

**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: 2020/62/90778/E

Site Address: The Laithe, 1, Abbey Gardens, Shepley, Huddersfield,
HD8 8FT

Description: Erection of first floor extension over existing garage

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 24-Jul-2020

Officer Report – 2020/90778

Site Description

The application site is The Laithe, 1, Abbey Gardens, Shepley. It is a recently built 2-storey detached house on L-shaped footprint with single storey integral double garage. The walls are natural stonework and the roof is a series of dual pitches, surfaced in brown slate roof tiles.

The property is located at the entrance to a small residential cul-de-sac of similar houses and on land that is largely level. To the north are later houses, whilst to the south and west are other houses in the same cul-de-sac with open land beyond. To the east is the access driveway.

Description of Proposal

Planning permission is sought for erection of first floor extension over existing double garage.

- Ridged roof eaves approximately 4.0m and ridge height 6.0m
- No openings other than three roof lights on either roof slope.
- Provides space for a master bedroom with ensuite
- All external wall and roof materials to match the existing.

History of negotiations/amendments received

Additional site photos were supplied from the agent to supplement restricted photos at site visit due to problems gaining access, then covid-19 lockdown prevented further visits. A discussion was held with the agent in relation to bats.

Relevant Planning History

2014/90227 – Erection of four dwellings with associated access. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2F90227>

2016/90239 – removal / variation of condition 2 (plans) on previous approval 2014/90227

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F90239>

Adjacent site:

2016/90956 – outline permission for 3 detached dwellings with associated access. Granted outline approval.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F90956>

2016/92457 – reserved matters application pursuant to outline permission 2016/90956 for 3 detached dwellings with associated access.
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F92457>

2017/91088 – NMA on previous application 2016/92457 for reserved matters application pursuant to outline permission 2016/90956 for 3 detached dwellings and associated access.
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F91088>

Representations

Final publicity date expired: 13th April 2020. No representations received during the course of this application.

Kirkburton Town Council comments – None received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Ecology (informal): condition recommended

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 without notation on the Kirklees Local Plan.

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 53** – Contaminated and unstable land

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.

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 – Conservation and enhancement of the natural environment

Assessment

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” and encourages promotion of good design by ensuring extensions are subservient to original building, in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

In this case, it is also noted that the house was granted planning approval as unit one of permission reference 2014/90227 (for erection of four dwellings). It was granted subject to conditions including the removal of permitted development rights for the following;

Condition 4 – within Classes A to H of Part 1 of Schedule 2 of Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), and

Condition 5 – no new door or window openings other than those expressly authorised by the permission, to be constructed in the walls or roofs of plots 1, 2, 3 and 4 at any time.

These were imposed in the interests of residential amenity and so as not to detract from the amenities of neighbouring properties by reason of loss of privacy and to accord with relevant policies.

An assessment of the impact of the proposed development on residential amenities of neighbouring properties is given below and found, in this instance to be acceptable. This is subject to removing rights for new openings in the walls or roof of the proposed extension and with the knowledge that conditions 4 & 5 of planning approval 2014/90227 remain to control any further development, for the same reasons.

The principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

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 case, the original part of the building is as existing, a 2-storey detached house with single storey double garage attached to the side. In terms of scale the proposed extension would be directly above the double garage, but the eaves and ridge height would be appreciably below those of the 2-storey part of the house, and so it is considered subservient to the original building.

With regards to materials and details, all the external materials would be to match those of the host dwellinghouse and whilst the eaves would be mid way between single and first floor creating a band of plain walling below, this is relatively narrow and the roof design is in keeping with those on the rest of the house. Proposed new roof lights are relatively subtle and not unusual in domestic settings, and so considered to have minimal impact upon the character of the existing building or visual amenity of the surrounding area.

As such the proposal is considered to promote good design and is compliant with policy LP24 of the KLP and the aims of 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 this instance, there would be four households potentially affected by the proposals; these are addressed below:

2, Abbey Gardens – This is a detached 2-storey house located to the south of the application site and its principal, north west elevation (containing main entrance within double height glazing feature, blank gable end and further

windows at ground and first floor (obscurely glazed) together with front yard / driveway, would be most affected.

However, it is thought that any overshadowing and overbearing impact would be relatively limited over and above that already caused by the massing and position of existing houses at 2, Abbey Gardens and at the application site, together with a separation distance of around 6.0m from the proposed extension to the mutual boundary.

The proposed extension is also subordinate in scale and height to the existing house, and orientated to the north, which would mean that it is unlikely to block direct sun light.

In terms of overlooking, no openings are shown in the facing wall of the proposed development. Roof lights to a proposed bedroom are shown in the facing roof slope, but the base of them is shown on the proposed elevations to be approximately 1.8m above floor level and is considered to provide effective screening to prevent an invasion of privacy. Together with a separation distance of around 14.0m this would minimise impact upon residential amenity of neighbouring occupiers.

3, Abbey Gardens – This is a 2-storey detached house within the same residential development and to the south west of the application site. It's north and east elevations would be most affected by the proposed development.

However, given that there would be a separation distance of at least approximately 14.0m between the nearest points of each building and no direct relationship between any windows, together with orientation to the north east, it is considered that overbearing, overshadowing and invasion of privacy issues would be very limited.

4, Abbey Gardens – This is another 2-storey detached house within the same development. It is orientated to the west of the application site and its east elevation and front yard / driveway would be most affected by the proposed development.

In this instance there would be a separation distance of approximately 8.0m between the nearest points of each building with access driveway in-between and no direct relationship between windows. It is recommended that new openings are controlled by condition and in this circumstance it is considered that there would be no additional overlooking impact.

In terms of overshadowing and overbearing effect, although there would be more massing above the double garage, there is an existing single storey gable end and the proposed gable end extension is only half the full height of a first floor extension, set down around 1.2m. This is considered to reduce additional overbearing or overshadowing impact to a minimum.

7, Abbey Gardens – This is a further 2-storey detached house on adjacent site to the north of the application site. The main impact of the proposal would

be on the south west facing elevation and garden area in front of this elevation.

In terms of overlooking, given that the base of the proposed roof lights are approximately 1.8m above floor level and there is no direct relationship to the windows in the south western elevation of 7, Abbey Gardens, together with separation distance of around 13.0m it is considered that this impact would be minimal. Furthermore there is a wall and fencing with overall height of around 2.0m along the southern boundary of 7, Abbey Gardens which effectively screens the front garden.

In relation to overbearing and overshadowing effect, whilst the additional massing at first floor level has potential to increase this impact, it is thought that as it is significantly below full height, this impact would be minimal over and above the impact of the existing house.

In summary, it is thought that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP and the aims of the NPPF.

4 – Impact on highway safety:

The site is accessed from Abbey Gardens, a residential cul-de-sac serving several other houses. The proposal retains the existing parking provision and same number of beds, so would not amount to an intensification of the existing use. As such it is considered that there would be no further harm caused to highway safety and the proposal is compliant with policies LP21 and LP22 of the KLP.

5 – Other matters:

Carbon Budget

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

Protected species – bats

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

The existing house was built with various ecological features including bat roosts. The agent has confirmed that the proposed extension will not affect existing bat features.

Following discussions with the ecology officer, two conditions will be imposed, one requiring a search of the bat feature and another that requires a mitigation strategy, should bats be found. The agent has agreed to this.

In light of above, the proposal complies with the aims of Policy LP30 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

Conditions:

As noted in section 1, when planning permission was granted for the house at the application site (ref: 2014/90227) conditions 4 & 5 removed permitted rights for extensions and alterations together with new door or window openings in the walls or roof. The reason being in the interests of residential amenity and so as not to detract from the amenities of neighbouring properties by reason of loss of privacy.

A full assessment of the impact of the proposal upon neighbouring properties has been carried out in section 3 above and found to be acceptable and compliant with policy LP24 of the KLP. As such provided that condition are attached to the current proposal controlling further opening and given that the conditions 4 and 5 to approval 2014/90227 will remain to control further development, it is considered acceptable to recommend approval of the currently proposed extension.

6 – Representations:

No representations received during the course of this application.

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 - Approval

Decision Authorisation - Delegated Powers

Application Number: 2020/90778

Officer Recommendation: Approval

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 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 the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission, shall be constructed in the walls or roofs of extension at any time.

Reason: In the interests of residential amenity and so as not to detract from the amenities of neighbouring properties 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.

5. No development shall take place (including any demolition, or internal or external works to existing structures) until an ecological survey sufficient to investigate the integrated bat brick on the building has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the local planning authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: this is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, and consequently result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

The protection of priority species is a requirement of Policy LP30 of the Kirklees Local Plan.

6. Where the survey report required under condition 5 confirms the presence of bat roost(s) within the structure, no development shall take place until a method statement containing details of measures to avoid impacts to roosting bats and their roosts has been submitted to and approved in writing by the local planning authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

- a. conservation objectives of the proposed works;
- a. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- b. number and location of replacement roost(s) shown on appropriate scale maps and plans (where relevant);
- c. extent and location of proposed mitigation measures, other than replacement roost(s), shown on appropriate scale maps and plans (where relevant);
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: this is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy LP30 of the Kirklees Local Plan and a prerequisite in order to obtain the appropriate protected species licence.

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	Dwg no. 01		9 th March 2020
Plans and elevations as existing	Dwg no. 02	Rev A	9 th March 2020
Plans and elevations as proposed	Dwg no. 03	Rev A	9 th 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 have been sought or received during the course of the application as it was acceptable as submitted.

Report Dated: 22.7.2020

