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: 2017/62/93176/W

Site Address: 25, The Ghyll, Fixby, Huddersfield, HD2 2FE

Description: Erection of single storey side extension

Recommending Officer: Aimee Procter

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 06-Nov-2017

Officer Report

Application: 2017/62/93176/W
Site: 25, The Ghyll, Fixby, Huddersfield HD2 2FE.
Proposal: Erection of single storey side extension

Site Description
The application site is a two storey detached dwelling in Fixby. The dwelling is constructed in stone with a pitched roof covered in concrete tiles. The dwelling has a previously permitted single storey extension to the rear elevation. To the front elevation of the dwelling is a slightly declining driveway suitable for off-road parking, leading to the integrated garage. There is also a small garden with lawn and shrubs, with a path leading to the entrance door on the west side elevation.

The area surrounding the site is residential in nature. To the west of the application site is the neighbouring detached dwelling of no. 27 The Ghyll with a boundary consisting of timber fence panels; to the east of the application site is the neighbouring detached dwelling of no.19 Jilly Royd Lane with a boundary consisting of a combination of hedging and timber fence panels.

Description of Proposal
The applicant is seeking planning permission for the erection of a single storey side extension. The application site has an integrated garage to the east elevation; the proposal is effectively an extension to the rear elevation of the garage. The extension will project from the rear of the dwelling/garage by 2.8m and extend in width by 3m. The extension will reach a height of 2.5m to the eaves and 4.1m to the ridge, and will have a lean-to roof. The extension will be constructed in stone and concrete roof tiles to match the existing dwelling, with the addition of one uPVC rooflight and a set of glazed folding doors to the rear elevation.

Relevant Planning History
2001/62/91017/W2 Erection of single storey extension – granted and implemented

Representations
The final publicity date expired on 31st October 2017.
No public representations were received.

Consultation Responses
No consultations were required.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 the 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)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design

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

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 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.

Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 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 NPPF. The assessment below takes into account the aims of PLP1.

2 – Impact on visual amenity

The application site has an integrated garage to the east elevation; the proposal is effectively an extension to the rear elevation of the garage. The extension will project from the rear of the dwelling by 2.8m and extend in width by 3m. The extension will reach a height of 2.5m to the eaves and 4.1m to the ridge, and will have a lean-to roof. The extension will be constructed in stone and concrete roof tiles to match the existing dwelling, with the addition of one uPVC roof light and a set of glazed folding doors to the rear elevation, which is acceptable.

The extension proposed is to the rear of the garage therefore it will not create a visually intrusive feature in the local area in terms of its size and design, nor will it have a detrimental effect on the street-scene or surrounding area.

Given the above, the proposal complies with policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2 and PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity

The proposed extension would be built to the rear elevation of the application site and will be effectively an extension to the existing integrated garage. The design includes one roof light facing east and a set of glazed folding doors to the south elevation.

The application site is situated in a good sized plot surrounded by detached dwellings of a similar style and architectural design. To the west of the application site is the neighbouring detached dwelling of no. 27 The Ghyll with a boundary consisting of timber fence panels; to the east is the neighbouring

detached dwelling of no.19 Jilly Royd Lane with a boundary consisting of a combination of hedging and timber fence panels.

No.27 The Ghyll
It is considered that this proposal will have no impact upon the neighbouring dwelling of no.27's residential amenity due to the positioning of the two neighbouring sites. The proposed extension is to the rear of the integrated garage therefore the existing dwelling will obscure the view of the extension from no.27's site.
No.19 Jilly Royd Lane
The neighbouring dwelling of no.19 is set within a good sized corner plot on the joining of Jilly Royd Lane and The Ghyll. The two neighbouring dwellings are separated by hedging and timber fence panels of approximately 2m in height, and the detached double garage of no.19. Given the height of the hedge boundary between the two neighbouring sites, and the detached garage of no.19 separating the two dwellings, it is considered that this proposal will have no undue impact on the residential amenity of this neighbour. The extension would be seen against the backdrop of the original dwelling and it would be no higher than the garage which already projects beyond the side elevation of the host dwelling.

Due to the spacing of the neighbouring dwellings, and the size of the proposed extension, it is considered that the proposal would not result in any overbearing, overshadowing or loss of outlook to neighbouring occupiers, nor would it cause any overlooking of neighbouring private space or habitable room windows. Given the above, the proposal complies with the requirements of policies D2, BE1 and BE14 of the Unitary Development Plan, policy PLP24 of the Publication Draft Local Plan and core planning principles of the NPPF.

4 – Impact on highway safety
The proposed extension would be built to the rear elevation of the dwelling therefore will not impact on the sites highway safety.

5 – Other Matters
Bats
The Council's GIS system indicates that the property is within a Bat Alert Area. 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 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.
The proposed development would not include the demolition of an existing structure, nor does it include the demolition of an existing roof. The site is also not situated within 200m of any significant woodland or water. Taking this into account it is considered that there is not a reasonable likelihood that this is a bat roost. However, as a precaution an advisory note will be added to the decision notice to the effect that is bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

6 – Representations
The final publicity date expired on 31st October 2017.
No public representations were 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: 2017/62/93176/W
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, BE13 and BE14 of the Kirklees Unitary Development Plan.

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 Policy BE13 of the Kirklees Unitary Development Plan.

Note: There is potential for a bat roost to 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
Grouped Plans and elevations – existing			14/09/2017
Grouped Plans and elevations - proposed			14/09/2017

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.

The applicant was not contacted during the course of the application as the development was considered acceptable in its submitted form.

Report Dated: 31/10/2017