# 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:** 2017/62/91703/E

**Site Address:** 6, Lydgate Road, Shepley, Huddersfield, HD8 8DZ

**Description:** Erection of single storey side extension

**Recommending Officer:** Katie Wilson

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 10-Oct-2017**

Officer Report

Site Description

The application site is 6, Lydgate Road, Shepley. It is a relatively recently built 2-storey detached house with integral double garage. The walls are natural stone and the roof design is a series of dual pitches surfaced in stone slates.

The site is roughly triangular in shape and backs onto tall retaining wall (full height of house) to main road through Shepley. To the side is a relatively restricted amount of outdoor amenity space which tapers to a point and contains some tall shrubs and trees, some of which are protected by TPOs. There is also a strip of garden to the front with a combination of stone wall, horizontal boarded fencing and evergreen shrubs along the front boundary with Lydgate Road.

The site is in a bit of a hollow and the wider area is residential in nature with a mixture of housing types and ages.

**Description of Proposal**

Planning permission is sought for a single storey side extension.

- Rectangular footprint 6.0m wide x 5.0m deep. It would also be set back from the front elevation around 0.3m and set in from the rear elevation around 1.5m.
- Designed with a dual pitched roof 2.5m to eaves level and 3.7m to ridge height.
- Floor to ceiling windows to the front, bi-folding doors to the side and high sill windows to the rear.

- External wall and roof materials to match the existing.

**History of negotiations/amendments received**

Amendments were secured to reduce the impact of the proposal upon a culverted water course to the front of the house. In addition the scale was reduced by decreasing the depth around 1.0m and the width 0.2m. This is to lessen the impact upon the street-scene.
These amendments are shown on dwg nos. 02D, 06D, 03D, 04C, and 05C.

**Relevant Planning History**

2003/94423 – adj 4, Lydgate Road, Shepley – erection of 2-storey detached dwelling with integral garage. Conditional full permission.

**Representations**
**Final publicity date expired:** 7th July 2017. No representations received during the course of this application.

Kirkburton Parish Council comments: No comments.

**Consultation Responses**

**K C Trees:**

No Objection - The amenity value of the group of trees will not be affected and the proposed extension could be built without causing any significant harm to the woodland TPO.
However, request it noting that no pruning of the retained trees has been specified, nor should it be required in order to construct the extension.
Any works to trees in the woodland will therefore require consent from the Tree Officer via the usual process of a tree work application.

**K C Lead Local Flood Authority:**

If the original building is within this stand-off distance of the culvert, the view could be taken that any extension within that line or behind will not make the risk significantly worse, however the applicant needs to consider depth and type of foundation in order to best protect it.
The applicant should be aware that although Kirklees are the police force for this watercourse, the landowner is responsible for its maintenance

**Policy**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and also on the Kirklees Publication Draft Local Plan.

**Kirklees Unitary Development Plan:**

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **NE9** – trees on development sites
- **T10** – highway safety

**Kirklees Publication Draft Local Plan (PDLP):**

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design
- Chapter 11 – Conservation and enhancement of the natural environment

**Assessment**

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted

provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment.

2 –Impact on visual amenity:

The existing property is a recently built detached 2-storey house with natural stone walls and stone roof tiles. There is a tall retaining wall at the back and the neighbouring properties are a mixture of ages, designs and materials.

Within the above context, it is thought that the proposal would be acceptable in its amended form, with matching materials and footprint slightly reduced footprint and set back from the front elevation. Given these circumstances and that it retains the host dwelling as the dominant element, it is felt that the proposal would not be prejudicial to visual amenity and is compliant with policies D2, BE1, BE2 and BE13 of the UDP.

3 – Impact on residential amenity:

In relation to The Croft, Lydgate Road:

This neighbouring property is to the north of the application site and on the opposite side of the road.In terms of overbearing and overshadowing impact, given that the proposed extension is single storey in scale and there would be a separation distance of around 17m between the nearest parts of the properties and dual width road in between, it is considered that this effect would be minimal.

In terms of overlooking, in light of the circumstances described above and that there would be no direct relationship between windows at both properties, it is also considered that this impact would be very limited.

No other properties would be affected by the proposal.

4 – Impact on highway safety:

The proposal would not affect the existing parking provision at the site and the scale of the proposal would not require additional parking spaces. As such, I am satisfied that the proposal would not harm highway safety and is compliant with policies D2, BE1 and T10 of the UDP.

5 – Other matters:

- Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been consulted and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 11 of the NPPF.

There are no other matters considered relevant to the determination of this application.

- Protected species (Trees):

The triangular side garden is covered by a woodland Tree Preservation Order (ref: 02/01/W1) and therefore all trees are protected. However, on site the trees that would be affected by this appear to be a mixture of elm and ash saplings and information provided by the applicant satisfied the arboricultural officer that the amenity value of the group would not be affected and that the extension can be constructed without significant harm. However it should be noted that any works to trees within the protected woodland would require TPO consent via the usual process.

Provided this is footnoted it is considered that the proposal would not unduly harm the amenity value of the woodland as a whole and complies with the aims of policies NE9 and BE2 of the UDP

- Drainage:

A culverted watercourse potentially crosses the site in front of the existing house.

The Council's drainage officers have been consulted and commented that if the original building is within this stand off, the view could be taken that an extension within this line or behind will not make the risk significantly worse, but they need to consider depth and type of foundation in order to best protect it.

The applicant should be made aware that although Kirklees Council are the police force for this watercourse, the landowner is responsible for its maintenance.

The amended plans indicate that the proposed extension would be set back from the front elevation of the existing house slightly and so in this respect the proposal is acceptable subject to a footnote bring it to the attention of the applicant and developer.

6 – Representations:

No representations were received during the course of this application.

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**: 2017/91703
**Officer Recommendation**: Approve
**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.
**Reason**: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
**Reason**: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2, BE13, BE14, NE9 and T10 of the Kirklees Unitary Development Plan and guidance given in 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 D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, and guidance given in the National Planning Policy Framework.

**NOTE:** The applicant's notice is drawn to trees within the site which are protected by Tree Preservation Order ref: 02/01/W1. Any works to trees in the woodland will therefore require consent from the trees section of Kirklees Council via the usual process of a tree work application and at the weblink below
http://www.kirklees.gov.uk/beta/trees-listing-and-conservation/work-on-trees.aspx

NOTE**:** The landowner should be aware that a culverted watercourse crosses the site to the front of the house. Although Kirklees are the police force for this watercourse, the landowner is responsible for its maintenance.

**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 | | | 16.5.2017 |
| Existing plans and elevations | Dwg no. 01 | | 16.5.2017 |
| Proposed ground floor plan | Dwg no. 02D | | 2.10.2017 |
| Proposed side elevation | Dwg no. 03D | | 2.10.2017 |
| Proposed front elevation | Dwg no. 04C | | 2.10.2017 |
| Proposed rear elevation | Dwg no. 05C | | 2.10.2017 |
| Proposed section A-A | Dwg no. 06D | | 2.10.2017 |

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 were received to reduce the impact upon a culverted watercourse to the front of the site and in the interests of visual amenity.

**Recommendation and Authorisation Box**

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| **Date:** | 10.10.2017 |