

**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:	<b>2024/62/91895/W</b>
Site Address:	19, York Avenue, Fartown, Huddersfield, HD2 2QX
Description:	Erection of two storey side extension with front porch and external alterations
Recommending Officer:	Joanna Rednall

**DECISION – CONDITONAL 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: 17-Sep-2024**

## **The Site**

The application site relates to a semi-detached two-storey dwellinghouse faced in mainly river pebbledash render with a base of coursed natural stone and a concrete tiled hipped roof. Of some note is the two-storey bay window mirrored by its paired neighbour which has an infill section in between. The highway is within a sloping topography with land falling from southwest to northeast and the site cuts into this slope being on lower ground to its adjacent western neighbour. The front amenity site is bounded by a stone wall and green hedging with a driveway, a moderately sized side amenity space and a small rear outside amenity space.

The area is residential of a similar age, material palette and style to each other with various extensions mostly to the rear.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Permitted Development Rights are retained.

## **The Proposal**

The applicant is seeking planning permission for the erection of two storey side extension with front porch and external alterations.

It is proposed to have a two-storey side extension set back from the primary elevation by 0.3m. It would be 3.8m width and 7.15m depth with a set down roof ridge height of 7.5 and to have its eaves match the host eaves in height.

A pitch roof front porch shall be positioned forward of the main body and beside the bay window on the host primary elevation. This would extend 1.6m overall from the main body of the host, 3.5m width and have a ridge height of 3.7m and eaves 2.9m from ground level.

The extensions would be finished to match the host in material, natural stone base and K render finish above. The side extension roof would be hipped and the porch would be gable fronted with matching tile.

Openings would be visually smaller to the host at the front, with a centrally located door to the porch with two long windows either side. Two large ground floor openings would be inserted to the flank elevation and a double door and windows would be inserted to the ground and first floor of the rear.

The proposal overall seeks to have a porch, and to add a living room to ground and two bedroom (one with ensuite) within the side extension. This would have an additional bedroom to make the property a 4 bed property.

### **Planning History**

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

2022/92456 Erection of two storey side extension and front porch  
*CONDITIONAL FULL PERMISSION*

### **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

### **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: 29<sup>th</sup> August 2024.

No representations were received as a result of the publicity.

### **Consultations**

No statutory consultations were requested for this application.

### **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 27<sup>th</sup> 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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:

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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.

The SPD provides specific guidance (5.15, 5.19-5.20 on page 29) on side extensions to be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing. 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 neighbouring property; and
- be set back at least 500mm from the front wall of the house

In this case, the side extension would appear visually smaller with a 0.3m set back, set down roof ridge and a limited width to the host at 2/3rds its width. The minimal set back is designed to allow an adequate internal entrance to the new living room and provides some slight variation in depth in as much to have some subservience. The proposed development would not take up most of the space to the side of the property with a retained minimum gap to boundary of 1.7m and would appear subservient to the host with an adequate retention of space to property boundary serving to avoid terracing risk. Above the stone plinth, the proposal includes the replacement of the existing pebble dash with render which continues into the extension. This is considered acceptable as there are a number of dwellings in close proximity that are also rendered. The fenestration and roof form are the same as the host ensuring that details, form and scale are adequately respected. The side elevation would have large windows to ground floor serving the living room which would be matching to the front elevation's and would appear in keeping as a result.

The SPD sets out design guidance on front extensions (5.13-5.14 on page 27) stating that they are highly prominent in the streetscene and can erode the character of the area if not carefully designed. Large single-storey extensions to the front of an existing house can appear overly intrusive and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened;

- The extension is small, subservient to the original building, well designed and would not harm the character of the original house or the area;
- The materials and design match the existing features of the original house;

The proposed porch development would be set back 5m to the pavement and has some green landscaping to its front serving to partially screen its prominence. It would extend modestly and be of matching materials to harmonise and appear as a small front extension while respecting the character of the original host's bay window design. While porches are not a design feature of the streetscene, the proposed design would not appear out of keeping given the varied architectural designs on the streetscene. The proposal would also retain sufficient garden space with a retained property gap to flank boundary to ensure that the scheme does not represent an overdevelopment of the site.

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:

### **No.21**

The two-storey side extension would have a hipped roof design set down from the host ridge, a minimally set back primary elevation, be on a lower ground level, have a retained property separation gap and being to the north of No. 21 aiding in the design to be visually smaller than the host adequately reducing any overbearing and overshadowing impacts. It would have two large windows at ground floor facing the neighbour which would replace two existing windows at ground floor of the host and to remove one to the first floor moderately improving the existing relationship with privacy. The inclusion of windows at first floor level are not considered to result in any greater overlooking than existing.

Due to the difference in land levels, with No.21 being elevated above No.19, it can be concluded no harmful overlooking or loss of privacy will result as a result of the two-storey side extension. The single-storey porch extension would extend forward of the building line of the neighbouring property with no side elevation windows and be positioned at sufficient distance so as to avoid unacceptable overlooking, overshadowing and overbearing impacts to this neighbour.

### **No. 17**

The proposed side extension would be screened by the host ensuring no additional overlooking, overshadowing and overbearing impacts. The inclusion of windows at first floor level are not considered to result in any greater overlooking than existing. The single storey porch extension would modestly extend past the existing two-storey bay window largely screened by this protrusion and would have no side elevation windows to sufficiently avoid significant overbearing, overlooking or loss of privacy and overshadowing impacts.

## **No.s 36 and 38 Ripon Avenue**

With regard to those properties to the rear, the proposed would have a separation distance of 14m to habitable windows, and would have openings to the rear. The properties at the rear are positioned to have their footprint and rear elevations rotated towards the proposed two-storey side extension with habitable windows affected. It is noted that there is a pre-existing relationship with overlooking and loss of privacy due to the estate design having closely arranged properties with small rear amenity spaces; the addition of more windows would have marginally oblique views, and would not significantly, subject to a condition to have the en-suite window to be obscure glazed, have an additional effect to the existing windows when considering overlooking and loss of privacy. The proposed side extension would be to the north of those properties and have a set down hipped roof ensuring that there would be no additional effects on overlooking, loss of light and overbearing. The proposed porch would be screened by the host's bulk and massing sufficiently to avoid any effects on residential amenity to those properties.

### *Other Residential Properties*

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

### *Future Occupiers*

With reference to KDP 7 of the House Extensions and Alterations SPD, the proposal would still retain its outdoor private amenity space to the rear available to future and present occupiers for privacy and use.

It is therefore considered that in terms of visual 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. For a 4 plus bedroom dwelling, it should have three off street parking spaces.

Parking is available to the front of the property and whilst not demonstrated on plan, the frontage within the site is hardstanding and it is considered that adequate parking can be provided within the site, limiting the requirement for on-street parking. Considering the impacts of the undersupply, the site is well supported for car free travel with close local facilities at Fartown Local Centre and sustainable transport with frequent bus links, in this instance, there would be no significantly detrimental impact on highway safety.

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:**

### *Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, 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.

### *Climate Change*

On 12<sup>th</sup> 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: 2024/91895**

**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 roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**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.

3. The development shall not be in use until the first floor ensuite window to the side of the two-storey extension (southwest elevation), has been obscurely glazed (minimum grade 4). Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.

**Reason:** So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan, KDP 3 and 4 of the House Extensions and Alterations SPD and advice in Chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost 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 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	-	-	05/07/2024
Design and Access Statement	-	-	05/07/2024
Climate Change Statement	-	-	24/07/2024
EXT & PROP ELEVATIONS	HD22QX19-v1	-	09/07/2024
EXT & PROP PLANS	HD22QX19-v1	-	09/07/2024
EXT & PROP ELEVATIONS & ROOF PLAN & SITE PLAN	HD22QX19-v1	-	23/07/2024

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:** 16/09/2024

Coal – low