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:	**2024/62/92627/W**
Site Address:	15, Heaton Drive, Kirkheaton, Huddersfield, HD5 0LL
Description:	Erection of single storey front extension and front and rear dormers and alterations to roof
Recommending Officer:	Joanna Rednall

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 25-Nov-2024

The Site

15, Heaton Drive relates to a semi-detached bungalow located in Kirkheaton, Huddersfield. The property is constructed from brick with a hipped roof infilled with concrete interlocking tiles. The dwelling features a large UPVC dormer to the front and rear with a small brick porch to the front and a small detached garage to the rear. The property benefits from lawned amenity space to the front and rear with a driveway to the side.

The application site is set within a wider residential area where surrounding development is similar in terms of design, materials and scale.

There is a PROW (KIR/19/40) adjacent to the site.

The Proposal

The application is seeking planning permission for erection of single storey front extension and front and rear dormers and alterations to roof.

Single storey front extension

The approximate measures of the single storey front extension are as follows:

- 2 metre projection
- 3.3 metre width
- 2.6 metre eave height
- 3.4 metre ridge height

The front extension is constructed from brick with a hipped roof above infilled with concrete tiles.

Front and rear dormers and alterations to roof

Twin dormers are proposed to the front elevation with one large dormer proposed to the rear. The dormers would be facilitated by the hip-to-gable roof.

The approximate measures of the dormers are as follows:

Front dormers:

- 2.2 metre width
- 1.1 metre height
- 2.2 metre projection

Rear dormer:

- 7.5 metre width
- 1.3 metre height
- 2.6 metre projection

Planning History

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

88/03971 Erection of detached garage
GRANTED CONDITIONALLY

89/07246 Erection of extension to form dining kitchen and dormer extension
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: 7th November 2024

No representations were received as a result of the publicity.

Consultations

Health and Safety Executive: Does not advise, on safety grounds, against the granting of planning permission.

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) 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
LP53 Contaminated and unstable land

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: -

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 15 – Conserving and enhancing the natural environment
Chapter16 – 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
2. Impact upon the character and appearance of the area
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.

<u>Front extension</u>

Section 5.13 and 5.14 of the Council’s adopted SPD relates to front extensions. Section 5.13 sets out ‘*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*

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

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

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

15, Heaton Drive benefits from a small front extension, measuring approximately 1.2 metres by 2.6 metres with a shallow lean-to roof above. The proposed development would enlarge the width and projection, resulting in a 2 metre by 3.3 metre front extension. The extension would be constructed from matching materials to the host (brick walls and concrete tile roof) to form a cohesive appearance; the proposed hipped roof would match the proposed hip-to gable alteration on the host property. The porch is not well screened from the pavement, however it is set well back with a distance of ~7 metres retained. This is sufficient to mitigate an overbearing/obtrusive impact on the street. The existing front extension would be increased in scale however it would still appear subservient and balanced to the host property/ As such, the proposed front extension is considered to have an acceptable visual impact upon the host property and local character.

Dormers

Also of relevance to the consideration of the application are paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extensions & Alterations SPD, which state the following:-

"Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical…ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained"

5.27 Dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and

- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

Front dormer

Twin flat roofed dormers are proposed to the front elevation of the application property. These dormers would have matching uPVC openings and would replace the existing large front dormer at the application property. This extension would be facilitated by the hip-to-gable roof alteration. Although the dormer would not be constructed using similar materials to the host's roof, the white uPVC would match the front dormers on surrounding properties and would not appear an incongruous feature within the street scene. The twin dormers would be small in scale and would not dominate the roof or project above the ridge of the house. Due to these reasons, it is considered the front dormers would improve the visual appearance of the property by removing the existing large dormer to the front with smaller additions. The fenestration details on the front dormers would also match those proposed to the front elevation of the property. The front dormer is therefore considered to have an acceptable visual impact.

Rear dormer

One large rear dormer is proposed as part of this application. This is also designed with a flat roof to match the front dormer with three windows proposed to the rear elevation. The rear dormer would be set within the rear roof slope however it would take up the majority of the space with only a small area retained to the sides and below the dormer. Given the property benefits from full PD Rights, there is a realistic prospect that a rear dormer of similar scale and proportions could be achieved through permitted development. Given the PD fallback, this element of the proposal is therefore concluded to have an acceptable impact upon visual amenity and it would be unreasonable to refuse.

Hip-to-gable roof

The roof form would be changed from hipped to gable as part of this proposal. The application property relates to a semi-detached bungalow where the pair feature a hipped roof, and the proposed gable alteration would somewhat unbalance the pair of bungalows. However, given the property benefits from full PD Rights, it is noted that a hip-to-gable alteration could likely be achieved under PD. Upon a site visit, officers noted the roof design within the surrounding area is varied, with properties opposite 15, Heaton Drive designed with pitched gable roofs. The proposed hip-to-gable would therefore have an acceptable visual impact.

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 designs 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:

12, Heaton Drive

This property is located opposite the application site with a separation distance of 20+ metres achieved when measured from the front elevation of the front extension.
It is considered that the proposed development would have an acceptable impact upon the residential amenity of this neighbour. The Council's House Extensions and Alterations SPD recommends a minimum separation distance

of 12 metres between windows of habitable rooms facing onto windows of non-habitable rooms. The front extension would serve a porch, therefore a non-habitable room. The front extension would slightly reduce the separation distance, however with a separation distance of 20+ metres retained, it is not considered to cause undue overlooking/overbearing impacts. The front dormers propose an additional window to the existing arrangements, however given the separation distance and street scene in turn, this is not considered to have a detrimental impact.

13, Heaton Drive

This property adjoins the application site to the west.

The front extension would result in some bulking brought closer to the shared boundary, with a separation distance of ~1.8m achieved to the boundary. As this extension is limited in height and projection, it is not considered to cause any undue overshadowing/overbearing impacts. No windows are proposed to the side elevations that could overlook No.13.

The front and rear dormers are set within the roof plane of the application property and would overlook the application property's garden with no side windows proposed. It has been assessed that no detrimental overlooking /overbearing /overshadowing impacts would occur as a result of the development.

17, Heaton Drive

This property is located east of the application site.

The front extension is set away from the shared boundary by 5 metres with no windows proposed to the side elevations. Given the separation distance and nature of the proposals, no undue overlooking / overshadowing / overbearing impacts are considered to occur.

23, Regent Road

This property is located north of the application site. A separation distance of approximately 27 metres is achieved from the rear elevation of the application property to the rear elevation of this neighbour. This is considered sufficient to mitigate any overlooking / overbearing impacts as a result of the development.

It is therefore considered that in terms of residential 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.

The proposed development would result in 3 bedrooms on site and a bed/box room. Therefore, the number of bedrooms would not be increased because of the development 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 property benefits from a driveway to the front to accommodate off-street parking. There are no changes proposed to 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:

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.

Impact upon land stability

The application site falls within an area at High risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. In this case the fact the proposal would require minimal ground disturbance works. 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 policy LP53 and Chapter 15 of the National Planning Policy Framework.

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: 2024/92627

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 front 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	104-09-2024	-	20/09/2024
Block/Site Plan	-	-	30/09/2024
Existing and proposed floor plans and elevations	101/09/2024	Rev A	30/09/2024
Application form	-	-	20/09/2024
Climate Change Statement	-	-	20/09/2024
Design Statement	-	-	20/09/2024

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: 22/11/2024

High coal