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:	**2024/62/91962/W**
Site Address:	8, Roman Avenue, Mount, Huddersfield, HD3 3XP
Description:	Two storey extension to side, alterations to roof including raising ridge height, single storey extension to side, single storey extension to rear, creation of raised platform to rear and associated works / alterations
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 18-Oct-2024

Officer Report

Website

Site Description

8 Roman Avenue is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property has a front elevation which is constructed from stone at ground floor with the first floor and all other elevations finished with render. The dwelling is set within a modest sized plot with a garden a garden to the front, driveway to the side leading to a detached single garage with a larger garden to the rear.

Surrounding development is comprised of mainly residential properties which are both detached and semi-detached with a variety of designs and finishing materials. Quarry garage is located beyond the rear boundary.

Description of Proposal

The application is for the erection of a two storey side extension, alterations to the roof including raising the roof height, single storey side extension, single storey rear extension, creation of a raised platform to the rear and associated works/alterations.

Two storey side extension

The proposed extension would lie flush with the existing front elevation of the property, projecting to the side by 2.3 metres and spanning the full depth of the property, lying flush with the existing rear elevation of the property. The eaves height of the extension would match the existing with the ridge tying into the proposed raised ridge. It is proposed that the construction materials would be stone to the ground floor front elevation with the first floor, side elevation and rear elevation being on off white K-rend.

Roof alterations

It is proposed that the roof would be re-designed and the hipped roof would be replaced by a pitched roof. It is also proposed to raise the roof height of the property from 2.2 metres to 3.4 metres. It is proposed that the roof would be finished in red concrete tiles, as existing.

Single storey side extension

The proposed single storey side extension would attach to the proposed two storey side extension. The extension would be set back from the front

elevation by 2.5 metres and project to the side by 3.3 metres. The extension would span the remainder of the depth of the property and would project beyond the rear elevation by 3 metres. The eaves height would be 2.4 metres rising to a height of 4 metres to the ridge of the lean-to roof. The extension would be rendered, set upon a stone dwarf wall with a concrete tiled roof.

Single storey rear extension

The proposed single storey rear extension would lie flush with the rear elevation of the single storey side extension, projecting 3 metres from the rear elevation of the property, lying flush with side elevation facing No. 10. The eaves height would be 2.8 metres rising to an overall height of 4 metres. It is proposed that the extension would be rendered, set upon a stone dwarf wall with a concrete tiled roof.

Raised platform

It is proposed that a raised platform would be installed to the rear of the property. The platform would be set in sight from the proposed side elevations of the property and would project a maximum of 4.8 metres from the rear elevation at a maximum height of 0.8 metres. It appears from the submitted plans that the decked area would be constructed from timber with a glass balustrade.

Associated works and alterations

The following works are also proposed:

- Existing front elevation canopy extended to incorporate the proposed two storey extension
- Driveway widened
- Permeable block paving to widened driveway
- Cabrio velux opening to rear elevation roof slope
- Internal works to reconfigure accommodation

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2019/90716 Erection of single and two storey side and rear extension, detached garage and raised patio and alterations to boundary walling adjoining Roman Avenue
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 6th September 2024

Parish/ Town Council – not applicable

As a result of the public consultation period one representation has been received with the summary of comments set out below:

- Would like the exiting dry stone wall to be retained as it appears to be replaced with a brick wall
- The effect on the existing mixed hedge which lies on the applicants side of the aforementioned dry stone wall which appears to be completely removed in the proposed plans

Consultation Responses

None 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 without notation on the Kirklees Local Plan, within the 'bat alert layer' on the Council's mapping system and within a 'low risk' area from former coal mining.

<u>Kirklees Local Plan:</u>

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 53** – Contaminated and unstable land

<u>Supplementary Planning Documents:</u>

- House Extensions and Alterations SPD

<u>National Policies and Guidance:</u>

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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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."

- Principle 2 – 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 detail."

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side extensions, rear extensions and terraces the SPD states:

Single storey side extensions

In Section 5.17 of the SPD refers to the general rules, where single storey side extension 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.

2- storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states 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.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

Single storey rear extensions

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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.

Terraces

Section 5.5 of the SPD relates to balconies and terraces and states that these should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens
- Sited away from locations that are sensitive to additional noise levels or disruption

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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 application site is a detached rendered property which is set back from the roadside, separated by a front garden. The dwelling sits within a modest plot which is set within a sloping site with the rear garden on a lower ground level than the finished floor level of the property.

The visual impact of the works have been designed so that the two storey side would lie flush with the existing front and rear elevations of the property and the existing eaves height and a continuation of the proposed heightened roof form. Whilst this would not comply with the requirements of the SPD in terms of being set back from the from the front elevation of the property, due to the change in roof form and the limited projection to the side of the property, it is considered that to set the extension back from the front elevation would appear at odds with the overall appearance of the property and therefore, in this case, Officers consider this element to be acceptable in this isolated case.

The works involve the raising of the roof of the existing dwelling by 1.1 metres. The application form has been submitted with an existing and proposed street scene elevations. The bulk created from the roof alteration would be mainly created from the alteration from hip to gable rather than from the raising of the ridge height itself. The street scene is characterised by both detached and semi-detached properties with varying roof forms whereby both hipped and pitched roofs are evident. Therefore given the limited increase in overall height, it is not considered that the resultant dwelling would be incongruous within the street scene.

The single storey side extension would be set back from the front elevation of the property and would not exceed 4 metres in height and therefore complying

with the requirements of the SPD in this regard. The extension would clearly read as an extension to the property and whilst the extension would not be set in from the shared boundary with No. 6 by 1 metre, due to the separation between the gable walls, a sense of space around the properties would be retained.

The proposed single storey rear extension would be subservient to the host building by virtue of being single storey in height; would not cover more than half of the land surrounding the house; would not project more than 4 metres from the rear of the property and would retain a gap of at least 1 metre between the side elevation of the extension and the boundary with No. 10 Roman Avenue. In addition, the construction materials would match and therefore this element of the scheme also complies with the SPD.

In terms of the proposed raised platform, this would be located to the rear of the property and therefore out of view from public vantage points along Roman Avenue. As such the proposed works would have a limited impact on the street scene in accordance with Key Design Principle 1 of the SPD.

The extensions, raised platform and alterations are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

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.

Openings are proposed within the front and rear elevations of the two storey extension with a small first floor window within the side elevation facing No. 6. The proposed openings within the front and rear elevations would not decrease any established separation distances and therefore, there would be no increase in harm from overlooking. The relationship would result result in any loss of privacy over and above the existing situation. In terms of the proposed first floor side elevation opening, this would be a small opening to the en-suite bathroom and is likely to be obscurely glazed, therefore there are minimal concerns regarding this opening.

With regards to the single storey side extension, openings are proposed within the front and rear elevations of the extension. The front elevation would be a garage door and the rear elevation opening would be to the plant room

doors. As these openings are to doors and with the accommodation being non-habitable, there are minimal concerns from these openings.

With regards to the single storey rear extension, openings are proposed within the rear elevation of the extension with no proposed openings within the side elevation facing No. 10. As these openings would face the garden area of the property, it is not considered that these ground floor openings would cause undue harm to the occupiers of neighbouring properties.

There is a terrace proposed to the rear of the proposed single storey extension. The previous permission at the site which has not been implemented included a large decked area which was previously assessed and no concerns were raised due to No. 1- being having a rear elevation set back from the rear elevation of the application site. As such, it is not considered that there harm from overlooking from the decked area would be so harmful that a condition is required to prevent overlooking to either side neighbouring properties.

In terms of overshadowing and/or being overbearing, the two neighbouring properties, given that there are no principal windows in the side elevations of either side neighbour, there are minimal concerns regarding the works being overbearing. With regard to the potential harm from overshadowing, the works closest to the neighbouring properties would be single storey in height and therefore it is not anticipated that significant overshadowing would occur.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

<u>4 – Impact on highway safety</u>:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case the submitted plans indicate that the existing driveway would be widened and the driveway would have an altered finish that would permeable block paving. The plans indicate that 2 no. off street parking spaces could be accommodated within the site frontage. Whilst a garage is proposed within the single storey side extension, the dimensions are not sufficient to meet the current internal parking space requirements of 3m x 6m. Therefore, this space would not be included as part of the parking for the property. Under paragraph

4.42 of the SPD, a 4 bedroom property would require off-street parking provision for 3 no. vehicles. Whilst only 2 parking spaces are shown on plan, there appears to be sufficient space to park 3 no. vehicles. In addition, there are no parking restrictions on Roman Avenue and it does not appear that on-street parking is oversubscribed. Therefore, in this instance it is considered that the proposed parking provision is acceptable in this case.

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.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

A Climate Change Statement has been submitted which indicates the mitigation measures proposed within the development.

Biodiversity – Paragraphs 180, 186, 187 and 188 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology &

Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the roof of the building appearing to be well-sealed.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Would like the exiting dry stone wall to be retained as it appears to be replaced with a brick wall

Response: Any boundary treatment under a height of 2 metres to the side and rear boundaries and 1 metre to section of boundary treatment can be removed and replaced without the requirement of planning permission and therefore, the Local Planning Authority cannot control any boundary treatment falling within the requirements of permitted development.

- The effect on the existing mixed hedge which lies on the applicants side of the aforementioned dry stone wall which appears to be completely removed in the proposed plans

Response: The submitted application form states that no trees or hedges would be removed as part of the propels. Notwithstanding this, there are no landscaping within the red line boundary of the site that are protected by Preservation Order and therefore, should the hedge be removed, this would not be within the control of the Local Planning Authority.

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: 2024/91962

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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP30 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and 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 to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plans have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions

and available for the use specified on the submitted/listed plans for the lifetime of the development.
Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan, Key Design Principle 15 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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 plan	PP-13236931v1		12th July 2024
Existing site plan and floor plans	P00		17th July 2024
Existing elevations	P01		17th July 2024
Existing section and street scene	P02 – Rev: 2		26th July 2024
Proposed front and rear elevations and street scene	P14 – Rev: 2		26th July 2024
Proposed side elevations	P15 – Rev: 2		26th July 2024
Proposed ground floor plan	P11 – Rev: 1		17th July 2024
Proposed first floor plan	P12 – Rev: 1		17th July 2024
Proposed loft plan	P13 – Rev: 1		17th July 2024
Proposed site plan and front isometric	P10 – Rev: 2		26th July 2024

Plan Type	Reference	Version	Date Received
Proposed rear isometric	P17 – Rev: 2		26th July 2024
Climate Change Statement	Appendix A		12th July 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 17th October 2024

Coal – low