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:	2019/62/93097/W
Site Address:	19, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW
Description:	Erection of front extension and exterior alterations
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: 11-Nov-2019

Officer Report

Site Description

19, Netheroyd Hill Road, Fixby, Huddersfield.

19 Netheroyd Hill Road is a brick constructed bungalow with a stone and rendered finish front and hip and gable roof that sits on a sloping site. The sites boundaries predominantly consist of timber fencing and mature hedging.

It is noted that the majority of the surrounding dwellings differ in design and size and range from detached bungalows to semi-detached housing.

Description of Proposal

Erection of front extension and exterior alterations.

The proposed front extension projects approximately 2 metres from the existing living room's front elevation at a width of approximately 3.4 metres (to meet the original dwelling's east side elevation), an eaves height of approximately 2.56 metres, rising to an overall height of 2.71 metres. The proposed materials consist of stone with a rendered finish and brown UPVC windows and doors all in which match the host property. The extension will incorporate French doors to the front, one small window on the west elevation and a window on the east elevation. The front extension will also have a flat roof.

The proposed exterior alterations include: 3 new windows on the east elevation (4 inclusive of the extension's window), the replacement of two rear windows with sliding doors and a replacement opening in the porch's south elevation.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

99/92930 – Erection of ground floor and first floor extension to rear – *approved.*
86/03947 – extension to form bathroom - *granted conditionally.*
86/00407 – extension to bedroom and to form carport – *granted conditionally.*

Representations

Final publicity date Expires:
Neighbour letters expire 21st October 2019; site notice expires on 23rd October 2019.

No representations were received.

Parish/Town Council comments:
Not applicable.

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 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**
- **LP30 – Biodiversity and Geodiversity**

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...'

In regards to visual amenity, due to the site being sloped, the applicant property is on slightly higher ground than the highway and as a result is somewhat prominent in the street scene. The proposal relates to a front extension which would be largely visible from public view for the reason set out above. Despite this, the extension would only project approximately 1 metre from the original dwelling's front elevation and be set down from the original dwelling due to it having a flat roof. Additionally, the extension would be set well within boundary line and incorporate materials used in the construction of the original property. As a result of the above, the front extension is subservient to the host dwelling in terms of design and scale.

Regarding the other alterations, these will be largely hidden as they are located on the rear and side elevations where sufficient boundary treatment is present.

In Summary, for the reasons set out above, the proposed front extension and other alterations are considered from a visual amenity perspective and 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'.

Regarding residential amenity, it is noted that the east neighbouring site (no.17 Netheroyd Hill Road) is on significantly lower ground than the applicant site. Despite this, the proposed front extension does not project any closer to no.17's property so an appropriate distance of approximately 6 metres will be maintained between the two dwellings. It is also noted that no.17 has three existing windows on the west elevation whereby the new proposed windows on the applicant dwelling's east elevation would face which may cause some impact in terms of overlooking. Ideally these would be obscurely glazed; notwithstanding this, the proposed windows would be located in the original dwelling therefore the addition of these windows could be done under Permitted Development. Consequently, a condition obscurely glazing these windows would be considered unreasonable contrary to the 6 tests.

With regards to the dwelling to the west of the applicant site (no.21 Netheroyd Hill Road), it is noted that this site is on higher land than no.19 and the proposed works would be set away from the shared boundary therefore it has been considered that the proposed development would cause no undue harm to no.21's occupiers.

It has also been assessed that the properties to the north of the site (no.16-18 Netheroyd Hill Road) will not be negatively impacted by the proposed

development as although they would have a clear view of the front extension, a distance of at least 12 metres will be maintained between the applicant property and no.16-18 and there is mature hedging and a stone wall present on no.16-18's southern boundary therefore there are minimal concerns about overlooking.

Furthermore, the dwellings to the rear of the applicant site no.19-25 Netherwood Close appear as flats and there is a large tree separating no.19 Netheroyd Hill to these properties. As a result of this, it has been considered that the proposed sliding doors on the rear of the applicant dwelling will cause no undue harm to the properties to the rear in terms of overlooking.

Conclusively, for the reasons set out above, it has been considered that the proposed works will cause minimal harm to the surrounding properties and therefore complies with LP24 section B and C of the Kirklees Local Plan.

Impact on highway safety:

Although part of the proposed development relates to a front extension, it has been considered that this does 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:

Biodiversity

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: 2019/93097

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.

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	1518/01	1	23/09/2019
Proposed Grouped Plans and Elevations	1518/03	1	23/09/2019

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: 11/11/2019