

**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: 2019/62/93801/W

Site Address: 52A, Mountjoy Road, Edgerton, Huddersfield, HD1 5QQ

Description: Erection of single storey extension to accomodate swimming pool and changing area

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: 07-Jan-2020

Officer Report

Site Description

52A, Mountjoy Road, Edgerton, Huddersfield.

52A Mountjoy Road is a three-storey, stone constructed, detached dwelling that sits in a large footprint. The site is bounded by residential properties to all sides including properties on Mountjoy Road, Cedar Mount and Edgerton Grove Road. Site boundaries consist of predominantly 1.8m high timber fencing and there are also some pre-mature hedging to the south-west boundary.

It is noted that the sites north-west boundary forms part of the Greenhead/New North Road Conservation Area however the property and proposed development would not be in the Conservation Area.

It is also noted that the property had its Permitted Development rights removed for extensions and outbuildings in the 2016/94309 application.

Description of Proposal

Erection of single storey extension to accommodate swimming pool and changing area.

The proposed extension would project approximately 6.8 metres from the side elevation of the existing garage at a length of approximately 11.8 metres, an eaves height of approximately 3 metres rising to an overall height of 4 metres inclusive of the roof light to accommodate a swimming pool area. The extension would then wrap around the rear of the property to create a changing area. It is noted that in the 2017/94332 application, permission was granted for the swimming pool area and this application seeks to add the additional changing room area which erects from the rear of the host property (side of the proposed swimming pool area) and measures approximately w: 3.5m x l: 4.3m x h: 3m. Proposed materials consist of natural stone, grey upvc windows and doors and a grp fibre glass roof system.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

2017/94332 – Erection of one detached dwelling – *conditional full permission*.

2016/91800 – Erection of two detached dwellings with detached garages and associated landscaping – *refused*.

2016/94309 – Erection of one dwelling and associated landscaping – *conditional full permission*.

Representations

Final publicity date Expires:

Neighbour letters expire 23rd December; site notice expires on 27th December 2019; press advertisement expires on 30th December 2019.

As a result of the above publicity two representations have been received that raise concerns regarding the scale, size and design of the proposal and existing building in comparison to the neighbouring dwellings as well as the impact of overlooking and loss of privacy as a result of the development.

Concerns have also been raised in regards to the potential increase of noise and light pollution as a consequence of the proposed development. Furthermore, a general comment was made that states there has been an 'endless' sequence of extensions and variations for this property and boundary treatment that once supported earlier applications, no longer exist. This comment also states that the proposed extension is several feet in advance of the original building line and consequently nearer the boundary.

Officer comment: It is noted that in the 2017/94332 application planning permission was granted for the swimming pool area proposed in this application; this application seeks to implement what has already been given permission and adds a changing room area to the side of the swimming pool area (rear of host dwelling) that measures roughly w: 3.5m x l: 4m.

The development is ancillary to the existing dwelling house and any noise will be associated with that use, as such it is not considered to be a material concern. With regards to the potential increase light pollution, the proposed plans/application form make no reference to the installation of any additional lighting therefore it is likely that the lighting on site will stay the same in association with the ongoing residential use. It is not considered to be a justifiable reason to refuse the application. The impact on visual and residential amenity is further considered in depth below and addresses the concerns outlined in representations.

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, however it is acknowledged that the north-west boundary forms a small part of the Greenhead Park/New North Road Conservation Area.

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 35 – Historic Environment**

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**
- **Chapter 16 – Conserving and enhancing the historical 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 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.’

Whilst the development would not be located in the Greenhead Park/New North Road Conservation Area, the sites north-west boundary forms a small part of the Conservation Area therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area is relevant.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

This harm will be assessed and discussed later in the report.

In principle some form of extension can be supported matters relating to the above will be discussed in more detail below.

Impact on visual amenity and the Conservation Area:

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..’ and ‘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 the swimming pool area was granted permission under the 2017/94332 application as it was considered to have no detrimental impact on the visual amenity of the area due to the surrounding dwellings consisting of a mixture of styles, ages and materials and the 1.8 metre high boundary treatment largely screening this element of the proposal from neighbouring sites. Considering the above and other factors (such as this element of the scheme incorporating materials to match the host dwelling), the swimming pool area is still considered to be acceptable in terms of visual amenity. The addition of a changing room area is considered to have an insignificant impact on the visual amenity of the area given its small size, sympathetic design and un-prominent location. For these reasons, the proposal is considered to comply with LP24 of the Kirklees Local Plan and therefore is acceptable in terms of visual amenity.

It is also noted that in the 2017/94332 application conservation officers verbally advised the addition of the single storey element (swimming pool area) would have no effect or harm to the character and setting of the nearby conservation area and there are no material circumstances that alter this opinion currently. The addition of a small scale changing area tucked to the rear of the dwelling is not considered to have a detrimental impact on the Greenhead Park/New North Road conservation area.

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, as stated in the 2017/92332 officer report, the single storey swimming pool area would be of sufficient distance away from the immediately adjacent dwellings – over 30 metres from no.7 Edgerton Grove Road and approximately 20 metres from the rear of no. 54 Mountjoy Road; and would be largely screened by the 1.8 metre close boarded fence boundary treatment. This remains the case under current circumstances and as such there are no material planning reasons to change officer view.

The addition of the w: 3.5m x l: 4.3m x h: 3m changing room area located to the rear of the property is not considered to cause any additional harm to the neighbouring dwellings in terms of overbearing, overshadowing or overlooking. It is tucked to the rear adjacent to the swimming pool extension/projection. Due to its scale, design and positioning it is considered acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of a single storey extension to accommodate a swimming pool and changing area that would 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: 2019/93801

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
Location Plan	LP 01	1	20/11/2019
Existing Plans and Elevations	2019/061/01A	1	20/11/2019
Proposed Plans and Elevations	2019/061/03A	1	20/11/2019

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: 07/01/2020

