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:	**2024/62/91300/W**
Site Address:	30, Dorchester Road, Fixby, Huddersfield, HD2 2JZ
Description:	Erection of front and side extensions with increase in roof height and associated alterations
Recommending Officer:	Tom Hunt

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: 27-Aug-2024

Officer Report

Site Description

2024/91300 – 30, Dorchester Road, Fixby, Huddersfield, HD2 2JZ

The application site relates to a large detached bungalow with accommodation in the roof. This appears to have a prominent front gable with two hipped roof projections/side projections to the rear and a single-storey rear conservatory. It benefits from generous grounds to the front with a driveway and rear garden. It is part rendered, brick faced with red tiled roof.

The immediate locality is residential with a wide variation of designs and material palettes to large detached properties. Those are predominantly two-storey.

Description of Proposal

Erection of front and side extensions with increase in roof height and associated alterations

All figures are in metres and approximate.

It is proposed to create a two-storey dwellinghouse, adding an additional storey to the host with hipped roof, retaining a prominent front gable elevation with two 2 storey front extensions either side (with smaller gable frontages). At rear, a prominent gable front feature will remain with a hipped roof over the main body. The conservatory will remain.

This property would have an overall height of 8m and eaves at 6.8m when measured from ground.

The north side two-storey extension would project an additional 4.5m from the existing side projection and be 3.3m wide; this would be set back by 1m from the gable frontage. It would have a single-storey side extension situated to match the front elevation 3m depth by 1.135m width. The ground storey would be roofed with a lean-to roof to match the front elevation of the gable front in projection and to include the single-storey side extension.

The south side two-storey extension would project 6.2m from the existing side projection and fully match its width at 3.3m. It would have a set back of 2m from the gable frontage and have a lean to roof canopy supported by columns.

Materials proposed are render, red brick with stone heads/cills to domestic style windows at front, a simpler domestic window arrangement to either sides and all brick to rear with standard domestic windows and Juliet balcony.

The host would have rooms reconfigured to provide seven bedrooms with additional ensuites and dressing rooms.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to the design to meet LP policies on visual and residential amenity.

Relevant Planning History

2007/93034	Erection of extensions to existing bungalow to form 2 storey dwelling. *Conditional Full Permission.*

Representations

We are currently undertaking 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 which had a final expiry date of 24/07/2024.

One representation have been received; a summary of the comments received is set out below:

- Loss of privacy and additional overlooking from side elevation windows
- Loss of light/overshadowing
- Parking underprovision

Amended plans were received however they were not readvertised as they did not significantly change the description of development, had a reduction in volume and it was considered the scheme as initially publicised adequately alerted the public to the nature of the proposed development.

Consultation Responses

No technical consultees 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 unallocated land for development on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping

- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 34 – Conserving and enhancing the water environment

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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".*

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host. It is noted that within application 2007/93034, the principle of extending upwards was previously accepted.

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.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details"*.
Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
The SPD guides Officers to carefully consider the impact of increasing the height of bungalows on the streetscene and character of the area in paragraphs 5.31-5.32 of the SPD. This is permissible when it would be in keeping with the locality. Considering that the dwelling would be sited next to a two-storey dwelling and is in an area with a mix of single and two-storey dwellings, Officers concur that it would appear in keeping with the locality with minimal visual impact.
The SPD notes that *"front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an*

existing house are likely to appear particularly intrusive and will not normally be acceptable."
Paragraph 5.14 of the SPD (page 27) states that they are usually unacceptable due to the impact on the character of the area and will not be permitted unless the house is well set back from the pavement or is well screened, the extension would be small and subservient to the property, be well designed and have materials matching the existing features of the original house in order to respect the original character of the host and area.
The proposed would have two front extensions either side and would be set back from the existing building line. They would have single-storey roof canopies that would be in line with the gable front. The property benefits from being set well back from the highway and overall the scale of the front extensions would appear diminutive compared to the dominant gable frontage and would not intrusively project forward of the established building line.
The small single-storey side extension would be set back, be of limited width and would comply with the guidance set out in the SPD under paragraphs 5.15-5.17.
Overall, the design, domestic fenestration and materials would appear to have varied elevations and good window to wall ratios to break up the increase in bulk and massing, suitable material palettes to provide a visual interest within the streetscene similar to others in the locality and would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site. A condition requiring matching materials of construction would be included upon any grant of permission.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan, the Key Design Principles of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.
<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes 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. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a

horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

No. 32 Dorchester Road
The proposal would be to the north of no. 32 and would not significantly alter the existing arrangement in terms of overshadowing. Whilst the additional bulk and massing would be to an additional storey and to the front, the proposal would be next to no. 32's two-storey dwelling which has no side elevation windows to be affected, be behind no. 32's building line, would still have a retained 45° field of outlook from their rear elevation windows and as such the proposal would not appear visually overbearing or lead to loss of outlook. Windows to the south side elevation are restricted to the ground floor, the neighbours share green screening from dense hedging and the additional windows would face a blank side elevation to no. 32's garage. Officers concur that this would be a similar arrangement to the existing with no significant alteration in overlooking or loss of privacy.

No. 28 Dorchester Road
This property is a detached bungalow positioned at an angle away from the host to not appear side by side and benefits from existing green screening from hedging and shrubs sufficient to screen views at ground level. As such the additional windows, (which it is noted could be installed under Permitted Development Rights), would have oblique and screened views at ground level to avoid harmful overlooking; at first floor level, the additional windows all serve bathrooms facilities and Officers recommend that those be conditioned to be obscurely glazed to ensure no additional overlooking or loss of privacy.

When considering the impact of the additional storey and front extensions, the angled position of no. 28's layout relative to the host, its separation distance from the boundary with green screening and its oblique views from ground floor windows would appear to adequately mitigate against this impact being considered oppressive or overbearing. Sunpath calculating software was reviewed over the course of the year to assess the impacts of the proposal on overshadowing, whilst some loss of light will result from most forms of development, Officers have to take a balanced approach to assess whether this would be unacceptable. It is noted the development would be to the south of the host however no. 28's position and layout relative to the host aid in reducing its impact; the sunpath assessment indicates that overshadowing impacts would be restricted to winter months and would not additionally overshadow front and rear elevational windows. Officers concur that the impact would be limited to winter months to existing secondary side elevation windows whilst still allowing no. 28 to enjoy unaltered levels of light to its front and rear windows; It is concluded the impact of the proposal in this regard would be acceptable.

The proposal is therefore concluded to have an acceptable impact in relation to this property in respect of the impact of the development upon the residential amenity of the occupiers of no.28 Dorchester Ave.

No. 28 Cumberland Avenue
The proposal would not extend past the existing rear however it would add an additional storey with windows/Juliet balconies to the rear facing no. 28's garden. Those would be separated by 1.75m to the shared boundary which is densely screened by trees and hedging appearing of 3m+ height from ground level. The separation distance and its position to the east of the garden would adequately ensure no significant impacts to overlooking, overshadowing and overbearing would occur through the development being permitted.

No.s 27 and 29 Dorchester Road
The host is positioned opposite and in between those neighbouring properties; it would have a separation distance of 29m to their front elevations. It is considered that any additional fenestration to the front would achieve very limited oblique views. In addition, the separation distance would exceed minimum recommended distances set out in the SPD (paragraph 4.10) to ensure that no overlooking impacts would occur and that it would not unduly overbear or overshadow those neighbours.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

<u>4 – Impact on highway safety</u>:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim. The proposal would achieve this within its driveway and its garage meeting Highways Design Guide SPD internal dimensions for modern vehicles. Bin arrangements would remain as existing.

Therefore the proposed development is considered to be acceptable in this regard and comply with policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

<u>5 – Other matters</u>:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development mostly limited to existing footprint within a substantial soft surfaced garden therefore this would have no conflict with Policy LP28 and LP34 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are to a dwelling that has a well sealed roof and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal would be mostly on an existing hardsurface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

6 – Representations:

One representation had been received. The concerns raised are summarised in the ‘Representations’ section of this report and addressed in sections 2, 3 and 4 of the assessment.

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

Application Number: 2024/91300

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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP28, LP30 and LP34 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework

3. The external materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The first floor bathroom and ensuite windows in the northern (side) elevation, shall be non-opening or top-opening only and shall be fitted with obscure glass to give a grade 5 degree of obscuration before the development is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glass.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP24b of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone 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**
Location and Proposed Site Plan.	Drawing no. UD-537.	Amended	23/08/2024
Existing Ground Floor Plan.	Drawing no. UD-537.	Unamended	08/05/2024
Existing First Floor and Roof Plan.	Drawing no. UD-537.	Unamended	08/05/2024
Existing Front and Rear Elevation Plans.	Drawing no. UD-537.	Unamended	08/05/2024
Existing Side Elevation Plans.	Drawing no. UD-537.	Unamended	08/05/2024
Proposed Ground Floor Plan.	Drawing no. UD-537.	Amended	19/08/2024
Proposed First Floor Plan.	Drawing no. UD-537.	Amended	19/08/2024
Proposed Elevation Plans (front and back).	Drawing no. UD-537.	Amended	19/08/2024
Proposed Side Elevation Plans.	Drawing no. UD-537.	Amended	19/08/2024
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. The case officer considered the application on review and sought amendments to the design to meet LP policies on visual and residential amenity.

Report Dated: 23/08/2024