

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:	2024/62/92035/W
Site Address:	15, Lincroft Avenue, Dalton, Huddersfield, HD5 8DS
Description:	Demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio
Recommending Officer:	Joanna Rednall

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: 01-Oct-2024

The Site

15, Lincroft Avenue is a semi-detached bungalow in which occupies a corner plot. The building is finished in brick and render with concrete tiles to the roof. The property appears to benefit from a garden to the front which wraps around the side of the dwelling to the rear. It also has a detached garage to the rear and a conservatory to the rear of the property.

To site is located within a wider residential area whereby properties vary in terms of design and size. To the east of the site are similar semi-detached bungalows, with two-storey terraces to the south and north-west.

The Proposal

The applicant is seeking planning permission for demolition of existing conservatory, rear lean to and chimney and erection of single storey rear extension and raised patio.

Single storey rear extension

- ~3m projection
- ~8.3m width
- ~2.8m eave height
- ~3.1m ridge height

The extensions will be constructed from brick and render with a concrete tile roof to match the host property. The additional windows will be UPVC to match with three rooflights inserted to the roof.

The existing conservatory and rear lean-to will be demolished to facilitate the rear extension.

The raised patio projects ~1.2m from the rear extension and is ~4.7m in length. Steps are proposed to the side/north facing elevation to provide external access to the patio and extension. The raised patio will be enclosed by a ~1.2m high glazed balustrade. The patio is set away from the shared boundary with no.17.

The existing chimney located on the rear/east facing roof slope will also be removed.

Planning History

None

History of Negotiations

Following discussions with the applicant's agent regarding the size of the rear dormer and the ridge height of the rear extension. The dormer has been removed and the roof ridge has been reduced for the single storey rear extension, detailed within amended plans received 23rd September. Whilst the description has been amended for clarity that the application relates to the single storey extension and rear raised platform, the amended plans / description were not re-publicised as these did not fundamentally change the development applied for and the scheme as initially advertised adequately alerted the public to the nature of the proposal.

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: 2nd September 2024.

No representations were received as a result of the publicity.

Consultations

No 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 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019). The site is unallocated within the Local Plan, 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 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. 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).

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. 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.

Kirklees Council’s House Extensions and Alterations SPD (June 2021) states that single-storey rear 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 terraced houses or by 4 metres for detached properties;*
- *Where extensions exceed 3m in length the eaves height should generally not exceed 2.5 metres; and*
- *Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The site is also on a corner plot; therefore paragraph 5.23 of the SPD is of relevance:

5.23 On corner plots, side extensions should be considered as being both side and front extensions and as such will relate to both street frontages.

Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- Facing in both directions to create two frontages, each with windows overlooking the street;*
- Being set back from the existing building line on both streets; and*
- Following the boundary treatment along both streets, in relation to its position, height and materials.*

The proposed rear extension is considered to appropriately abide by the key design principles as set out in the SPD. Although the rear extension is not set 1 metre away from the neighbouring boundary to the east with only a gap of 0.2m to be retained, given the 3m projection there is a realistic fallback this element of the proposal could be achieved through permitted development.

From a visual amenity perspective, the proposed single storey rear extension is considered to be a subservient addition, located to the rear of the property and of a complementing size and scale. In addition, the rear extension will also be of an in keeping appearance, using materials that match those on the face of the host dwelling. Furthermore, the proposed lean-to roofing style ensures no undue bulking/massing to the overall design of the extension, ensuring that no obtrusiveness will be caused to the rear of the property.

The submitted plans show the additional openings to be of a similar appearance to those that exist on the host property inserted to the side elevation, creating an active frontage overlooking Earles Avenue. Although the side elevation would not be set back from the existing building line, the property is set well back from the pavement. Given these factors, the lack of a setback to this elevation is deemed acceptable.

The existing conservatory, rear lean-to and chimney to the rear of the dwelling will be demolished to facilitate the extension. These alterations are considered to have an acceptable impact upon visual amenity.

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:

17, Lincroft Avenue – adjoining neighbouring property to the side/north-east

In terms of overbearing, it has been assessed that the proposal would intensify development to the rear of the application site. The extension is inset 150mm to the shared boundary to alleviate some of the harm. In regard to overshadowing, sunlight calculator software has been used to confirm that any loss of natural light as a result of the extension would not be detrimental. No.17 is located to the north east of the application site, therefore the proposed works at No.15 is not considered to cause undue overshadowing/loss of natural light to the rear amenity space of this neighbour. Alongside this, the submitted plans show no additional openings to be inserted into the side elevation facing No.17 which will mitigate any undue harm on overlooking. Given these factors, the proposal is considered to have an acceptable impact upon this neighbour's privacy.

7, Earles Avenue – neighbouring property to the rear/north-west

The proposed extension would increase a degree of massing closer to the shared boundary. Whilst noting that land levels drop away to the north-west the orientation of the lean-to roof would help reduce the bulk of the development when viewed from this neighbour. In addition, given the works are retained at single storey, set off the shared boundary by approx. 8.2m, and separated from this neighbour by a detached garage, the proposal is not considered to cause undue overbearing/overshadowing upon these neighbour's amenity. Any loss of privacy from the additional openings inserted into the rear elevation would not be substantial for these reasons. Therefore, any overbearing, overshadowing and overlooking would not be detrimental and can be supported.

6, Eales Avenue – neighbouring property to the side/south-west

Given the setting and relationship between these two neighbouring properties within the street scene and the extent of separation distance (~21m) between No.15 and No6, it is concluded that no detrimental overbearing/oppressive impact would result and that no overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

It is therefore considered that in terms of visual amenity, the proposed development 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.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. With this being the case, proposed parking arrangements are considered to be acceptable. The plans indicate the use of a parking space to the front of the property and detached garage to the rear to provide 3 off-street spaces.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to 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 is recommended to be 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 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.

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: 2024/92035

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).

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 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

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 and retained thereafter.

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.

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:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	25/07/2024
Proposed Site Plan	2024 / 461 / 06	REV A	04/09/2024
Existing Floor Plan & Elevations	2024 / 461 / 01	-	25/07/2024
Proposed Rear Elevation	2024 / 461 / 02	REV A	23/09/2024
Proposed Side Elevations	2024 / 461 / 03	REV A	23/09/2024

Plan Type	Reference	Version	Date Received
Proposed Ground Floor Plan	2024 / 461 / 04	-	30/07/2024
Application form	-	-	25/07/2024
Climate change statement	-	-	25/07/2024

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. Amendments relating to alterations to the roof were received, removing this element of the scheme and amending the design of the single storey rear extension.

Report Dated: 24/09/2024

Low coal