

**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: 2019/62/91775/W
Site Address: 81, Storths Road, Birkby, Huddersfield, HD2 2XS
Description: Erection of single storey side and rear extension
Recommending Officer: Ellie Worth

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-Aug-2019

Officer report

Site description

81 Storths Road, Birkby is a two storey semi-detached property constructed from brick at ground floor and render at first floor. The property benefits from a small grassed area and driveway to the front and private amenity to the rear. Pedestrian and vehicular access can be taken from the application site onto Storths Road. To the rear, boundary treatment consist of medium sized fencing. The host property and also benefits from a small outrig which will be demolished as part of this application.

The site and wider area compromises from residential properties. It has also been noted that land levels fall within the wider vicinity the south east to the North West.

Description of proposal

The applicant is seeking permission for the erection of a single storey rear extension which also extends slightly beyond the side elevation at the dwellinghouse. The measurements of the proposal are as follows:

- 4.1m- 4.4m maximum projection
- 2.6m in height to the eaves; 4.2m in max maximum height
- 7.6m in width

The proposed extension would be constructed from brick with a tiled roof to match the host property. The proposed openings will be constructed from UPVC. Internally the extension will provide a kitchen and garden room.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the impact in which the proposed extension would have on the neighbouring property at no.79. As such, the officer suggested that the extension is inset from the attached neighbours by 0.5m or the overall projection is reduced by 0.5m to mitigate against some of the harm. However, the agent stated that the

applicant did not wish to amend the scheme and therefore no amended plans have been received.

Relevant Planning History

2006/94958 Erection of granny flat and extension to kitchen and dining room – Refused (81 Storths Road)

90/02705 Erection of double garage – Granted (83 Storths Road)

2005/91153 Erection of conservatory – Refused (83 Storths Road)

2005/94197 Erection of single storey rear extension – Granted (79 Storths Road)

Representations

The application was advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 19th July 2019

As a result of the above publicity, one representations have been received. A summary of the concerns are outlined below:

- Concerns regarding the existing parking situation at the host property.

Consultation responses

None necessary

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 1 – Achieving sustainable development

- LP 2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP23 – Core walking and cycling routes
- LP 24 – Design
- LP30 – Biodiversity

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 design 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 highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. 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 on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

It has been considered that the proposed extension would appear subservient to the host property. Nonetheless, there would be additional amenity space developed under this proposal. However, this would not result in the overdevelopment of the site. The existing outrig will also be demolished as part of this application.

The design of the extension is considered acceptable in terms of visual amenity. As the construction materials would match those that exist on the host property. These materials will allow the extension to harmonise well with the existing dwelling and shall be conditioned to ensure visual amenity is protected.

In regards to the proposed large bi folding doors, it has been noted that there would be some impact on the amenity of the site. However, any impacts would not be detrimental and therefore this element can be supported.

An additional opening alongside four roof lights will also be inserted into the rear extension. This has been considered satisfactory from a visual perspective. The submitted plans also show no new openings to be inserted into the side elevations of the extension.

The maximum projection of the extension will be 4.1m beyond the rear elevation of the dwellinghouse. Whilst this is larger than what is normally permitted it has been considered that the extension would not result in the overdevelopment of the site. Also it has been noted that the main bulk of the extension would be located to the rear of the application site and therefore

would not be visible from public vantage points. The use of a gabled roof whilst different to the host property is not significantly detrimental to residential amenity given its location on the rear elevation of the property.

In summary, the proposed extension would be of a satisfactory design quality for the reasons set out above and would keep in with the character of the area. Therefore the proposal would accord with LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

79 Storths Road is the neighbouring property to the south east of the application site. It has been assessed that there would be some harm to these neighbours amenity, as the extension would be located close to the shared boundary at these neighbours. As such the officer entered into discussions with the agent regarding the size of the extension, however no amendments have been submitted.

For these reasons, a balanced assessment had been made and it has considered that any impact on overbearing and overshadowing can be supported given the fact that the extension would be single storey in height. Alongside this it has been noted that any harm on overshadowing would only be evident within an evening given that the extensions would be to the north of this property. In addition there is an outrigger extension which has some impact in terms of overbearing on the occupiers of no.79 given its position to the window in no.79.

The submitted plans also show no additional openings to be inserted into the south eastern facing side elevation of the extension which will mitigate against any undue harm on overlooking. Nonetheless, to protect these neighbours and future occupiers' amenity, permitted development rights for openings within this elevation will be removed.

Overall, it has been assessed that the impact on these neighbours amenity would not be detrimental and therefore can be supported.

83 Storths Road is the neighbouring property to the north west of the application site. These neighbours are on a slightly lower level than the host property.

As a result, it has been assessed that there would be some impact on these neighbours amenity in regards to overbearing, given the change in land levels. However, it has been noted that extension would be inset from the shared boundary by 1m. These neighbours are also orientated away from the host property and there will be a separation distance of 3.4m retained between the nearest elevation at these neighbours and the shared boundary. Alongside this, there is sufficient boundary treatment in place which would mitigate against some of the harm on overbearing.

Notwithstanding the above, it has also been considered that there would be some impact on these neighbours amenity in regards to overshadowing, as the application site is located to the south east. However, any impact would only be evident within a morning and therefore on balance can be supported.

The submitted plans also show no additional windows to be inserted into the north western facing side elevation. This will mitigate against any undue harm on overlooking. Nevertheless, given the existing relationship and boundary treatment, it is not thought necessary to remove permitted development rights within this elevation.

3A Uplands is the neighbouring property to the rear of the application site. Given the significant separation distance between these neighbours, it has been assessed that there would be no material harm on amenity.

In summary the application has been considered, on balance, acceptable from a residential perspective and therefore complies with LP24 of the KLP.

4. Impact on highway safety

The proposal is unlikely to intensify the domestic use at the host property, nor will it alter the existing parking arrangements. For these reasons, it has been assessed that there would be no undue harm to highway safety. As such, the application is considered to comply with LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look for evidence of bat roost potential. In this instance, the extension would be single storey and therefore the works permitted would not affect the eaves on the existing dwellinghouse.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Public right of way

It has been noted that a public right of way runs alongside the rear boundary at the application site. Whilst it has been considered that the proposal will bring development closer to the public footpath, there would be no detrimental impacts in which would affect its setting. As such, the application is considered to comply with the aims of LP23 of the Kirklees Local Plan.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the concerns raised alongside officer comments are set out below.

- No general objection however, concerns are raised regarding the existing parking situation at the host property

Response: The existing driveway at the application site will be retained as part of this application which is suitable for on-site parking. As such, the proposal is considered acceptable from a highways perspective.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/91775

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 Policy LP21 and LP24 of the Kirklees Local Plan and the aims of 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, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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) no doors, windows or any other openings, other than those expressly permitted by this development, shall be created in the south eastern facing side elevation of the extension hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with LP24 of the Kirklees Local Plan and the aims 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.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Public Right of Way HUD/390/20 runs adjacent to the application site. This Public Right of Way shall not be interfered with or obstructed at any time before, during or after the construction period. For further information, please contact publicrightsofway@kirklees.gov.uk.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	1922.1	-	30 th May 2019
Ground floor plan as existing	1992.2	-	30 th May 2019
Ground floor plan as proposed	1992.3	-	30 th May 2019
Existing rear elevation	1992.4	-	30 th May 2019
Proposed rear elevation	1992.5		30 th May 2019
Proposed side elevations	1992.6		30 th May 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 Planning 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 instance the officer entered into discussions with the agent regarding the impact on residential amenity, however, no amendments were received.

Report Dated: 07.08.19