

**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:	2024/62/91130/W
Site Address:	33, Kingston Avenue, Dalton, Huddersfield, HD5 9HH
Description:	Erection of single storey side extension and associated alterations
Recommending Officer:	Joanna Rednall

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.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Sep-24

Error! Filename not specified.

The Site

33, Kingston Avenue is a two-storey semi detached property located in Dalton, Huddersfield. The property benefits from amenity space to the front, side and rear, and occupies a corner plot.

The materials existing at the site include stone, pebble dash render, clay roof tiles and white UPVC windows and doors.

The property is located within a wider residential area where surrounding development shared similar design and architectural features.

The Proposal

The applicant is seeking planning permission for erection of single storey side extension and associated alterations.

The measurements of the extension are as follows:

- ~4.5m width
- ~8m depth
- ~3.6m total height

The extension is constructed from stone to match the host property with a hipped roof above, infilled with clay tiles. The front and rear elevations of the host property would be finished in render.

Internally, the extension serves a bedroom, utility and wc.

Planning History

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

2024/91064 Prior notification for single storey SIDE extension
WITHDRAWN

History of Negotiations

Contact was made with the applicant's agent requesting revised plans which reduce the scale and size of the proposal, with an amended roof design to

reflect the design of the host property. Amended plans were received 10th September, therefore these amended plans have been used in the determination of this application.

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: 31st May 2024.

No representations were received as a result of the publicity.

Consultations

KC Accessible Homes Team – no comments

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

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 16 – 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.

Paragraph 5.17 of the House Extensions and Alterations SPD sets out that single storey extensions to the side 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.

The property is located on a residential street surrounded by similar designed properties, and a number of the properties on this street have been extended or altered in some way. In this case, the proposed extension is deemed to be appropriate in size and scale and would appear subservient to the host property. The addition would not extend more than two thirds of the width of the original house and would not exceed a height of 4 metres. The host property and its associated curtilage are of a sufficient size to support the proposed extension without amounting to over development and a reasonable amenity space would be retained.

The extension is not set back and lies flush with the front elevation. This design is to allow an adequate internal entrance to the new bedroom. Although against SPD guidelines, the property is set well back from the pavement (approx. 6.5m) and a substantial amount of amenity space is retained to the front, side and rear of the property. As such, the scale of the proposed extension is considered to have an acceptable visual impact in this case. The proposed development would have the same fenestration and roof form to the host ensuring that details, form and scale are adequately respected.

The front, side and rear elevations of the host property would be finished in render. This would match the rendered gable to the front of the property as well as the varied material palette within the local area, therefore of an in keeping appearance. It is therefore recommended that any grant of permission is subject to condition requiring the colour of render to be white or cream

Corner plots

33, Kingston Avenue is also located on a corner plot. Paragraph 5.23 of the House Extensions and Alterations SPD is relevant in this case and sets out the following:

On corner plots, side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets; and

- Following the boundary treatment along both streets, in relation to its position, height and materials

The extension does not have any windows to the side elevation facing the highway (Staines Croft). However, the extension would face a high hedging boundary treatment and visually be of low impact. An acceptable level of garden space would be retained as a buffer between side boundary to mitigate any impact of the blank elevation to this street. The extension is set back from the existing building line on Staines Croft and the existing boundary treatments would be unaffected.

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 design 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:

31, Kingston Avenue

This property adjoins No.33 to the north-west. This property also benefits from a single storey extension. The proposed side extension at No.33 would be set away from the shared boundary by approximately 6m and screened by the main body of the host property ensuring no additional overlooking, overshadowing and overbearing impacts.

35, Kingston Avenue

This property is located south-east of No.33. No.35 is separated from the application property by the highway at approx. 21m from the side elevation of the proposed extension. No windows are proposed to the side elevation that face this neighbour, and boundary treatment in the form of hedging would screen the bulk of the development. Due to these reasons, the proposed extension at No.33 is not considered to cause unacceptable overlooking, overshadowing or overbearing impacts to this neighbour.

42 & 44 Kingston Avenue

These neighbours are located opposite the application site. The proposed would have a separation distance of approx. 23m to habitable windows and would have openings to the front. The side extension would be separated by the highway to these properties and have a set down hipped roof ensuring that there would be no additional effects on overlooking, loss of light and overbearing.

1, Staines Croft

Located to the rear of the application property and separated by a distance of approx. 19m. This neighbour is also located at a slightly lower ground level to the application site. The proposed development would not bring development closer to the shared boundary and at its very highest point is restricted to 3.6 metres in height. Due to the separation distance and limited scale of the development, the extension at No.33 is not considered to cause detrimental harm to overshadowing, overbearing or overlooking to 1, Staines Croft.

It is therefore considered that in terms of residential 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 provide one additional bedroom on site. From undertaking a site visit, it was evident that there is no on-site parking at the application site. Whilst the proposal has the potential to increase the residential use at the host property, it has been assessed that there is sufficient on street parking. Therefore, any impact on highway safety would not be detrimental.

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:

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.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91130

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 91 of the Town and Country Planning Act 1990 (as amended).
1. 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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The external walls of the original dwelling shall be faced in cream or white render and 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	22/04/2024
Existing Location Plan Existing Site Plan	A001	-	10/09/2024
Existing Floor Plan	A002	-	22/04/2024
Climate change statement		-	22/04/2024
Proposed Elevations	B003	-	10/09/2024
Proposed Floor Plan	B002	-	10/09/2024

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.

Contact was made with the applicant's agent requesting revised plans which reduce the scale and size of the proposal, with an amended roof design to reflect the design of the host property. Amended plans were received 10th September, therefore these amended plans have been used in the determination of this application.

Report Dated:

17/09/2024

Low coal