberland Avenue and Fixby Road being mainly detached and set with modest curtilages and vary in terms of style, design and construction materials.

Description of Proposal

The application is for the erection of extensions and associated alterations. This will include a single storey wrap around extension spanning both side elevations and the rear elevation. There will also be material alterations to the original building and works to alter and increase the height of the roof.

Single storey wrap around extension

The single storey wrap around extension would project 3m from the east elevation, here it would be set back 5.6m from the front elevation. The extension will extend 5.8m of the original dwelling and project 3m from the rear elevation. The rear element will have a width of 21m which encompasses the 3.8m projection from the west side elevation. The side extension on the west elevation will run the length of the property and will extend 1.5m beyond the principle front elevation however will be set back by 1.6m from an existing forward projection.

Roof alterations

Although the existing maximum height of the roof will only increase by 0.8m, this will create a more simplistic roof line to both the front and rear elevations of the property. The existing hipped roof and differing gabled roofs will be replaced by a single gabled roof and two symmetrical forwardly projecting gabled roofs.

History of negotiations/amendments received

Three main concerns were raised with regard to the original plans and it was suggested that;

- Flat roof elements to the front elevation should be removed from the plans including the flat roof dormer and the two storey element, due to these being out of character of the area.
- The roofs of the side extensions should be in keeping with the roof pitch of the main dwelling rather than a flat roof design.
- Consideration should be given to reducing the projection of the rear extension.

The agent submitted amended plans and justification for elements of the scheme which will be assessed in the following report.

Relevant Planning History

- 2010/91451 Erection of ground and first floor extensions.
Conditional Full Permission
- 2016/90558 Erection of first floor and ground floor rear extensions.
Conditional Full Permission
- 2019/91250 Erection of first floor and ground floor rear extensions.
Conditional Full Permission
- 2023/90502 Erection of extensions and alterations to existing rear extension to form two-storey extension, alterations to increase in height of roof, external alterations.
Conditional Full Permission
- 2023/92847 Demolition of existing dwelling and erection of new detached dwelling and associated works.
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 11th June 2024

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

None required.

Policy

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).

The site is without notation on the Kirklees Local Plan. The site is within an area at risk of ground movement as a result of former mining activity, and an area with a known presence of bats.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

Supplementary Planning Documents:

- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety

- Other matters
- Representations
- 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials

- Key design principle 10: Renewable energy
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of rear extensions, the SPD states that within sections 5.1 and 5.2 rear extensions should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides; and
- Maintain external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 goes on to refer to single storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, single storey rear 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.

in terms of single storey side extensions, the SPD states that within sections 5.1 and 5.2 rear extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

An assessment of the proposal against these policies and the principles and the relevant design guidance of the House Extensions and Alterations SPD is undertaken in the following report. In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual

and residential amenity, as well as other matters, being considered acceptable which will be discussed as follows.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

It is proposed that the existing extensions to the rear of the property would be replaced with a single storey rear extension. It is also proposed that parts of the existing extensions would be demolished and rebuilt on the same footprint because of poor build quality. The porch to the front would also be demolished.

In terms of the SPD, the extension and alterations would preserve a back garden of reasonable size due to the large plot, be set behind the furthest front building line (the forward projection of the existing garage) and would maintain external access to the rear garden. It is also considered that the extension would respect the original house by replacing the contemporary extensions to the rear of the property. The extension would not project more than 4 metres from the rear of the property and would be set in from the boundaries of the site by 1.4 metres. Although the side extensions do not align with the existing rear building line or the principle front elevation in this instance is considered acceptable due to the overall design of these extensions creating a visually harmonious design and replacing the existing unsympathetic extensions. It is therefore considered that the extension would comply with sections 5.1, 5.2 and 5.8 of the SPD.

In terms of Key Design Principles 1 and 2 of the SPD, these relate to the impact of proposals on the local character and the street scene and also the impact on the original house. The property is located within a street scene which is comprised of detached properties of varying heights and design. This includes two storey properties and also bungalows. As such there is no uniformity in terms of character or style. The proposal states that the existing pebble dash render will be replaced with white roughcast render to the existing building and the extensions to be constructed from timber weatherboarding. This is considered acceptable due to the existing property utilising a mixture of materials including timber cladding to the rear. As the property already differs from neighbouring property's the materials along with the raising of the overall height of the property would not have a significantly harmful impact on the character of the area.

Whilst the extension is larger than the existing extensions in terms of footprint, it proposes the demolition of a two storey rear element therefore, it is considered that the cumulative impact of the proposals would have an acceptable impact on the property.

Original plans showed that the roof design of the front/side elevations would be a flat roof it was suggested that this would be out of character with the area. Original plans also showed a flat roof dormer which was also considered not to be in keeping with the area. The design was amended to remove the front dormer and changed to be pitched roofs throughout. In doing so the the overall height of both the main roof and the front principal gable has been reduced.

Furthermore, the revised scheme was amended to a low profile pitched roof wrapping around the original house and sloping away from the house, therefore forming two monopitch gables to the street elevation. Due to this amendment the lowered internal height of the extension it will be less visible from the street and will appear subservient to the original house.

Although the projection to the rear will remain at 3m this was justified as the new rear elevation will be in line with the projections of neighbouring properties on the street, many of which also have rear projections, some at a two storey level.

The submitted proposed block plan demonstrates that the works can be easily accommodated within the curtilage without resulting in an overdevelopment of the site. This would accord with Key Design Principle 7 in relation to outdoor space.

The wrap around extension including the single storey side extensions, rear extension and the raising of the roof are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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.

There is no proposed additional glazing proposed in the existing building. In terms of the new side extensions there are no openings proposed within either side elevation presenting a blank screen wall to the boundaries. Therefore, No.37 to the west and No.33 to the east will not be impacted in terms of privacy. In any case glazing to the west elevation will be removed meaning privacy to No.37 will increase. In terms of the openings proposed within the front and rear elevations of the property, these openings will only slightly decrease the

established separation distances between the properties to the front (25m) and rear (20m).

With regard to any overbearing or overshadowing impact due to the extensions being single storey in height, large sized plots and due to the proposal being a reduction in height relative to the existing part two storey extension to the rear there is considered to be no significant overbearing/overshadowing impact to neighbouring occupiers in this case.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and, in this instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 existing garage provision would be lost as it is proposed to convert the integral garage however, this provision falls short of current standards which states that internal garage space should be a minimum of 3m x 6m. Therefore, there is no loss or garage provision as a result of the conversion. The SPD requires the provision of 3 no. off street parking spaces as the dwelling is a 5 bedroom property. The submitted block plan indicates that there will be at least 3 parking spaces to the front of the property. As such, there are minimal concerns regarding highway safety and off-street parking and the works would comply with Key Design Principle 15 of the SPD.

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.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable,

maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. A Climate Change Statement has been submitted with the application which states that the roof has been redesigned to maximise space for photo-voltaic panels and new rooflights allow natural light to enter the property. In addition, there are also set locations for Air Source Heat Pump units which would be screened from the street. The Statement goes on to say that materials and labour will be locally sourced.

Biodiversity

Paragraphs 174, 180, 181 and 182 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats. In addition, the property has modern extensions to the rear whereby interference to the roof would have been encountered. As there is no indication of a known bat roost within the property it was not considered that a bat survey was required in this instance.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be

attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Mining Legacy

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91044

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision

notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15 and 16 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The materials of construction shall be in accordance with those detailed within submitted drawings 015RevB, 014RevB. The materials of construction shall be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Ground floor plan proposed	ALA-045-009	C	08/07/2024
First floor plan proposed	ALA-045-010	C	08/07/2024
Second floor plan proposed	ALA-045-011	C	08/07/2024
North and south elevations proposed	ALA-045-014	B	08/07/2024
East and west elevations proposed	ALA-045-015	B	08/07/2024
Site plan proposed	ALA-045-008	B	08/07/2024
Roof plan proposed	ALA-045-012	B	08/07/2024
Site/block layout existing	ALA-045-001	A	15/04/2024
Ground floor plans existing	ALA-045-002	A	15/04/2024
First floor plans existing	ALA-045-003	A	15/04/2024
Roof plans existing	ALA-045-004	A	15/04/2024

Plan Type	Reference	Version	Date Received
North and south elevations existing	ALA-045-006	A	15/04/2024
East and west elevations existing	ALA-045-007	A	15/04/2024
Location plan	-	-	15/04/2024
Climate change statement	-	-	15/04/2024
Design and access statement	-	-	15/04/2024
Application form	-	-	15/04/2024

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.

The Case Officer requested amended plans/justification for certain elements of the original proposal. It was suggested that flat roof elements to the front elevation should be removed from the plans including the flat roof dormer and the two storey element, due to these being out of character of the area. In addition, the roofs of the side extensions should be in keeping with the roof pitch of the main dwelling rather than a flat roof design and it was suggested that consideration should be given to reducing the projection of the rear extension. The agent submitted amended plans and provided justification for some elements of the proposal which has been assessed in the officers report.

Report Dated:

24th July 2024

Coal – high