

**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: 2019/62/93363/W

Site Address: 64, Fenay Lane, Almondbury, Huddersfield, HD5 8UL

Description: Erection of two storey side and single storey rear extensions and external 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: 09-Dec-2019

Officer Report

Site Description

64, Fenay Lane, Almondbury, Huddersfield.

64 Fenay Lane is a brick constructed, detached dormer bungalow with a concrete tile pitched roof that sits in a large footprint. The property benefits from an internal garage, and driveway access is taken directly from Fenay Lane.

Boundary treatment consists of predominantly hedging and timber fencing, it is also noted that no.1 Jessop Avenue's side elevation forms part of the applicant sites rear boundary line.

Description of Proposal

Erection of two storey side and single storey rear extensions and external alterations.

The proposal seeks to demolish the existing internal garage and replace it with a two storey side extension and single storey rear extension.

Two storey side extension

The two storey side extension would sit in the footprint of the existing garage at a width of approximately 8.5 metres, a depth of approximately 6.4 metres, an eaves height of approximately 2.7 metres, rising to an overall height of approximately 6.8 metres. The proposed materials consist of brick and off white scratch render, grey upvc windows and a grey artificial slate pitched roof. The roof will incorporate a roof light and two dormer windows in the front, and two dormer windows in the rear. There will also be one window and a garage door at ground floor level on the front elevation; one horizontal window at ground floor level on the north-east elevation; and one vertical window at first floor level on the north-east elevation. The extension would accommodate a games room and garage at ground floor level and a fourth and fifth bedroom ensuite at first floor level.

Single storey rear extension

The single storey rear extension would sit approximately 6 metres from the proposed two storey extension's rear elevation, at a width of approximately 8.5 metres, and an eaves height of approximately 2.7 metres rising to an overall height of approximately 4.5 metres. The proposed materials consist of brick and off white scratch render, grey upvc windows and a grey artificial slate pitched roof. The roof will incorporate four skylights, one window on the north-east elevation and bi-folding doors on the south-west elevation. The single storey rear extension would accommodate a kitchen/diner.

External alterations

Other external alterations include replacing the roof and cladding on the dormer located in the original dwelling's south-west elevation and removing the existing cladding on original dwelling and replacing it with off white scratch render. Additionally, the ground floor window on the front elevation of the original dwelling will be replaced with a larger window and the vehicle hardstanding area will be re-surfaced with tarmac.

History of negotiations/amendments received

A revised site layout was submitted to address highway concerns.

Relevant Planning History

None at application site.

2018/91553 – no. 66 Fenay Lane. Erection of single and two storey extensions – *approved*.

2015/90954 – no. 1 Jessop Avenue. Erection of two storey extension and first floor above garage – *approved*.

Representations

Final publicity date Expires:

Neighbour letters expire 18th November 2019; site notice expires on 25th November 2019.

No representations were received.

Parish/Town Council comments:

Not applicable.

Consultation Responses

Highways Development Management – no objections subject to the access point being retained and internal turning within the site if possible.

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**

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 14 – Meeting the challenge of climate change, flooding and coastal change**
- **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 on to 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...’

With regards to visual amenity, it is noted that there is Green Belt Land to the south-east of the site. The proposal seeks to remove the existing cladding on the host property and replace it with off-white scratch render to match the proposed extension. It is recognised that there is no off-white/bright coloured render in the immediate area; however given that the properties along Fenay Lane all differ in character, scale and design, introducing off-white render to the street scene is not considered to be detrimental to the visual amenity of the area or the adjacent Green Belt and therefore, on balance is acceptable. Additionally, due to the location of the site being on the corner of Fenay Lane

and Jessop Avenue, any new development is likely to form a prominent feature of the street scene. Despite this, given the development would be in keeping with the original dwelling in terms of its character (a dormer bungalow) and the host property would remain dominant in terms of its height, the impact the proposal would have on the street scene is likely to be minimal.

For the reasons set out above, the proposed development on balance is acceptable in terms of residential amenity and complies 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’.

With regards to the site located to the south-west (no.62), this occupies a two-storey house which sits on higher land than the applicant property. As a result of this, the proposal(s) would be largely hidden from no.62 as the two-storey side extension would erect from the original dwelling’s north-east elevation and the proposed rear extension would be set approximately 10 metres away from the shared boundary. As a result, there are minimal concerns regarding the proposal overshadowing or being overbearing to no.62. It is noted that the proposed rear extension would incorporate a glazed bathroom window on the side elevation facing no.62. This replaces a habitable room window and as such will not result in any detrimental impact on the occupants. Furthermore, there is sufficient boundary treatment separating the two sites and no.62 is slightly set forward. Given the above and that the rear extension would be single storey, there are no concerns in terms of the proposal overlooking no.62.

Regarding the property located to the north of the site (no.1 Jessop Avenue), it is noted that the proposed windows on the rear elevation face two upper floor windows on no.1’s side elevation (which face the applicant site). Despite this, the proposals would be located approximately 10 metres away from the shared boundary and one of the windows would be obscurely glazed. Additionally, no windows would be incorporated in the rear elevation of the single storey rear extension facing no.1. For the reasons set out above, it has been considered that the two-storey side extension and single storey rear extension would cause no undue harm to no.1 Jessop Avenue in terms of overbearing, overlooking or overshadowing.

No. 66 Fenay Lane is located approximately 15 metres north-east of the site. It is noted that the proposed two storey side extension incorporates a vertical window with dimensions of h: 1.8m x w: 0.45m facing no.66. Notwithstanding this, this window would not be the main window that serves the proposed bedroom, and given the distance between the two sites, minimal concerns have been raised in terms of overlooking. Furthermore, although no.66 sits on slightly lower land than the applicant’s property, the separation distance

between the two sites is considered sufficient enough to mitigate the effect of overshadowing or overbearing.

The property located to the south-east 'Birksgate', is a two-storey manor house that sits approximately 40 metres from the proposed development. As a result of the proposal, two new windows and a sky light would face Birksgate; despite this, it has been considered that due to the significant separation distance and the difference in size between Birksgate and no.64, minimal concerns have been raised regards to the proposal being overbearing, overlooking, overshadowing.

For the reasons set out above, it has been considered that the proposed development would cause no undue harm to the surrounding occupants and therefore complies with section B and C LP24 of the Kirklees Local Plan.

Impact on highway safety:

Highways Development Management were formally consulted and as the site is located on the junction of Fenay Lane – a bus route as well as a busy classified road linking A629 Penistone Road with Almondbury centre, and Jessop Avenue – also a bus route; additional information regarding internal turning within the site as well as future access arrangements was sought for – ideally the existing point of access should be used.

Following this requirement, the agent submitted a revised site section showing the access point retained as well as a formalised space that allowed internal turning so that a vehicle can enter and exit the site in forward gear.

Considering the above, the scheme is on balance acceptable from a highways perspective.

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: 2019/93363

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. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to mitigate flood risk and to accord with Policies LP21 and LP24 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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
Location Plan	-	1	14/10/2019
Proposed Site and Section Plan	2019/191/09	2	06/12/2019
Existing Floor Plans	2019/191/02	1	14/10/2019
Existing Elevations	2019/191/01	1	14/10/2019
Proposed Ground Floor Plan	2019/191/07	1	14/10/2019
Proposed First Floor Plan	2019/191/08	1	14/10/2019
Proposed Front Elevation	2019/191/03	1	14/10/2019
Proposed Rear Elevation	2019/191/04A	2	18/11/2019
Proposed Left Side Elevation	2019/191/08A	2	18/11/2019
Proposed Right Side Elevation	2019/191/05	1	14/10/2019

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. Officers requested additional information with regards to access arrangements and internal turning within the site. This information was secured and a revised site section was received on 06/12/2019.

Report Dated: 06/12/2019

