

**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:** 2020/62/90266/E  
**Site Address:** 5, Albert Road, Clayton West, Huddersfield, HD8 9NL  
**Description:** Erection of single and two storey extensions  
**Recommending Officer:** Katie Wilson

**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.**

Paul Dowd

***AUTHORISED OFFICER***

**Date: 25-Mar-2021**

## **Officer Report – 2020/90266**

### **Site Description**

5 Albert Road, Clayton West is a two-storey semi-detached house, with a flat-roofed detached double garage to the side. The walls are constructed in brown/red brickwork and the main part of the house has a dual-pitched roof, surfaced in grey/brown tiles. There is off-street parking to the front and a narrow garden to the rear enclosed by the gardens of neighbouring properties. The wider area is residential in nature and the land is fairly level.

### **Description of Proposal**

Planning permission is sought for erection of a single and two-storey extension to the side, which would replace the existing garage.

- Roughly rectangular footprint projecting approximately 4.3m from the side of the existing house at the back and 5.3m at the front where it also projects 1.3 to the front.
- Designed with a dual-pitched roof, overall height to ridge level 7.3m and 5.3m to eaves level.
- The main habitable room windows are to the front and rear elevations only.
- It would provide space for a garage, cloak room and playroom at ground floor level with 2no. bedrooms above (1no with en-suite).
- All external materials to match the existing.

### **History of negotiations/amendments received**

No amendments were sought or received during the application.

### **Relevant Planning History**

2018/93645 - erection of a single and 2-storey extension to the side, which would replace the existing garage. Conditional full approval.

[Planning application details | Kirklees Council](#)

### **Representations**

**Final publicity date Expires: 1<sup>st</sup> March 2020.** One representation received.

- Expressed concern about proposed external materials.

Denby Dale Parish Council comments: No objections.

### **Consultation Responses**

No consultations took place.

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development

Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is on land without notation on the Kirklees Local Plan.

**Kirklees Local Plan (KLP):**

- **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 53** – Contaminated and unstable land

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

**Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, there is an extant planning approval for the same proposed development (ref: 2018/93645). The only alteration is that the current proposal seeks to change the external wall materials from entirely brickwork to match the existing, to render at upper floor and brickwork at lower floor. This change is also proposed on the original part of the house.

## 2 – Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring *‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’*.

In this instance, the size and scale of the proposal is the same as extant previously approved ref: 2018/93645. The current proposal is to alter the external wall materials, so that they would be rendered at first floor level, and to retain the brickwork at ground floor level. The roof tiles would be to match the existing.

The application site is in quite a prominent position near the entrance of Albert Road from the main A636 Wakefield Road, through Scissett. The area is largely residential with a mixture of housing types, ages and materials, although most nearby are in a variety of brickwork with dark brown or white trims, and some natural stone. In the wider estate there is some more variation in brickwork and the chalet style bungalows have light coloured render to their gable ends.

Whilst there is some reservation about the introduction of render at first floor level, the land is not in a conservation area, nor are there any listed buildings nearby. As such, it is considered that if the colour were it to be white, off white or cream coloured, this would not be particularly out of place, albeit quite prominent.

As such, the proposal is considered acceptable in terms of visual amenity and compliant with policy LP24 of the KLP and chapter 12 of the NPPF.

## 3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In relation to 7, Albert Road:

This is the adjoining two-storey semi-detached house, attached to the eastern side of the house at the application site.

The main impact on this house would be from the proposed single-storey element that would project to the front of the side extension. However, given that it would project by just 1.3m and would be set in from the mutual boundary by around 5.0m, with no openings in the side facing elevation, it is considered that it would have no significant overshadowing or overlooking effect.

In relation to 4 & 6, Albert Road:

These are a pair of two-storey semi-detached houses, located to the west of the application site and on the opposite side of the road. Their front elevations face onto the front of the house at the application site, at a slight angle.

With regards to overshadowing and overbearing impact, given that there would be a separation distance of around 17.0m, it is considered that this impact would be limited. In terms of overlooking, the distance between habitable room windows would also be approximately 17.0m. As there would be a slightly indirect relationship between them, it is considered that the impact would not be excessive.

In relation to 1, Albert Road:

This is a two-storey end-terraced house to the north-west of the application site. Its blank gable end would face the side of the proposed extension, which is also blank, with a separation distance of around 17.0m.

In the above circumstances it is considered that there would be no significant overshadowing or overlooking impact.

In relation to 97 and 99, Wakefield Road:

These two-storey houses are to the north of the application site, with their rear elevations facing onto the proposed development in an indirect way. However, there would be a gap of at least 21.0m between them and the proposed development, with outbuildings at ground level, would provide some screening.

Given this context, it is considered that there would be very limited adverse impact upon the occupant's residential amenity.

Overall, it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers, and it is compliant with policy LP24 of the KLP.

#### 4 – Impact on highway safety:

The site is accessed from Albert Road, a partly adopted and un-classified residential estate road. The existing house has three bedrooms, and the enlarged house would have five bedrooms. A house of this size is

recommended to have three off-street parking spaces. In this instance the proposed floor plans indicate that there would be an integral garage and at the site visit it was clear that there would be sufficient space for three more cars.

In the above circumstances there would be sufficient off-street parking for the enlarged house and, as such, it would be compliant with policy LP24 of the KLP.

## 5 – Other matters:

### *Contaminated land:*

The site is identified as potentially contaminated land, due to its previous use as a mill. Chapter 15 of the NPPF and policy LP53 of the KLP require planning decisions to ensure that a site is suitable for its proposed use, taking into account ground conditions and any risks arising from contamination.

In this instance, the extant approved application was assessed by the Council's Environmental Health officers who recommend that a condition relating to reporting unexpected contamination be applied. If this condition is re-applied, the proposal would comply with the aims of chapter 15 of the NPPF and policy LP53 of the KLP.

### *Air quality:*

Environmental Health officers also requested a condition requiring the installation of one electric charge point for vehicles. However, given that this proposal is for an extension, it is considered that this would be unreasonable in this instance.

### *Biodiversity issues:*

The site is identified as in an area where bats may be present. As such, part of chapter 15 of the NPPF and policy LP30 seek to conserve and enhance biodiversity.

The Council's Biodiversity officer was consulted on the extant permission and commented that there are no ecological issues at this site. The building is unlikely to be suitable for roosting bats and the known population of Great Crested Newts is separated from the site by a major road, which is a significant barrier to this species.

### *Carbon Budget*

On 12<sup>th</sup> 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 and which will require compliance with national standards

#### 6 – Representations:

One representation was received, expressing concerns about the proposed external wall materials.

**In response:** Whilst the proposal would introduce some render at first floor level, to an area where there is a predominance for brickwork of various types with some natural stone, in officers' opinion it is considered that the use of a white, cream or off-white coloured render would not harm the visual amenity of the host dwelling or the character of the surrounding area. It would add variety and, in that respect, it is in keeping with the area as a whole. Therefore, on balance, it is considered acceptable.

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:** 2020/90266

**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 to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls at ground floor level 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 the National Planning Policy Framework.

4. The external walls of the dwelling and extension at first floor level shall be finished in render (white, off-white or cream coloured) before the extension is first brought into use and thereafter retained.

**Reason:** To ensure that the development harmonises with the character of the surrounding area in the interests of visual amenity. This is to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

5. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a

Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and to accord with Policy LP 53 of the Kirklees Local Plan and the aims in the National Planning Policy Framework.

**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 13.00 hours, 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 may 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 |
|----------------------------------|---------------|---------|---------------|
| Location plan                    | Dwg no. 5AR01 |         | 28.01.2020    |
| Plans and elevations as existing | Dwg no. 5AR02 |         | 28.01.2020    |
| Plans and elevations as proposed | Dwg no. 5AR03 |         | 28.01.2020    |

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 has, 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. No amendments have been sought or received during this application.

**Report Dated:** 25.03.2021

