

**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: 2019/62/93960/E

Site Address: 30, Far Bank, Shelley, Huddersfield, HD8 8HS

Description: Erection of two storey rear extension, external alterations to existing single storey extension and demolition of existing conservatory

Recommending Officer: Olivia Roberts

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.

Julia Steadman

AUTHORISED OFFICER

Date: 27-Feb-2020

Officer Report

Site Description

30 Far Bank is a two storey detached property in Shelley. It is constructed in stone and is designed with a gable roof form which is finished in roof tiles. The dwelling benefits from a two storey extension and conservatory to the rear and a single storey wrap extension to the side and rear. The dwelling is set back from the access road with a driveway to the side and amenity space to the front and rear.

The site is located in a predominantly residential area which comprises properties which vary in terms of their type, style and design. The predominant material of construction within the surrounding area is stone.

Description of Proposal

The application seeks planning permission for the erection of a two storey rear extension, external alterations to the existing single storey extension and the demolition of the existing conservatory. Amendments have been made to the scheme which is being assessed as follows:

Two Storey Rear Extension

The extension would project 4 metres from the rear elevation of the property and would have a width of 3.5 metres. It would be designed with a hipped roof form which would have an eaves height to match that of the host property. The ridge height of the extension would be set down from that of the property by 1.5 metres.

Alterations to Single Storey Extension

Alterations would be made to the existing single storey side and rear wrap around extensions as part of the proposal. Following development, the bulk of the existing side extension would have a maximum height of 2.55 metres. The rear most 6 metres of the extension would have an eaves height of 3.15 metres and a maximum height of 3.9 metres and would be hipped in design.

The existing conservatory would be demolished as part of the proposal.

All external materials would match existing.

History of negotiations/amendments received

Officers raised concern over the projection of the two storey extension along the boundary, as well as the potential for overlooking from the rear openings. It was suggested that the extension be altered to maintain the existing projection and extend across the full width of the rear elevation. The agent submitted amended plans which are set out above and are considered to address officers concerns.

Amendments were made to the existing elevations, correcting the height of the existing side extension and showing the landing window on the side elevation.

Due to the nature of the amended plans, which show an overall reduction in the scale of the proposed development, it was not considered necessary for the revised plans to be advertised in this instance. Whilst there would be a slight increase to the height of a section of the single storey extension when compared to the original proposal, it is considered that the overall impact on the residential amenity of the neighbouring property would be reduced.

Relevant Planning History

No relevant planning history at the site.

At 40 Far Bank –

2000/91945 – Erection of single storey extension. Granted.

Representations

The application has been advertised by site notice and neighbour letter which expired on 27th January 2020.

As a result of the above publicity, one representation has been received. The following concerns were raised:

- The extension would be built in place of the existing garage which forms the boundary wall of the property.
- Extension should not be built up to the boundary line.
- Drawings suggest there is space to the rear of the extension however it would be built directly on the boundary wall.

- Existing side wall which forms part of the boundary is not as high as shown the plans. The increase in height of this wall would affect light into our property and amenity space.
- The proposed rear openings are of an unacceptable size and would affect the privacy of our property.
- Any openings, extractors or gutters will extend over the boundary and trespass our property.
- There are historical issues with subsidence. Hope the necessary structural design has been proposed to prevent future safety issues.
- Concerned that works would have to be completed from our property which would cause a lot of disruption.

Officer comments will be made in Section 6 of this report.

Kirkburton Parish Council comments: responded with 'no comment'.

Consultation Responses

No consultations were considered necessary during the course of the application.

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
- LP21 – Highways 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 15 – Conserving and enhancing the natural environment

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The proposed extensions would replace existing additions to the property and would therefore result in a limited increase in the existing footprint. The extensions, by virtue of their location and overall scale, would appear subservient to the host dwelling which would remain the dominant feature following development. The extensions are considered to be in keeping with the design of the host property and would be finished in materials to match existing. Whilst the proposal would introduce a blank wall to the rear with no openings, given the scale of the extensions, it is not considered that this would be detrimental to the visual amenity of the property. The extensions are considered to be in keeping with the character of the surrounding area and would not appear out of place within the street scene. This would be furthered by the location of the bulk of the development to the rear of the property.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Impact on 28 Far Bank

The proposed development would be located along the boundary shared with the neighbouring property. It is noted however that the property currently benefits from extensions along the shared boundary, the footprint of which would not be increased as a result of the development. Despite this, the projection of the existing two storey extension as well as the existing eaves and ridge height would be increased by approximately 1.00 metre from existing. Given the existing relationship between the two properties, it is not considered that the increase in height and projection of this element would have a significantly greater overbearing or overshadowing impact on the property than existing. It is also noted that this element would be set in slightly from the shared boundary. The height of the existing single storey side and rear extension would also be increased which would introduce additional bulk along the boundary. Whilst it is acknowledged that the property benefits from a rear extension with high level openings to the side, it is noted that the primary openings are located to the rear. Whilst the extensions would introduce some additional overbearing and overshadowing impact, it is not considered that this would be significantly detrimental to the amenity of the occupiers in this instance which benefits from a large area of amenity space to the rear. No openings are proposed for the side or rear elevations of the extension which would prevent overlooking into the rear amenity space of the

property. Notwithstanding this, in the interest of residential amenity, it is considered appropriate to condition that no openings shall be erected in these elevations in the future. The impact of the development on the neighbouring property is therefore considered to be, on balance, acceptable.

Impact on 32 Far Bank & 1 School Terrace

The proposed extension would not project any closer to the neighbouring properties than existing. Whilst the first floor element would be increased in height and projection, it is considered that sufficient distance would be retained to prevent the development from having a significant overbearing or overshadowing impact. Whilst openings are proposed for the side elevation of the extension, it is noted that the existing extension benefits from habitable openings in this elevation as existing. It is therefore not considered that the potential for overlooking into the amenity space of the properties would be any greater than existing.

Given the location of the extensions to the side and rear of the property, it is not considered that the proposal would have a significant impact on the properties which are located to the west of Far Bank.

Shelley First School

The property shares a boundary with the playing fields associated with Shelley First School to the rear. Given the existing additions which are located within close proximity to the shared boundary, along with the limited increase in the projection of the two storey extension, it is not considered that the proposal would have a significantly greater impact on the amenity of the school than existing.

Having considered the above factors, the proposal is not considered to result in an adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The site currently comprises a five bedroom property which benefits from a driveway of sufficient size to accommodate two off-street parking spaces. The proposal would facilitate an extension to one of the existing bedrooms at first floor level and the provision of a dining room at ground floor level. The plans also show that the number of bedrooms provided within the attic level of the property would be reduced from two to one. The proposed extensions to the property would not affect the existing parking arrangements at the site and are

not considered to result in an intensification in its domestic use. Taking the above into consideration, it is not considered that the scheme would represent any additional harm in terms of highway safety and as such is considered to comply with Policy LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Biodiversity

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed. Whilst the single storey rear extension to the rear is open to the south west, there was no evidence of bat roosts or bat roost potential. As a precautionary measure, a footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the Kirklees Local Plan.

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

6 – Representations:

As a result of the above publicity, one representation has been received. The following concerns were raised:

- The extension would be built in place of the existing garage which forms the boundary wall of the property.

Comment: This comment is noted.

- Extension should not be built up to the boundary line.

Comment: The design and location of the proposed extension has been addressed in this report. There are no planning policies that would restrict building up to a boundary line.

- Drawings suggest there is space to the rear of the extension however it would be built directly on the boundary wall.

Comment: Officers are aware that the proposed extension would project up to the shared boundary wall. The impact of this has been addressed in this report. It should be noted that the granting of a planning permission does not override any private legal rights of ownership or the Party Wall Act. As such, the applicant would need to ensure that they had all appropriate consents in place prior to the development taking place. An advisory footnote shall be attached to the decision notice setting this out.

- Existing side wall which forms part of the boundary is not as high as shown on the plans. The increase in height of this wall would affect light into our property and amenity space.

Comment: Amendments have been made to the scheme correcting the height of the side wall as shown on the existing and proposed plans. The impact of the development on the amenity of the neighbouring property has also been addressed in the impact on residential amenity section above.

- The proposed rear openings are of an unacceptable size and would affect the privacy of our property.

Comment: Amendments have been made to the scheme removing the openings proposed for the rear elevation of the extension to prevent harmful overlooking.

- Any openings, extractors or gutters will extend over the boundary and trespass our property.

Comment: This is a private legal matter and not a material planning consideration which can be taken into account as part of the proposal.

- There are historical issues with subsidence. Hope the necessary structural design has been proposed to prevent future safety issues.

Comment: This is not a material planning consideration that can be taken into account as part of this application. Matters relating to structural stability would be dealt with by Building Control as part of a Building Regulations application.

- Concerned that works would have to be completed from our property which would cause a lot of disruption.

Comment: Whilst this is not a material planning consideration that can be taken into consideration, an advisory note shall be attached to the decision notice advising that planning permission does not override private legal rights.

The concerns raised in the representation have been carefully considered however, following receipt of the amended plans and when assessing the proposals against relevant local and national planning policy, they proposals are acceptable when read in conjunction with the suggested conditions.

7 – 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: 2019/93960

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 with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the north eastern side and rear elevations of the extensions hereby approved.

Reason: So as not to detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Due to its location, 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site & Location Plan	HD-A-609		06/12/2019
Existing Level -1 and 0	HD-A-609		06/12/2019
Existing Level 1 and 2	HD-A-609		06/12/2019
Existing Elevations	HD-A-609	A	18/01/2020
Proposed Elevations	HD-A-609-101	A	18/01/2020
Proposed Level -1 and 0	HD-A-609-102	A	18/01/2020
Proposed Level 1 and 2	HD-A-609-104	A	18/01/2020

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.

Amended plans were sought and received during the course of the application to address officer concerns regarding the impact that the development would have on the residential amenity of the neighbouring property. The amended plans submitted, which this decision are based on, is considered acceptable when assessed against relevant local and national planning policy.

Report Dated: 27/02/2020