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:	2020/62/90683/W
Site Address:	11, Greenroyd Croft, Birkby, Huddersfield, HD2 2DQ
Description:	Erection of two storey side and single storey rear extensions (Modified Proposal)
Recommending Officer:	Ellie Worth

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: 18-Jun-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 hardstanding and a small grassed area to the front and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Greenroyd Croft, a small cul-de-sac.

The dwelling is located within in a residential area, whereby the neighbouring properties appear similar in terms of their character, design and style. The site is also unallocated on the Kirklees Local Plan.

Description of development
The applicant is seeking permission for the erection of a two storey side extension with balcony to the rear and a single storey rear extension (modified proposal). The measurements of the development are as follows:

Two storey side extension:

- 4.8m in projection
- 12m in length (including the 2.2m projection balcony at first floor)
- 5m in height to the eaves; 7.1m in maximum height (the same eaves and ridge height as the host property)

Single storey rear extension:

- 4.5m in projection
- 7.7m in width
- 2.4m in height to the eaves; 3.3m in overall height

First floor balcony:

- 2.1m in projection
- 4.9m in width
- 1.1m high balustrade

The proposed extensions will be constructed from stone with a slate tiled roof to match the materials used on the host property. The proposed fenestration will also be constructed from White UPVC. Internally the extensions proposed will provide additional living accommodation and a larger integral garage.

History of negotiations/amendments received
No negotiations have taken place or amendments submitted however due to the current COVID19 situation, it was requested to the agent that site photos

were submitted to enable the assessment of the application to be carried out as a desktop assessment.

Relevant Planning History

Application site:

2019/93715 - Erection of two storey side extension with balcony to rear and single storey rear extension – Granted

Neighbouring properties:

Various applications submitted at no.9 including planning applications, tree works and a certificate of lawfulness for a rear extension.

2015/93323 - Erection of first floor extension with balcony above existing garage – Granted

Representations

Due to Covid-19 we are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 4th April 2020, whereby five objections have been received from two different interested parties. A summary of the concerns are as follows:

- Objection to the gable ended window as this will look into other people's properties
- The garage appears to be used as a business for repairing and selling cars
- The property is situated within a residential cul-de-sac where you would expect to see minimal cars
- The materials stored for the cars are unsightly and the chemicals could have health impacts and could impact upon the atmosphere and house prices
- Safety implications from the increase traffic, noise and disturbance
- Previous officers report says that the roof should be hipped to take away some of the massing
- Planning permission was not sought for the gable in which is near completion
- The upper floor opening is now bigger within the northern facing side elevation
- Plans now include a ground floor opening within the northern facing elevation
- The measurements of the privacy screen and window have not been shown

- Neighbouring extensions had to have high levelled narrow windows to stop overlooking
- The block plan is inaccurate in terms of showing the built space vs open space
- Dimensions have not been provided on Rev B on the northern boundary
- The revision for the location plan has not been altered and therefore doesn't include accurately the extensions proposed
- The gable will make the building look higher
- The garage door has not yet been implemented
- Impact on overlooking from the bedroom window within the northern facing side elevation
- All the windows in neighbouring houses do not have windows that overlook neighbouring windows
- Advice was previously given saying that third parties had the right to appeal the decision
- A site visit has not been undertaken as part of this application and therefore the above concerns have not been considered

Consultations responses
None necessary.

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
- LP30 - Biodiversity

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
- Chapter 15 – Protecting 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. 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, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below. The previous application for the erection of a two storey side extension with balcony to rear and single storey rear extension (2019/93715), is a material planning consideration, which establishes the principle of having the additional development at the application site. As such, the key considerations of this application are the additional impact from the new rear gable and the proposed balcony, as this will be 0.5m larger than what was previously approved.

2. 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'.

In this instance, it has been noted that the proposed side and rear extensions would result in additional bulk and massing at the property. However, officers have noted the application site, and the neighbouring properties all benefit from generous plot sizes. As such, the works proposed would not result in the overdevelopment of the site and would keep in with the character of the street scene.

Two storey side extension and rear balcony
With regards to the side extension, it has been assessed that the works proposed would be of the same dimensions as what was previously approved. As the submitted plans show the proposal to have a projection of 4.8m and an overall length of 12m.

The design of the two storey side extension has also been considered acceptable from a visual perspective, as it will appear as a continuation to the host property, with the same eaves and ridge height. Nonetheless, it has been noted that the applicant is seeking permission for a rear gable in which will sit above the proposed terrace. Whilst this would add some bulk and massing to the rear of the property, any impact is not considered to be over and above what has previously been approved. This design feature is also a common characteristic on the application site and neighbouring development and therefore any impact on visual amenity is not considered to be undue.

The plans also show the extension to lie flush with the host property, which again will allow the development to harmonise well with the existing built form. In terms of materials the side extension will be constructed from stone with a tiled roof to match the host property.

The proposed openings within the extension have also been considered acceptable, as these will be sensibly placed and in keeping with those that exist on the host property. An additional lower ground floor opening will also be inserted into the northern facing side elevation, in order to allow additional

light into the enlarged garage. This has also been considered acceptable from a visual perspective.

Whilst it has been noted that the two storey side extension would result in an significant amount of bulk and massing being attached to the Northern elevation at the application site. Officers are satisfied that this will not result in an undesirable terracing effect and the principle of development has already been established under the previously approved 2019 application. The submitted plans also show a 2m separation distance to be retained between the nearest side elevation at no.15, alongside the fact that the host property is significantly set back from the principle elevation at these neighbours. As such, any visual impact from the works proposed can be supported.

The existing garage will also be extended forward as part of this proposal and therefore will have a similar visual finish, to the existing development along Greenroyd Croft. However, it has been noted that a garage door will also be inserted into the rear elevation of the side extension. Whilst this is not a common feature, it has been noted that the garage door would not be readily visible form public vantage points and therefore is unlikely to cause any detriment to the visual amenity of the application site.

In regards to the proposed balcony, the principle of having such feature on the rear elevation of the two storey side extension has been already been established. Nonetheless, the submitted plans show this element to be enlarged by 0.5m, when comparing the scheme to what was previously approved. As such, officers have noted that there would be some impact on amenity, however, this would be limited as the balcony would overall, appear relatively small in size and scale. No. 15 Greenroyd Croft also appears to benefit from a rear balcony in which was previously approved in 2015 and therefore any impact on visual amenity would not be detrimental.

Single storey rear extension
The design of the rear extension is also considered acceptable in terms of visual amenity, as it would benefit from a lean-to roof and would be single storey in height. Officers have noted that this element would have a relatively large footprint as it would extend beyond the rear elevation at the application site by 4.5m. However, the principle of having an extension of this size as the application site has already been established.

As such, in terms of any visual alterations, the submitted plans only show one variation, which includes the replacement of the approved southern facing window with a bi-folding door. This alteration has been considered acceptable from a visual amenity perspective, as it will tie in with the bi-folding doors proposed on the rear elevation, allowing flexible space for its users. Two roof

lights will also be inserted into the roof slope which will further allow natural light into the dining room. As such, any impact from the bulk, massing and openings contained within the rear extension are not considered to be undue.

The rear extension will also be constructed from stone to match the host property.

Conclusion on visual amenity
Having taken into account the above, it has been assessed that the proposal would harmonise, to an acceptable degree, with the host dwelling and surrounding development, with weight being afforded to the previously approved application. As such the proposal is considered to comply with Policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity
The impact of the development on each of the surrounding properties will be assessed in turn.

15 Greenroyd Croft is the neighbouring property to the North of the application site and represents the dwelling that would be most impacted on by the two storey side extension, as this will bring the two dwellings closer together with additional built form. More importantly it has been noted that the side extension would overlap the rear of no.15 by approximately 3m.

As such, the main impact would be from potential overshadowing and overbearing given the overlap of the two dwellings. Nonetheless, it has been noted that the principle of having such development at the application site has been previously approved, forming a material consideration for this proposal. As such, officers will be focusing on the alterations proposed as part of this application, which include a new rear gable, an the extension to the previously approved balcony, a new lower ground floor opening within the northern facing elevation of the two storey side extension and alterations to change the previously approved southern facing window within the rear extension to bi-folding doors.

In terms of the impact from the south western facing gable within the rear elevation of the side extension, officers are satisfied that any additional overbearing impact on these neighbours amenity would not be detrimental. This is due to the fact that part of the eaves will be heighted by 1m in order to create the dual pitch. It also been noted that the previously approved first floor balcony will be extended by 0.5m. Whilst this also has the potential to increase the impact on these neighbours amenity, officers are satisfied, given the photographs provided, that any impact would not be materially detrimental, as the properties will still retain a 2m gap. Habitable room

openings within these neighbours rear elevation are also unlikely to be significantly impacted upon, as these will still retain an outlook to the rear of the site.

Therefore, given the above and the sloping nature of the roof in which will help reduce some of the bulk and massing from the shared boundary, any overbearing and overshadowing from the minor alterations are considered to be acceptable. The staggered arrangement between these neighbours also helps reduce some of the impact upon no.15's principle elevation.

With regards to overlooking, it has been previously acknowledged that the works proposed would have some impact on the garden and the balcony of no.15. Nonetheless, a condition was attached to the previous application to ensure that a 1.8m high obscurely glazed screen will be erected along the northern boundary of the rear balcony. This condition has been considered acceptable and therefore will be applied to the decision notice for the modified proposal, in order to mitigate against any undue overlooking.

In terms of openings, within the side extension, one upper floor window has been inserted into the side elevation of the two storey extension. As outlined on the submitted plans, this opening will be obscurely glazed and therefore will protect these neighbours from any material overlooking. A condition will also be reattached to this decision notice to ensure that the glazing is a minimum of grade 4.

The submitted plans also show a large ground floor opening to be inserted into the north facing side elevation. Given that this will allow natural light into the integral garage and will be adjacent to the existing boundary hedge, it has been considered that there would be no material overlooking. These neighbours southern facing balustrade is also obscurely glazed and therefore there would be no undue loss of privacy at these neighbours. However to reduce any potential for overlooking this window will be conditioned to be obscurely glazed.

There will also be no further impact from the change in windows installed in the single storey rear extension previously approved, as this will be installed at the opposite side of the proposed garage. The submitted plans also show no alterations to be made to this element, apart from amending the proposed southern facing opening with a bi-folding door. Therefore, given that there would be no direct relationship with these neighbours, any impact on overbearing, overshadowing and overlooking has been considered acceptable.

As such, any further impact upon these neighbours amenity is not considered to be significant subject to the conditions set out above and when taking into account what has been previously approved.

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. However, it has been noted that the existing separation distance between these dwellings would be retained, with only minor alterations proposed to the rear roof form and the projection of the previously approved balcony. As such, weight has been afforded to the previously approved application and therefore any impact from the rear balcony is not considered to be undue, as the existing boundary treatment to the rear of the host property will mitigate against some of the impact. The proposed rear extension is single storey and therefore there would be no further adverse harm from this. For these reasons, any impact upon these neighbours amenity has been considered acceptable.

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. Alterations to convert the previously approved window within the southern facing elevation of the rear extension into bi-folding doors, has also been considered acceptable, as there would be no further overlooking.

As such, officers are satisfied with the level of amenity in which will be retained at these neighbours.

There will also be no material impact on the amenity of the neighbouring dwellings to the front of the principle elevation of the host property. This is due to the fact that none of these neighbours would have a direct relationship with the application site and therefore any overbearing, overshadowing and overlooking from the additional bulk, massing and openings contained within the two storey side extension would not be undue.

For the reasons set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 (b) and (c), with a substantial amount of weight being afforded to the previous permission for a two storey side extension with rear balcony and single storey rear extension.

4. Impact on highway safety

It has been noted that the proposed development would have the potential to increase the domestic use at the site, as a 5 bedroom property would be created. Nonetheless, officers are satisfied that the site would be able to accommodate 3 parking spaces as previously approved, given the space in front of the garage, alongside the garage having a length of 12 m which indicates 2 small vehicles may be able to fit inside. As such, the proposed parking would be retained as previously approved, allowing the works to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when assessing the photographs submitted by the agent to look for potential opportunities for bats. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Climate change

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would be constructed from stone in which is a natural material, that can be sourced locally. The use of large areas of glazing to habitable rooms will also help to reduce the use of artificial light and improves passive solar gain.

6. Representations

As outlined above 5 objections have been received from two different interested parties as a result of the above publicity. The concerns raised are set out below, alongside an officercomment:

- Objection to the gable ended window as this will look into other people's properties
  Comment: This has been assessed within section 3 of the report with weight being attached to the previously approved application.

- The garage appears to be used as a business for repairing and selling cars
- The property is situated within a residential cul-de-sac where you would expect to see minimal cars
- The materials stored for the cars are unsightly and the chemicals could have health impacts and could impact upon the atmosphere and house prices
- Safety implications from the increase traffic, noise and disturbance
  Comment: These points have been noted, however, officers have no evidence of this and therefore the application has been assessed on its own merits given that a householder application has been submitted. However, if a business were being ran from the property then this may constitute to a material change of use and therefore this matter would need to be looked into by Planning Enforcement.

- The previous officers report says that the roof should be hipped to take away some of the massing
  Comment: This has been noted, however, planning permission was granted for a dual pitched side extension and therefore the principle of having this development at the application site has already been established.

- Planning permission was not sought for the gable in which is near completion
  Comment: This has been noted, but the impact of this element has now been assessed above.

- The upper floor opening is now bigger within the northern facing side elevation
  Comment: This has been noted, however, this opening will be obscurely glazed and therefore is unlikely to have any undue impact on the amenity of neighbouring properties.

- Plans now include a ground floor opening within the northern facing elevation
  Comment: This has been noted and assessed within the report above, it will be conditioned to be obscurely glazed.

- The measurements of the privacy screen and window have not been shown
- Dimensions have not been provided on Rev B on the northern boundary
  Comment: Whilst no annotations have been provided on the drawings, officers can confirm that the plans have been drawn to an appropriate scale in which can be measured electronically, in order for thorough assessment to be made. The height of the privacy screen is set out in the condition.

- Neighbouring extensions had to have high levelled narrow windows to stop overlooking
  Comment: This has been noted, however the proposed window being obscurely glazed has been deemed to be acceptable.

- The block plan is inaccurate in terms of showing the built space and open space.
  Comment: The submitted plans have been considered acceptable for the purpose of this application.

- The revision for the location plan has not been altered and therefore doesn't include accurately the extensions proposed
  Comment: This has been noted, how accurate plans for the proposed alterations have been provided which are considered to be acceptable.

- The gable will make the building look higher
  Comment: The visual and residential impact from the additional works proposed has been considered within the report above.

- The garage door has not yet been implemented
  Comment: This has been noted, however the permission will allow for this.

- Impact on overlooking from the bedroom window within the northern facing side elevation
  Comment: This has been assessed as part of section 3 of the report, however, a condition will be attached to the decision notice to ensure that the obscurely glazed panel is a minimum of Grade 4.

- All the windows in neighbouring houses do not have windows that overlook neighbouring windows

Comment: This has been noted, however, officers are satisfied that there would be no detrimental visual or residential impact, as the upper floor side opening would be obscurely glazed.

- Advice was previously given saying that third parties had the right to appeal the decision
  Comment: This comment is noted, however there is no third part right of appeal. All representations have been thoroughly assessed as part of this application.

- A site visit has not been undertaken as part of this application and therefore the above concerns have not been considered.
  Comment: Due to COVID19, the number of site visits being undertaking is limited and an assessment is made on each application. In this instance a comprehensive set of site photos have been provided both from the applicant but also one of the interested parties, along with photos from the recent planning approval. These photographs have allowed officers to undertake a thorough assessment of the impact that the proposal would have on the application site, neighbouring properties and wider area.

The above comments have been carefully considered in the determination of this application. However, they are not deemed to substantiate defendable reasons for refusal for the reasons outlined above.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2020/90683
Officer Recommendation: Approve

Conditions and Reasons

1. 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 Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. 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.

3. 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 amenity of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

4. The development shall not be occupied until the ground floor garage window and first floor bedroom window in the northern facing side elevation of the two storey 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: 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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 work may be carried out

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	0016-00-AA	-	2nd March 2020
Existing floor plans	0016-100-AA	-	2nd March 2020
Existing elevations	0016-200-AA	-	2nd March 2020
Proposed floor plans	0016-101-AA	-	2nd March 2020
Proposed elevations	0016-201-AA	-	2nd March 2020
Proposed block plan	0016-010-AA	-	2nd March 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 Planning 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. In this instance, no negotiations have taken place or amendments submitted however due to the current COVID19 situation, it was requested to the agent that site photos were submitted to enable the assessment of the application to be carried out as a desktop assessment.

Dated 12/6/2020