

**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:	2024/62/91209/W
Site Address:	17, Wood View, Birkby, Huddersfield, HD2 2DT
Description:	Erection of single storey and two storey side and rear extension and conversion of existing garage
Recommending Officer:	Molly Storer

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: 12-Jul-2024

Officer Report

Site Description

The application site relates to 12 Wood View, a two storey detached property located in Birkby, Huddersfield. The property is constructed from natural coursed stone and has a 'Marley smooth grey' tiled roof. The site benefits from garden amenity space to the rear which due to the topography of the site is located at a lower ground level to the existing dwelling and to the patio area to the rear. The property hosts an attached garage which is due to be converted as part of this application.

The property is located in a residential area, where there is a strong extent of similarity within the street scene. This is because all of the properties are similar in their style of design and construction, whereby they are all detached, and the same construction materials have been used.

Description of Proposal

The application is seeking planning permission for the erection of single storey and two storey side and rear extension and conversion of existing garage

Single storey and two storey side extension:

The proposed development to the side will consist of a part two storey, part single storey extension. The single storey extension will project 5.26m from the west facing side elevation and will have a width of 5.705m. The height to the eaves will be 2.5m with an overall height of 3.4m this will create space for a dining room.

The two storey element will project 5.26m from the west facing side elevation on the first floor and will run the width of the original dwellinghouse (7.170m). The height to the eaves will be 5.1m with an overall height of 7.3m. the roof design will be a gable roof which will create space for two extra bedrooms and a bathroom.

Conversion of the garage:

The garage, located to the side of the property (towards the rear) is proposed to be converted into a kitchen area which will adjoin the dining area being proposed in the single storey side extension and the living area being proposed in the single storey rear extension.

Single storey and two storey rear extension:

The proposed development to the rear will consist of a part two story, part single storey extension. In this instance the single storey element will project 3.945m from the rear north facing elevation and will have a width of 8.65m.

Due to the topography of the site, whereby the house is situated on a significantly higher ground level than the rear garden, the eaves height will be 4.2m with an overall height of 4.7m when measured from the garden level. This will create space for additional living space on the ground floor and will be accessed via stone steps from the garden level to the ground floor level.

The two-storey element will be built above the single storey extension but will only project 2.925m from the rear wall of the first floor and will have a width of 8.65m. The extension will have two gabled roofs each measuring 2.8m to the eaves and 4m to the ridge when measured from the roof of the single storey rear extension. Overall, the maximum height from the garden level will be 8.6m. The gable roofs will be set down from the original buildings roof height by 0.5m. This will create space to enlarge two original bedrooms and an extra bathroom.

History of Negotiations / Amendments Received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

None.

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 17th June 2024 – One representation was received.

Summary of representation (objection) -

- Concerns over overlooking to neighboring garden.
- Concerns over loss of sunlight into neighboring garden.
- Concerns over proximity to the site boundary.

Consultation Responses

No consultations were required.

Allocation and 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.

Kirklees Local Plan

- LP1 - Achieving Sustainable Development
- LP2 - Place Shaping
- LP21 - Highway and Access
- LP22 - Parking
- LP24 - Design
- LP51 - Protection and Improvement of Local Air Quality

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.

- Chapter2 Achieving sustainable development
- Chapter4 Decision-making
- Chapter9 Promoting sustainable transport
- Chapter12 Achieving well-designed & beautiful places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations SPD (adopted June 2021)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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 chapter 2 of the National Planning Policy Framework.

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”.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all pertinent material planning considerations.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

Section 5.6 of the SPD relates specifically to single storey rear extensions and provides the following advice:

5.6 Single rear 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.

Section 5.8 of the SPD relates specifically to single storey rear extensions and provides the following advice:

5.8 Two storey rear extensions should:

- be proportionate to the size of the original house and garden;

- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbors' boundary.

Section 5.17 of the SPD relates specifically to single storey side extensions and provides the following advice:

5.17 Single storey side 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.

Section 5.20 of the SPD relates specifically to two storey side extensions and provides the following advice:

5.20 Two storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighboring property; and
- be set back at least 500mm from the front wall of the house.

In this instance a 1 metre gap will be maintained between all elements of the proposal and the site boundary except from a narrow point where the side extension meets a curve in the boundary line (although a 0.9m gap will still remain) so is therefore considered acceptable in this instance. Furthermore, given the extent to which the proposed extensions will harmonise with the host dwelling in relation to appearance and form (with matching materials and eaves heights), the proposed works will be visually appropriate and therefore, will be subservient when viewed in conjunction with the host dwelling.

With regards to the rear single and two storey extension these will not be visible from the street scene as located behind the side elevations and will be built upon existing hard landscaping to preserve the soft landscaped garden beyond. In addition, both elements do not exceed 4m in projection and when measured from the ground floor level (upon which the rest of the house is

situated) the single storey rear extension has a modest eaves and overall height. As for the two storey rear extension the ridge is set down from the original roof ridge by 0.5m to appear subservient to the dwelling. Although the rear elements do not adhere to all principles set out in the SPD in this isolated case the extension is considered acceptable due to the large plot in which the dwelling is situated and due to having a built up boundary treatment resulting in the rear extension creating no visual harm to the street scene.

With regards to the side element of the proposal, the first floor element will be set in from the front elevation by 0.8m and although it won't be set down the roof ridge and eaves height will match that of the existing property and with the windows on the first floor aligning with those on the existing first floor will create a visually harmonious design.

The single storey element to the front and the garage conversion to the rear will not exceed the projection of the existing garage and therefore will appear modest when viewed from the front elevation. The single storey element will not exceed 4m in height not extend more than two thirds of the width of the original house. Although it will not be set back the alignment with the front elevation allows for a harmonious design. Access to the rear garden will be maintained.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with 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 and KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighboring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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 19 Wood View

This property is located to the east of the application site.

Given that the proposed two-storey extension is to be located to the northern side elevation of the dwelling, it poses no impact to the residential amenity of this property. With regards to the rear elements, there are no windows proposed in the east side elevation facing onto this property and therefore privacy will not be impacted. Furthermore, due to the orientation of the houses No.19 does not align with the applicant property and instead will face the garden. However, due to this positioning of the houses the garden will only experience shadowing for a small proportion of the evening in summer months and with the existing boundary treatment it is considered that this shading already takes place.

With regards to any overbearing or overshadowing impact, given the single storey nature of the proposed rear extension, as well as the existing ~1.8m fence present on this boundary, it is considered no undue overbearing or overshadowing will be caused by this element of the development. The proposed first-floor extension, given its height being the same as the existing height of the dwelling, there will be no increased impact in the extent of overbearing and overshadowing, with no increase in the extent of overshadowing previously caused as a result of the presence of the host dwelling itself.

With regards to privacy, although a 1m gap to the boundary will not be maintained, an extent of separation distance will be retained between the two neighbouring properties on the sites. In addition, no glazing is proposed on the side elevation of the single storey rear extension and therefore, the rear extension poses no detriment to neighbouring privacy in terms of overlooking.

Finally, the first-floor extension poses no detriment to neighbouring privacy in terms of overlooking as the window proposed in the side elevation will be obscurely glazed.

Impact on 15 Wood View

This property is located to the west of the application site.

In terms of privacy, no glazing is proposed in the side elevation of the side extension or garage conversion so privacy will not be significantly impacted. It should be noted that No.15 is set on a significantly higher ground level and is set forward of the application site resulting in a separation distance of over 10m between the extension and the property at No.15 therefore there will be limited overbearing or overshadowing impact. Finally, it should also be acknowledged that boundary treatment is erected between the application site and this neighbouring property, in the form of tall wooden fencing, further mitigating any potential impacts.

Impact on 14 Broomfield

This property is located to the rear (north) of the application site.

In terms of privacy there is extra glazing proposed to the north, rear elevation facing in the direction of this property. However, it is considered that due to the existing glazing in this elevation, the additional glazing (being brought forward by 4m) will not cause significant additional harm and is not a reason for refusal. In addition, due to the siting of the property's, some level of shading may occur in the very early hours of the summer months however this is not considered significant to refuse the application. Finally, as a result of the proposed works a 4m gap will be retained to the boundary with this property and a 9.5m gap between the extension and the property at this site.

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

4. Impact on Highway Safety

The proposed works will increase the domestic use of the dwelling, as the number of bedrooms will increase by two and the garage space being converted. However plans show that three off-street parking spaces will be made available to the front of the property on the driveway. Therefore, it can be concluded that a sufficient extent of parking is retained at the property.

In addition, the extensions do not alter the existing access to and from the property in conjunction with the existing highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5. 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 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Other Matters

No other matters for consideration.

7. Representations

One representation was received.

The objection stated that there were concerns that the extensions would result in a loss of privacy and sunlight. This has been assessed within the residential amenity section of the report.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/91209

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.

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 & LP51 of the Kirklees Local Plan and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey rear extension and the first floor side extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PL01	-	07/05/2024
Existing site/block layout	PL02	-	07/05/2024
Proposed site/block layout	PL05	-	07/05/2024
Existing elevations	PL04	-	07/05/2024
Existing floor plans	PL03	-	07/05/2024
Proposed elevations east and west	PL08	-	07/05/2024
Proposed elevations north and south	PL07	-	07/05/2024
Proposed floor plans	PL06	-	07/05/2024
Application form	-	-	29/04/2024
Climate change statement	-	-	08/05/2024

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 12th July 2024

