

**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: 2019/62/92876/W

Site Address: 60, Butternab Road, Beaumont Park, Huddersfield,
HD4 7AZ

Description: Erection of rear extension with roof terrace above

Recommending Officer: Alice Huxley

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: 13-Dec-2019

Officer Report

Site Description

60, Butternab Road, Beaumont Park, Huddersfield.

60 Butternab Road is a natural stone constructed bungalow with a concrete tile pitched roof which has an attached garage that has a flat felt roof. The property benefits from a front and rear garden and driveway access is taken directly from Butternab Road. The sites boundaries consist of mature hedging.

The site is located within the Green Belt opposite Beaumont Park conservation area. The adjacent properties consist of dwellings of similar character to the applicant property and it is noted that no. 64 and no. 58 Butternab Road have pitched roofs and dormer windows above their attached garages.

Description of Proposal

Erection of rear extension with roof terrace above.

The proposed extension would replace the existing conservatory and erect approximately 3.8 metres from the rear elevation at a width of approximately 12.8 metres, an eaves height of approximately 2.5 metres, rising to an overall height of 2.9 metres to accommodate a new living/dining area and bedroom. The extension would have a flat roof and the proposed materials consist of natural stone walls and PVC windows and doors to match the original dwelling.

The roof terrace would sit above the proposed living/dining room area at a width of approximately 5 metres, a depth of approximately 2.5 metres and a height of approximately 1 metre from the roof of the extension.

Other alterations include converting part of the garage to an en-suite and storage space as well as converting the study to a bathroom/utility room. Additionally, the upper floor rear window would be replaced by double doors to access the terrace area.

History of negotiations/amendments received

The officer requested a bat survey due to the original proposal interfering with the original roof structure and site being located adjacent to a property where there is record of a bat roost. As a result, new plans were submitted on 31/10/2019 showing the rear extension with a flat roof and a large terrace area. Negotiations between the officer and agent took place due to concerns regarding the size of terrace area and its impact on residential amenity. Final amendments were secured accordingly on 11/12/2019.

Relevant Planning History

2008/90066 – Erection of single storey extension (no. 58) – *approved*.

Representations

Final publicity date Expires:

Neighbour letters expire 2nd December 2019; site notice expires on 2nd October 2019.

No representations received.

Parish/Town Council comments:

None.

The amended plans were not re-publicised as these reduced the scale of the proposed terrace area and deleted the pitched roof from the original proposal.

Consultation Responses

None.

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 allocated as Green Belt Land 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 57 – Extension, alteration or replacement of existing buildings in the green belt**

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**
- **Chapter 13 – Protecting green belt land**
- **Chapter 15 – Conserving and enhancing the natural environment**

Assessment

The following matters are considered in the assessment below –

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

Principle of development:

The principle of development in this instance is assessed against policy LP57 of the Kirklees Local Plan and Policy within Chapter 13 of the NPPF.

Chapter 13 of the NPPF states that:

‘The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

It then goes on to state that:

‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this [include]:

- a) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

Policy LP57 of the Local Plan follows national policy and provides further criteria against which to assess the extension of existing buildings. This sets out LP57a.

- a. *in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*

In this instance, it appears from planning history that there has not been any other extensions or alterations to the original dwelling other than the existing

conservatory; however it is noted that there is a detached garden room structure on site. When considering the size of the original dwelling in comparison to the size of the rear extension and terrace area, the proposals in total would add approximately 40% of cubic capacity to the original dwelling. In this instance, the extension is limited to being single storey in height and the property retains its permitted development rights. Therefore, the proposed extension could be constructed (without the terrace) by exercising these rights and be constructed without requiring planning permission. Whilst the increase in cubic volume is noted, I have given weight to the fall-back position and the similar scheme that could be undertaken utilising permitted development rights. I also note the compact design of the extension which would still retain the original dwelling as the dominant element on site. I consider the proposal would not result in disproportionate additions when taking into account the extension alongside the existing outbuilding and cumulative impact; given that the site is located within a residential area and taking into account potential permitted development, the proposal is acceptable.

The proposed development would therefore would comply with Policy LP57 of the Kirklees Local Plan and guidance in chapter 13 of the NPPF. Furthermore, the proposal would be within the property's curtilage in already developed land therefore would not encroach any further into the Green Belt.

As a result of the above, the proposals are considered to be appropriate in the Green Belt as the original building still remains dominant in terms of size and overall appearance, therefore it is not necessary to consider the effect on the openness of the Green Belt further. In order to avoid the potential for further, inappropriate development that would harm the openness of the Green Belt, given the volume of the extensions proposed, it is considered necessary to remove permitted development rights for further extensions (including to the roof) and outbuildings. This would accord with Policy LP57 of the Local Plan.

Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

'a. the form, scale, layout and details of all development respects and enhances the character of the townscape..'

'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Regarding the proposed rear extension, given that it would be single storey and incorporate materials used in the construction of the original dwelling, it has been considered that this part of the scheme would be both subservient to the host property and would harmonise in design. Furthermore, the proposed terrace would be small in scale and largely hidden by the original dwelling's pitched roof; as such, it has been considered that the roof terrace would cause no undue harm to the visual amenity of the area.

Considering the above, the proposals are satisfactory in terms of design and scale therefore, protect visual amenity and comply with LP24 Kirklees Local Plan.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

'...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers'.

In regards to the rear extension, minimal concerns have been raised in terms of overbearing or overlooking due to the proposed works replacing the existing conservatory and being single storey. Additionally, the site boundaries consist of mature hedging which helps protect the privacy of neighbouring dwellings.

Whilst it is noted that the proposed terrace may cause an impact of overlooking onto the adjacent properties' private amenity space, the terrace area would be set away from the shared boundary with no.62 by approximately 8 metres therefore it has been considered that the impact of overlooking on this neighbour is unlikely to be undue as the sufficient separation distance would help mitigate the effect of overlooking. The property to the west of the applicant site (no.58) sits on higher land than the applicant dwelling and there is significant hedging separating the two sites; given this and that the proposed terrace area would be set in from the shared boundary, the impact of overlooking onto no.58's private amenity space is also unlikely to be detrimental to no.58's privacy. As such, it has been considered unnecessary to ask for the terrace to incorporate privacy screens. Furthermore, given the nature of this element of the scheme minimal concerns have been raised in terms of overshadowing or overbearing to the adjacent properties. The properties located to the rear of the applicant site would sit over 20 metres away from the proposed development and are separated by nature hedging and trees. Considering the above, the terrace

would cause minimal harm to these dwellings in terms of overlooking, overbearing or overshadowing.

In Summary, it has been considered that the proposals are satisfactory in terms of protecting residential amenity, therefore comply with sections B and C of LP24 of the Kirklees Local Plan.

Impact on highway safety:

The proposed development relates to the erection of a rear extension with roof terrace above. Although some garage space will be lost to an en-suite, and the rear extension will increase the number of rooms in the property it has been considered that there is sufficient space to the front of the property for at least three vehicles – two off-road and one on the road. As a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Biodiversity

Our records show that the site is located within a bat alert area with a bat roost situated in the property adjacent to the applicant site (no.58). Despite this, the existing dwelling appears to be well sealed and unlikely to have any bat roost potential and KC Biodiversity Officer has verbally confirmed that the final amended scheme does not give rise to any concerns regarding causing harm to any bats.

Notwithstanding this, if any bats are to be found during the development, a note recommending that the advice of a licensed bat worker is to be sought and relayed onto the applicant via the decision notice in the interests of preserving biodiversity.

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: 2019/92876

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 LP24 of the Kirklees Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To avoid further extensions and outbuildings being erected that would result in disproportionate additions to the original dwelling which, in turn, would constitute harmful, inappropriate development in the Green Belt contrary to Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

NOTE: Due to the location and nature of the application site, 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
Grouped Plans and Elevations	19 J 27 01 C	4	11/12/2019

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. The officer requested a bat survey due to the original proposal interfering with the original roof structure and site being located adjacent to a property where there is record of a bat roost. As a result, new plans were submitted on 31/10/2019 showing the rear extension with a flat roof and a large terrace area. Negotiations between the officer and agent took place due to concerns regarding the terrace area and its impact on residential amenity. Final amendments were secured accordingly on 11/12/2019.

Report Dated:

12/12/2019
