

**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: 2019/62/91075/E

Site Address: 2, Hill Park, Upper Hopton, Mirfield, WF14 8JB

Description: Erection of single storey side extension and associated works

Recommending Officer: Josh Kwok

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.

Julia Steadman

AUTHORISED OFFICER

Date: 15-Jan-2020

Officer Report

Site Description

The application site is no.2 Hill Park, Upper Hopton, Mirfield. It consists of a stone built detached bungalow with an integral garage, a lawn and a hardstanding area to the front and a garden to the rear. The boundary treatment comprises hedges and mature trees.

The site and its surroundings are purely residential characterised by detached properties of various designs and materials (in the wider area). The properties at nos.4 and 6 Hill Park appear to be built alongside no.2 with a similar appearance and design. The land level drops significantly from the south to the north. Consequently, the application site is situated at a much lower level than the adjoining sites to the south including nos.33 and 35 Cheviot Way as well as nos.4 and 6 Hill Park.

Description of Proposal

Planning permission is sought for the erection of a single storey side extension and associated works. The details of the proposal are set out in the following:

- 4.3m high x 9.9m deep x 6.1m high
- Facing material to be stone to match
- Roofing material to be matching roof tiles

History of negotiations/amendments received

The agent has amended design of the proposal to address the concerns of neighbours. Due to the significance of the amendments and change to the description, the amended drawing and description has been re-advertised by neighbour letters. As part of the additional information to support the amended proposal, the agent has submitted an Arboricultural Method Statement to assess the impact on the protected trees nearby. No further details or amendments have been sought thereafter.

Relevant Planning History

No record of any similar applications found at the site and or in its immediate surroundings.

Representations

This application was advertised by site notices and neighbour letters, which expired on 19-Jul-2019. As a result of the above publicity, two representations were received from the occupants of the neighbouring properties, who raised the following concerns:

- The insertion of windows on the first floor would result in the loss of privacy of the neighbouring properties and their gardens
- The increase in roof height would causing an overshadowing and overbearing impact of the neighbouring properties and their garden
- The construction vehicles would obstruct the access of the neighbouring properties.

As a result of the amended plan publicity, no further comments have been received.

Mirfield Town Council – no comments received.

Consultation Responses

KC Trees – No objections to the proposed development, subject to several conditions to protect the long terms viability of the protected trees nearby.

KC Ecology – No objections to the extension as proposed. Two conditions would need to be imposed however to require a method statement be submitted to and approved by the local planning authority in writing as well as to state that no lighting shall be installed externally to the extension.

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 on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 33** - 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 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 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area as well as to preserve the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations are addressed in turn in the following sections in this report.

2 – Impact on visual amenity:

The development proposal comprises the erection of a single storey extension to the side of the host property. This extension would be acceptable in scale as it would be proportionate to the application property and land surrounding it. Officers are satisfied on the basis of the amended plans and drawings that a subservient relationship would be maintained.

The proposed materials of construction are stone and roof tiles to match the host property. Given that no harm to the appearance of the property and the character of its immediate surroundings is anticipated as a consequence of the proposal. The extension would follow the same design as the host property with a simple dual pitched roof and in a rectangular form. There would be some minor changes to the fenestration of the property concerned but would not materially harm its appearance. For the above reasons, officers consider that the proposed development would achieve a design that would be sympathetic to the existing development at the site and nearby. There would be no harm to the street scene.

In all, the proposal would be of a satisfactory quality in terms of scale, design and materials. It would be sympathetic to the appearance of the host property

and in keeping with the character of its surroundings. The development as proposed would be acceptable in respect of visual amenity and compliant with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed extension would maintain an appropriate separation distance with the neighbouring residential properties at no.12 Hopton Drive and no.35 Cheviot Way. Furthermore, given the application site is situated at a lower land level than the abovementioned properties the extension as proposed is not considered to harm the living conditions of these neighbouring occupiers, despite having several large openings in the rear elevation facing this direction. To the north-west of the site is a cluster of mature trees, which provided further screening between the application property and those nearby. As such, it is opined that the development under consideration would not prejudice the living conditions of any neighbouring occupiers nor would it conflict with the aims of policy LP24 of the KLP in respect of preserving the amenity of the future and neighbouring occupiers.

4 – Impact on highway safety:

The proposed development would intensify the current use of the application property but would not affect the parking arrangement of the site. On the basis of the site visit observations, officers are satisfied that there would be sufficient parking provision available to the occupants of this property in accordance with policy LP22 of the KLP and the KC Highways Design Guide SPD. As such, no parking issues would arise as a result of the proposal.

The extension as proposed would be occupied by one household as existing. It would not therefore cause a material increase in traffic generation that would prejudice highway safety. The proposal would fit with policy LP21 of the KLP from highway safety and efficiency perspective.

5 – Other matters:

Ecology

The application site is situated in a bat alert area with bat roost recorded previously. The applicant has submitted a bat roost assessment in support of the current proposal, which has been reviewed by the Council's Ecologist. Whilst the principle of erecting a single storey extension at the suggested location is acceptable, a condition needs to be inserted to the decision notice to ensure that all construction works are carried out in accordance with the method statement included in appendix 2 of the Bat Roost Assessment. Further to this, no lighting shall be installed externally to the single storey side extension as proposed. This is to protect bats from potential disturbance. With this in mind, officers are satisfied that the proposal would not conflict with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Protected trees

Given the location of the proposed extension being in close proximity to a protected tree, the applicant has been requested to submit an Arboricultural Method Statement to allow a full assessment be made on the impact on this tree. KC Trees have been consulted on the amended proposal. Having regard to the details provided in the Statement submitted, KC Trees have no wish to object to the development in question. However, three conditions are recommended to be imposed upon the proposed development in order to ensure the long term viability of the protected trees. Subject to that, it is concluded that the proposal would comply with policy LP33 of the KLP.

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

6 – Representations:

Two written representations were received from the occupants of the neighbouring properties as a result of the initial statutory publicity. The following issues were raised in these representations and addressed as follows:

- The insertion of windows on the first floor would result in the loss of privacy of the neighbouring properties and their gardens
Response: The applicant has amended the proposal to address this issue.
- The increase in roof height would causing an overshadowing and overbearing impact of the neighbouring properties and their garden
Response: This issue has been adequately addressed by the amendment as shown on the most up to date drawing.
- The construction vehicles would obstruct the access of the neighbouring properties.
Response: There is a hardstanding area to the front of the application property that can be used for parking of domestic and construction vehicles. The temporary disruption caused by construction vehicles does not constitute a reason for refusal.

The above representations have been considered carefully and taken into account while re-designing the proposal. It is considered that the amended proposal has adequately addressed the residential amenity concerns raised above. The amended proposal has been re-advertised by neighbour letters and no further representations have been received following that. Accordingly, officers conclude that the development in question is acceptable and, with the inclusion of appropriate conditions, complies with relevant development plan and national planning policy.

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: 2019/91075

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 Policies LP21, LP24, LP30 and LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the development 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 Chapter 12 of the National Planning Policy Framework.

4. The developer, or home owner, shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in section 3.6 of the Arboricultural Method Statement, reference Bagshaw Ecology BE-1106.2 was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The developer, or home owner, shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the Fertilisation and Mycorrhizal treatment specified in section 3.5 of the Arboricultural Method Statement, reference Bagshaw Ecology BE-1106.2 was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. The developer, or home owner, shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that monitoring of the tree's condition over a three year period, as specified in section 2.3 of the Arboricultural Method Statement, reference Bagshaw Ecology BE-1106.2,

was undertaken. Upon completion of this three year period the evidence shall be submitted to and approved in writing by the Local Planning Authority.

Details of any additional tree works required as a result of the above mentioned monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. All ecological measures specified in Appendix 3 (Bat Method Statement for works at 2 Hill Park) of the Bat Roost Assessment dated 14th August 2019, as already submitted with the planning application and approved in principle with the Local Planning Authority shall be implemented in full and thereafter retained.

Reason: To avoid significant ecological harm in respect of impacts to a bat roost or roosting bats, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. No external lighting of any type shall be installed on the north-western elevation, or directed towards the vegetation located to the north of the extension hereby approved.

Reason: To avoid significant ecological harm in respect of impacts to foraging bats, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(EX)002		01-Apr-2019
Existing elevations and floor plans	(EX)001		01-Apr-2019
Proposed elevations and floor plans	(20)001	A	05-Jul-2019
Block plan as existing and proposed	(20)002	A	06-Jan-2020

Plan Type	Reference	Version	Date Received
Bat roost assessment	BE-1106.1a		14-Aug-2019
Arboricultural method statement	BE-1106.2		13-Dec-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. In this case, the agent has amended the proposal to address the concerns raised during the course of the application as a result of the statutory publicity. No further amendments or details have been sought thereafter.

Report Dated: 07-Jan-2020