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:	2019/62/93715/W
Site Address:	11, Greenroyd Croft, Birkby, Huddersfield, HD2 2DQ
Description:	Erection of two storey side extension with balcony to rear and single storey rear extension
Recommending Officer:	Danielle Cooper

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: 15-Jan-2020

Officer Report

Site Description

11 Greenroyd Croft, Birkby, Huddersfield is a two storey detached dwelling constructed from stone with a slate gabled roof. The dwelling benefits from amenity space to the rear with an attached driveway with a hardstanding surface in front. The dwelling is located within in a residential area within a cul-de-sac with similar types of dwellings in terms of their character, design and style to the application site.

Description of Proposal

Permission is sought for the erection a two storey side extension with balcony to the rear and a single storey rear extension.

Two storey side extension

Projection 4.8m
Length 8.8m

The side extension will continue the same dimensions of the ridge and eaves of the host dwelling.

Single storey rear extension

Projection 4.5m
Width 7.7m
Overall height 3m
Eaves 2.2m

Balcony

Projection 1.5m
Width 4.8m

The balcony will have a 1.1m high balustrade.

The proposed extensions will be constructed from stone with a slate tiled roof to match the existing materials of the host dwelling with white pvc windows and doors.

History of negotiations/amendments received

An amended plan was received showing an obscurely glazed window on the side elevation of the proposed two storey extension serving the bedroom. Negotiations also took place with the agent regarding concerns of overbearing as a result of the two storey side extension. The applicant was not willing to reduce the width of two storey side extension. On balance it was considered that proposal would be acceptable.

Relevant Planning History

Adj Site No. 15 Greenroyd Croft
2015/93323 - Erection of first floor extension with balcony above existing garage - Approved

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 27/12/19

Four representations were received, the following comments have been summarised as seen below;

- Overshadowing
- Loss of privacy

Officer comment: Comments have been addressed when assessing residential amenity

- Work has already commenced

Officer comment: Work can commence at the risk of the applicant

- Concerns over design of garage door potentially operating as a business

Officer comment: Although a proposed garage door to the rear of the dwelling is not a common feature. It has been considered that this feature would not cause any detriment to the visual amenity of the application site and surrounding area.

Consultation Responses

No consultation responses received

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):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**

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

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 highway safety
5) Other matters
6) Representations
7) Conclusion

Principle of Development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to stating that “the council will always work proactively 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.”

Chapter 2 of the NPPF 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. Chapter 2 of the NPPF goes on further to state that:

“to 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”. As well as “making effective use of land”.

In this instance, it can be stated that the principle of development of this site is acceptable. Therefore, the application is subject to the assessment of impacts on visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating ‘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 importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 states that all proposals should promote good design by ensuring the following:
‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details an minimise impact on residential amenity of future and neighbouring occupiers’.

The proposed side and rear extensions would enlarge the existing dwelling considerably. However as the neighbouring dwellings along Greenroyd Croft and the application site is a generous plot, it has been considered that the proposal would not result in overdevelopment and would keep in with the character of the street scene. The proposed openings on the extensions have also been considered to be sensibly positioned and would keep in with the existing dwelling.

The two storey side extension will continue the same dimensions as the existing ridge and eaves. As such as the side extension will lie flush with the host dwelling and therefore harmonise. In addition the proposed principle materials will match the host dwelling. Therefore these materials are acceptable. It is noted that the two storey side extension will result in the side

elevations of the host dwelling and no. 15 Greenroyd Croft being in close proximity. This initially raised concerns of a terracing effect, nevertheless, as the host dwelling is set back from the principle front elevation of no. 15 a considerable amount and small gap between the two properties is retained, on balance the two storey side extension is acceptable, a detrietnal terracing affect would not occur and the visual amenity will be protected. The existing garage will be extended forward and therefore will appear similar to the existing arrangement within the street scene, however there will also be a garage door on the rear elevation as well. Although not a common feature it has been considered that the rear garage door would not cause any detriment to the visual amenity of the application site.

In regards to the proposed balcony to the rear with 1.1m balustrade. As this feature would not be unusual within the immediate area given that neighbouring dwelling no. 15 Greenroyd Croft also has a balcony approved in 2015. It has been considered that the balcony would not cause any detriment to the visual amenity of the application site and would add a contemporary element.

The single storey rear extension has been considered to be fairly large. However given that the garden is a considerable size, this does not raise concern. It has been considered that the rear extension would not lead to any significant harm on visual amenity of the local street scene given its position to the rear. Furthermore the proposed materials would match the host dwelling and would have a sloped roof which harmonises with the roof of the original building. As such the rear extension has been considered to not lead to any detriment to visual amenity.

In summary, the proposals would be of a satisfactory design quality for the reasons set out above and would contribute to the character of the area. Therefore the proposal would accord with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF

Impact on residential amenity:

LP24 states that alterations to existing buildings should provide the following: ‘high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distance between buildings and the creation of development-free buffer zones between housing … and means of screening where necessary’.

No. 15 Greenroyd Croft is the neighbouring dwelling north of the application site and represents the dwelling that would be most impacted on by the side extensions as the two dwellings would be brought closer together with additional built form. Furthermore the proposed side extension would overlap the rear of no.15 by 3 metres at ground floor and 1.4 metres at first floor level.

The main impact would be from potential overshadowing or overbearing given the overlap in the two dwellings and it is acknowledged that the proposed would lead to additional overshadowing of the rear balcony on no. 15 and to

the obscurely glazed side windows. However a 2 metre gap would be retained between the two properties and the first floor overlap is relatively limited at 1.4 metres. The windows in the side of no.15 are all secondary and obscurely glazed so a reduce level of light to these windows is not considered to be detrimental. Given this and sloping nature of the roof which takes some additional mass away from the shared boundary any overshadowing or overbearing impact is considered to be acceptable.

With regards to overlooking, there is potential for additional overlooking of the garden and the balcony of no.15 from the proposed balcony, however this can be adequately controlled by the provision of an obscurely glazed 1.8 metre high screen which can be secured by condition. One window is proposed in the side elevation but this is to be obscurely glazed which can be secured by condition.

Given that the rear extension would be single storey and the existing boundary treatment consisting of high hedges, this extension would not impact on no. 15's residential amenity. Subject to the conditions outline above the proposal is considered to have an acceptable impact on the amenity of no.15.

No. 266 Birkby Hall Road is the neighbouring dwelling south west to the application site. It has been considered that the proposed development would have some impact on the occupant's residential amenity. It has been considered that the proposed rear balcony may cause some overlooking. However given the considerable separation distance in between these dwellings and the existing boundary treatment to the rear of the host dwelling consisting of high hedges, the impact would not be unduly significant. As the proposed rear extension would be single storey it has been considered there would be no adverse harm as the development would be single storey and the boundary treatment consists of high hedges. As such the impact from the proposed development would not be detrimental on no. 266 Birkby Hall Road's residential amenity.

No. 9 Greenroyd Croft is the neighbouring dwelling south east of the application site. It has been considered the proposed development would not cause any detriment to the occupant's residential amenity given the orientation of the two dwellings and the considerable separation distance. As such it has been considered that the development would be significant on no. 9's residential amenity and is therefore acceptable.

In regards to the neighbouring dwellings to the front of the principle elevation. As there would be a new opening above the garage, it has been considered that any impact from overlooking would not be materially greater than the existing openings on the first floor principle elevation.

For the reason's set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 (b) and (c).

Impact on highway safety:

The proposed development would increase the number of bedrooms on site to a 5 bedroomed property. It has been assessed that the site would be able to accommodate up to 3 vehicle parking spaces, given the space in front of the garage, along with the garage having a length of 11.8m which indicates 2 small vehicles may be able to fit inside. In addition, there is room to the front of the dwelling for possible future parking spaces. Therefore it has been considered that the proposal would comply with LP21 and LP22 of the Kirklees Local Plan.

Other Matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The existing roof is well sealed with no gaps or cervices. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

Representations

These have been considered above.

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: 2019/93715

Officer Recommendation: Full Conditional Approval

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.

4. Before the hereby approved first floor balcony is first brought into use a 1.8 metre high obscurely glazed privacy screen shall be erected along the northern boundary of the balcony. The privacy screen shall thereafter be retained.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. The development shall not be occupied until the first floor bedroom window in the northern side elevation of the extension hereby approved has been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The Council's GIS system indicates that 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 to 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. Whilst the officer was on site, the dwelling appeared well sealed along the eaves.

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	0016-001-AA	1	13/11/19
Existing Plans	0016-100-AA	1	13/11/19
Existing Elevations	0016-200-AA	1	13/11/19
Proposed Plans	0016-101-AA	1	13/11/19
Proposed Elevations	0016-201-AA	2	09/12/19

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. An amended plan was received showing an obscurely glazed window on the side elevation of the proposed two storey extension serving the bathroom.

Report Dated: 09/01/20