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:	**2024/62/91207/E**
Site Address:	115, Bedale Drive, Skelmanthorpe, Huddersfield, HD8 9EU
Description:	Erection of two storey side and single storey rear extensions with external works to enlarge driveway and form decking
Recommending Officer:	Jennifer Booth

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 01-Jul-2024

OFFICER REPORT

Site Description

115 Bedale Drive is a brick built, semi-detached dwelling with a single storey side extension forming a garage at present. The property has a garden and drive to the front and an enclosed garden to the rear.

The property is located on a residential street with properties of a similar age although there are some variances in terms of style

Description of Proposal

The application is seeking planning permission for a two storey side extension with a small canopy to the front and a single storey rear extension along with external alterations including enlarging the parking area to the front and a decking at the rear.

The side extension is proposed to be set back 0.4m from the front elevation with a small canopy detail on the front. The roof form would be pitched and the plans indicate the extension would be brick on the front elevation with render to the side and rear.

The single storey rear extension would project 3.7m from the original rear wall of the dwelling, extending across the width of the property and with a lean to roof form with roof lights. The walls would be constructed using blockwork and render with tiles for the roof covering.

The plans also show a small decking at the rear with a platform less than 30cm above the ground level with a 1m high balustrade.

The parking area would be increase to the front for an additional vehicle with a landscaped border.

Relevant Planning History

2023/90486 - erection of two storey side extension with canopy to front, single storey rear, external alterations, enlargement of parking area and decking to the rear - approved

Representations

The application was advertised by neighbour letters, which expired on 17/06/2024

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council have been notified and responded with no objections

Consultation Responses

None

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 UNALLOCATED on the Kirklees Local Plan Proposals Map

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Planning permission was granted last year for side and rear extensions. The current proposals are seeking to increase the projection of the rear extension from 3m to 3.7m. The proposals shall be considered below.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state 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 details.

The proposal under consideration consists of four distinct elements which shall be addressed below.

Parking area enlargement

Paragraph 4.43 of the House Extensions & Alterations SPD states that careful consideration should be taken with regards to parking areas within gardens and soft landscaping should be retained.

The proposed increase in the size of the existing parking area would remove some of the garden. However, landscaping borders are retained which would soften the appearance. The extended parking area is considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

Although it is noted that the side extension would infill the space between the host property and the adjacent dwelling, the ground floor already has a garage and the adjacent dwelling has their own similar two storey side extension up to the boundary along with a number of similar examples in the street scene. Therefore, the extension proposed would not be out of character with the area. It is also noted that the extension would be set back from the front elevation and set down from the main roof, allowing a visually appreciable break between the properties, forming a subservient addition to the dwelling. The front elevation would be constructed using brick to match the main house with render on the side rear which can be considered to be acceptable in this instance. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The scale of the rear extension would increase by 70cm, which is still considered to be modest relative to the size of the host property. Whilst this is a little larger than outlined in the advice within the House Extension & Alterations SPD, there are other extensions within the row. The materials proposed are for the use of render for the walling which would form a modern addition to the property. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Decking to rear

The decking is shown on plan with the platform 30cm above the ground level. The height is not significant and the materials proposed with the use of timber for the deck and 1m high glazed balustrade would form an acceptable relationship with the host property in the domestic setting. The decking is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 113 Bedale Drive

Although the first floor element would bring the host property closer to the adjacent neighbour, this property has its own two storey side extension with no openings. Given this relationship, the proposed extension would result in no overlooking, overbearing or overshadowing.

The single storey rear extension and decking would be set back from the shared boundary with the adjacent property. Furthermore, there are outbuildings between the properties and the neighbour has their own rear extension. As such, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 113 Bedale Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 117 Bedale Drive

The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining property.

The single storey rear extension would be constructed along the shared boundary with a modest set in. The neighbour has their own conservatory and whilst the extension would reduce the light through these windows, it is noted that the extension has a very strong fall back position of being able to construct a similar sized extension under permitted development. The

projection at 3.7m is a little larger than the advice within the House Extensions & Alterations SPD. However, the increase over the previously approved scheme is negligible and on balance, is considered to be justifiable.

The decking has been reduced in height to a level which could potentially be constructed under permitted development. The platform would not result in a significant opportunity for overlooking over and above the existing arrangements on site. The balustrading is of a limited height with little potential for creating any overshadowing or overbearing impact. The decking is therefore considered to be justifiable.

With regards to the impact on the adjoining 117 Bedale Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be justifiable.

Impact on 114 & 116 Bedale Drive

The properties on the opposite side of the road occupy positions some 22m from the host property. Given the separation, the proposed side extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 114 & 116 Bedale Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 2 Bedale Close

The property to the rear occupies a position some 40m from the site. Given the very substantial separation, the proposed works would result in no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 2 Bedale Close, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front is being widened to provide two off road parking spaces which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension & Alterations SPD.

Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials for the front wall of the side extension and the use of an off white render for the other walls to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a two storey side extension, single storey rear extension, decking at the rear and widening of the drive at 115 Bedale Drive has been assessed against relevant policies in the development plan as listed

in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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: 2024/91207
Officer Recommendation: Approve
Conditions and Reasons

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.

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The front wall of the side extension shall be constructed using brick similar in appearance to the main house with the others walls of the side and rear extension hereby approved shall be finished with an off white render.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Web ID**	**Date Received**
Site plans	04	1039862	07/05/2024
Existing plans	01	1039783	07/05/2024
Proposed plans	02c	1039780	07/05/2024
Planning statement	-	1039782	07/05/2024
Climate change statement	-	1039863	07/05/2024

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 25/06/2024