

**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:** 2020/62/90726/W

**Site Address:** 5, Hermitage Park, Fenay Bridge, Huddersfield, HD8 0JU

**Description:** Erection of single storey rear extension and associated landscaping works

**Recommending Officer:** Laura Yeadon

**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: 13-May-2020**

## **Officer Report**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90726>

## **Site Description**

5 Hermitage Park is a detached property set within a modest curtilage in an area without notation on the Kirklees Local Plan. The property is constructed from random stone and has tiled roof. There is a small garden area to the front of the property and also a tarmac driveway which leads to an integral double garage. To the rear is a larger garden area which, due to the topography of the area slopes downwards from the rear of the property. The wider area is comprised of detached dwelling which are set within modest sized curtilages.

## **Description of Proposal**

Permission is sought for the erection of a single storey extension and associated landscaping works.

The extension would be located on the rear elevation of the property and would be set in from the side elevation facing No. 3 by 4.7 metres and set in from the side elevation facing No. 11 by 5.8 metres which includes the canopy covering the rear elevation door. The extension would project a total of 3.5 metres from the rear elevation of the property and would have an eaves height of 2.1 metres rising to 3.4 metres to the ridge of the lean-to roof. It is also proposed that a screen wall would be located set in from the side elevation facing No. 3 by 0.5 metres which would be a total of 1.8 metres in height to screen the proposed external patio which would have a proposed pergola which would be the same roof pitch as the extension.

It is also proposed that some excavation works would be carried out to create a store under the pergola. This would result in approximately 1 metre depth of land being removed to enable the store to be created. The patio area above the store would be extended by approximately 1 metre to enable external access into the garden area with 1.1 metre high balustrade bounding the patio area.

Other than the screening for the patio and pergola which is noted on plan as being stone with pitched coping to match the existing roof, no proposed materials of construction have been submitted.

## **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**

No history

## **Representations**

Final publicity date expired 9<sup>th</sup> April 2020 – no representations received

Kirkburton Parish Council – no response at the time of writing this response

## **Consultation Responses**

None required

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### **Kirklees Local Plan:**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 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 – 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 (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. 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

#### 2 –Impact on visual amenity:

The proposed development would result in a single storey extension which would be located on the rear elevation of the property. The proposed works also include a pergola to the side of the extension, an extension to the existing patio area and a store area below the pergola. The works would have no impact on the site frontage as the development would be isolated to the rear of the property and due to the extension and pergola being single storey in height and the store at lower ground floor the development would be subservient in terms of height when viewed against the two storey host property.

No details have been submitted regarding the proposed construction materials for the works other than the screen wall to the side of the pergola which is proposed to be stone to match the existing. Notwithstanding this, the construction materials can be conditioned to match the host dwelling.

The design of the extension is simplistic with a lean-to roof with the pergola having the same roof pitch line. The existing oval patio would be replaced with the proposed new patio which would be rectangular and allow access from the extension and pergola into the garden area. A proposed site plan and

location plan has been submitted which demonstrates the resultant layout of the property and it is not considered that the extension would result in an overdevelopment of the site.

The proposal is therefore considered to be acceptable and would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

### 3 – Impact on residential amenity:

In terms of residential amenity, there are no proposed openings within the side elevation of the extension facing No. 11 although the patio area would extend further towards this property than as existing. However given that the development would be set in from the side elevation facing No. 11 which is separated by a shared driveway and No. 11 also being a detached property it is not considered that the development would cause undue harm from overlooking or from overshadowing to this property.

With regards to the impact of the development on No. 3, which is located to the south-west of the application site and set on a lower ground level than the application site, there is a 1.8 metre high privacy screen which would protect the neighbouring property from overlooking from the pergola area of the development. In terms of overshadowing and/or being overbearing, as the application site is located to the north east of No. 3 it is not considered that there would be a significant loss of light to this neighbouring property. Whilst there would be some impact on this property due to the orientation of No. 3 to the application site the projection of the screen wall would be limited to 3.5 metres however it is noted that the height of the screen is further emphasised due to the difference in levels and when taken from the actual ground level the height would be approximately 3.5 metres in height. Taking this into consideration, the property hosts full permitted development rights and therefore could take advantage of these rights by extending the property up to 4 metres to the rear elevation with an overall height of 4 metres (subject to conditions) or the property could take advantage of the Larger Home Extension procedure which could result in up to an 8 metre extension projecting from the rear elevation of the property. As such, as the screen would be set in from the side elevation of the property and set in from the shared boundary, whilst there would be some harm to residential amenity, the harm would not be so severe that there would be justification to refuse the application in this instance.

It is therefore considered that the proposal is acceptable from a residential amenity perspective and would accord with both local and national policy.

### 4 – Impact on highway safety:

None.

### 5 – Other matters:

*Climate Change* – 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 construction material is to be conditioned to be stone which is a durable and recyclable product which would be locally available.

*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 due to the works not interfering with the existing roof of the dwelling. 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.

#### 6 – Representations:

No representations have been received.

#### 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:** 2020/90726

**Officer Recommendation:** Approve

## Conditions

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 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, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls of the extension, privacy screen and store and the roof 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 advice within the National Planning Policy Framework.

**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.

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
Existing elevations and floor plans	19_929 100		4 <sup>th</sup> March 2020
Proposed elevations and floor plans	19_828 101		4 <sup>th</sup> March 2020
Proposed location plan and site plan	19_828 103		4 <sup>th</sup> 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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 11<sup>th</sup> May 2020

COAL HIGH