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:	2019/62/92907/W
Site Address:	The Gardeners Cottage, 177, Huddersfield Road, Thongsbridge, Holmfirth, HD9 3JJ
Description:	Erection of single storey rear extension and front porch extension
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.

Emma Thompson

AUTHORISED OFFICER

Date: 22-Oct-2019

Officer Report

Site Description

The Gardeners Cottage, 177 Huddersfield Road, Thongsbridge, Holmfirth.

177 Huddersfield road is a two storey, two bedroomed cottage that is located within a sloping site and has a stone front and white rendered rear. The property is attached to the neighbouring dwelling by means of a single storey side extension and internal passage way, and access is taken via a narrow lane off Huddersfield Road.

The sites boundaries consist of timber fencing and there is a large protected Beech tree located close to the east boundary line.

Description of Proposal

Erection of single storey rear extension and front porch extension.

Single storey rear extension

The proposed single storey extension erects 4.3 metres from the host property's rear elevation at a width of 7.1 metres, an eaves height of 2.52 metres rising to an overall height of approximately 4.3 metres to accommodate a third bedroom with an ensuite and a lounge. The proposed materials consist of natural coursed split faced stone walls and upvc windows to match existing. The mono-pitched roof of the extension will be natural grey yorkstone slate roof in which would harmonise well with the host property's existing roof structure. The extension will also incorporate one south facing obscurely glazed window, two windows on the east elevation and French doors with side lights on the north elevation.

Front porch

The proposed porch erects 1.5 metres from the property's front elevation at a width of 3.84 metres to join the utility room (6.23 metres including the utility room), an eaves height of 2.62 metres rising to an overall height of 3.7 metres. The porch's materials consist of natural coursed split faced stone walls, a natural grey yorkstone slate mono-pitched roof, upvc windows and hardwood oak doors to match the host dwelling. Four windows will be added to the porch's north-west elevation and there will be an additional two windows on the north-east elevation. Furthermore, two Velux roof lights will be incorporated in the porches roof.

Other

Other internal works include, altering the first floor landing window, removing the existing bathroom wall and door, removing and relocating the staircase,

and adding three Velux roof lights in the existing lean to roof over the kitchen area.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

2019/92255 – Work to trees – *part granted/part refused.*

2019/90735 – Erection of single storey rear extension and front porch extension – *approved.*

2004/94473 – Erection of two storey extension and detached garage/store – *approved.*

Representations

Final publicity date Expires:
Neighbour letters expire 8th October 2019; site notice expires on 9th October 2019; press advertisement expires 18th October 2019.

No representations were received.

Parish/Town Council comments:
Holme Valley Parish Council – supports development.

Consultation Responses

K.C. Trees – no objections subject to that the proposals are carried out in accordance with the AMS submitted.

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
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 site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

'Planning policies and decisions should play an active role in guiding development towards sustainable solutions…'

Chapter 2 of the NPPF goes onto further state that objectives should:

'support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…'

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

'…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.'

LP1 goes further and states:

'The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and

to secure development that improves the economic, social and environmental conditions in the area.'

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

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...'

Due to access to the property being via a private drive and mature trees surrounding the applicant site, there is limited view of the property from Huddersfield Road. Additionally, the proposed porch and rear extension are considered to be subservient to the host property in terms of scale and the incorporation of materials used in the original dwelling's construction also ensure visual amenity is protected.

It is noted that the porch approved on application 2019/90735 was a reduced width compared to that now sought and this was to allow the existing dining room window to be visible. Taking into account the approved drawings, this proposal increases the width further by approximately 1.4 metres and as such is a material consideration. Development to the front is established and it is not considered that this increase will result in such significant harm to justify refusal. Whilst it is preferable to retain as much as the character of the original dwelling as possible it is not considered that the scale of development can be refused in this instance. The scale of development will remain subservient as required by LP24.

The proposed developments are considered to not appear overly prominent in the street scene nor are they disproportionate to the host and as such comply with LP24 of the 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 front porch, this is considered to have no impact on neighbouring dwellings in terms of overshadowing, overbearing or overlooking as it would be set away from the shared boundaries and the location of proposed windows mean that there are no neighbours to overlook.

Regarding the rear extension, comparable to the front porch it is considered that it will not unduly impact the neighbouring properties in terms of overbearing or overshadowing due to it being single storey and being set away from shared boundaries. Additionally, the French doors located on the north-east elevation and window located on the south-east elevation are in a position whereby there are no neighbours to overlook. Despite there being a small window on the south-west elevation facing the adjoining property, this will be obscurely glazed. Therefore, as a result of the above, no concerns regarding overlooking.

In Summary, the proposals comply with section B and C of LP24 of the Kirklees Local Plan and therefore are considered acceptable regarding residential amenity.

Impact on highway safety:

The proposed development relates to the erection of a single storey rear extension and a front porch extension that do not interfere with any areas of parking or access. The provision of parking therefore remains unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

<u>K.C. Trees</u>

There are no objections from a tree perspective provided that the proposals are carried out in accordance with the AMS submitted.

<u>Biodiversity</u>

It is recognised that the site is located within a bat alert area. Despite this, the existing dwelling appears to be well sealed and unlikely to have any bat roost potential.

Chapter 15 of the NPPF states that:

'*planning policies and decisions should contribute and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity…'*

In line with the NPPF, LP30 of the Kirklees Local Plan states that:

'development proposals will be required to result in no significant loss or harm to biodiversity in Kirklees'

To comply with Chapter 15 and LP30 of the Kirklees Local Plan, 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: 2019/92907

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. 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.

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
Existing Grouped Plans and Elevations	DL578 01	1	05/09/2019
Proposed Grouped Plans and Elevations	DL574 02	1	05/09/2019

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. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 22/10/2019