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:	2019/62/90762/W
Site Address:	218, Birkby Hall Road, Birkby, Huddersfield, HD2 2BP
Description:	Erection of single and two storey side and rear extension
Recommending Officer:	Laura Yeadon

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 07-Jun-2019

Officer Report

Site Description

218 Birkby Hall Road is a two storey detached property. It is constructed from stone and has a clay tile roof and uPVC windows and doors. The property has garden areas to the front and rear with the rear being mainly on a slightly raised level and front being lawned. There is a driveway to the side which runs the full depth of the site leading to a detached hipped roof garage.

Description of Proposal

Permission is sought for the erection of a single and two storey side and rear extension which has been submitted as a modified proposal. The proposed development would consist of wrap around single storey side and rear extension with a first floor element which would create a two storey extension on the side elevation.

The extension would be sited on the western side elevation of the property would be set back from the front elevation by 4.3 metres, projecting from the side by 2.8 metres. The eaves height of the single storey element would be 2.8 metres with the overall height being 3.8 metres. The rear elevation of the extension would lie flush with the rear elevation of the existing rear extension forming the wrap-around element of the scheme. The two storey section would be located on the side elevation of the property and would lie flush with the front and side elevation of the single storey extension being a depth of 2.7 metres. The eaves height would be 5.6 metres with an overall height of 6.8 metres which would be set down from the existing roof ridge by 1.2 metres.

The proposed construction materials would be natural stone for the walls, clay tiles for the roof and uPVC for the windows and with either uPVC or aluminium powder coating for the doors.

The single storey elements of the proposal have been previously approved with this application taking into consideration the first floor element on the side elevation.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

2017/92050 Erection of single storey side and rear extension
Conditional Full Permission

Representations

Final publicity date expired 20th April 2019 – one letter of representation received with the following being a summary of comments:

- Loss of light to the adjacent garden area, effecting the growth of existing plants and trees
- Impact on privacy from overlooking
- Building will generate a huge amount of traffic on the busy road in front of the properties
- Concerned about the generated noise and dust pollution
- Concerns with regards to damage to gate and damage to trees and roots

Parish/ Town Council – not applicable

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 Unallocated Land on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 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 19th February 2019, 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 12 – Achieving well-designed places

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 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 National Planning Policy Framework. Policy PLP24 relates specifically to design and seeks to ensure that, amongst other things, proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

2 –Impact on visual amenity:

In terms of visual amenity, the single storey elements of the property have been previously approved under a previous application and is an extant permission. This application seeks to modify that permission with the addition of a first floor extension on the side elevation of the dwelling. The first floor extension would sit above the single storey element and would be limited in its depth to 2.7 metres with a ridge height which is set below the existing ridge. Due to the limited size of the extension, it is not considered that the proposal would result in an undesirable terracing effect.

It is considered that the design, size, scale and massing of the proposed single and two storey extension is considered to be acceptable with the construction materials to match the host property and therefore, considered to comply with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

3 – Impact on residential amenity:

In terms of overlooking the openings within the ground floor elements of the extension are as previously approved and therefore considered to be acceptable. There is an additional opening proposed within the side elevation at first floor level which would be obscurely glazed which will be conditioned and would therefore not interfere with the existing openings within the adjacent property. As such, there would be limited harm from overlooking. In terms of overshadowing whilst the two storey element would bring the building closer to the neighbour at No. 218A; due to its minimal depth and the rear elevation being set back from the rear elevation of the neighbouring property, it is not considered that the harm from overshadowing would cause significant

harm over and above the existing situation that there would be sufficient grounds for refusing the application.

Taking into account all the above, it is considered that the proposed development is acceptable in terms of residential amenity in accordance with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

4 – Impact on highway safety:

There would be no impact on existing parking provision that would impact on highway safety.

5 – Other matters:

As the proposed extension would not interfere with the existing roof form, it is not considered necessary to request a Bat Survey.

6 – Representations:

One letter of representation has been received with the following being a summary of comments and Local Planning Authority response:

- Loss of light to the adjacent garden area, effecting the growth of existing plants and trees.

Response: The impact on overshadowing has been addressed within the residential amenity section of this report.

- Impact on privacy from overlooking.

Response: The impact on overlooking has been addressed within the residential amenity section of this report.

- Building will generate a huge amount of traffic on the busy road in front of the properties.

Response: Due to the small scale of the development, it is not considered reasonable to impose a condition requiring a construction management plan.

- Concerned about the generated noise and dust pollution

Response: This is not a material planning consideration.

- Concerns with regards to damage to gate and damage to trees and roots.

Response: This is a private matter between land owners which the Local Planning Authority cannot control as the trees and roots are not protected via a Tree Preservation Order.

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: 2019/90762

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 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 Policy LP24 of the Kirklees Local Plan and advice within 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 Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. The development shall not be occupied until the ensuite window in the western side elevation of the extension hereby approved has been obscurely glazed, (minimum grade 4). 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) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	19/338/01		11th March 2019
Existing block plan	19/338/02		11th March 2019
Existing elevations and floor plans	19/388/03A		11th March 2019
Proposed floor plans	19/388/04A		11th March 2019

Plan Type	Reference	Version	Date Received
Proposed elevations	19/388/05A		11th March 2019
Proposed site plan	19/388/06A		11th March 2019

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 to the application were sought as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 6th June 2019