

**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: 2020/62/90828/E

Site Address: 31 , Kenyon Bank, Denby Dale, Huddersfield, HD8 8TD

Description: Erection of single storey rear extension

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 12-Jun-2020

Officer Report

Site Description

31 Kenyon Bank is a two storey detached dwelling in Denby Dale. It is constructed from stone and is designed with gable roof form which is finished in concrete roof tiles. The dwelling is accessed via private driveway that leads off Kenyon Bank, with an area of parking to the front and a garden area to the rear.

The site is located in a residential area with Kenyon Bank comprising properties of a similar character and style to the application dwelling. The predominant material of construction within the surrounding area is stone.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension. The extension would have a total projection of 4.40 metres and would be designed with a parapet roof form which would have a maximum height of 3.20 metres. The rear most 0.60 metres of the extension would form an overhang of the parapet roof form. The extension would be finished in render with a stone plinth. A fixed, flat roof light is proposed for the roof form of the extension.

History of negotiations/amendments received

The case officer has advised the applicant of a condition regarding the colour of the proposed render finish.

Relevant Planning History

98/90146 – Reserved Matters application for the erection of 44 dwellings and garages, layout out of roads and sewers. Approval of Reserved Matters.

Representations

The application has been advertised by neighbour letters which expired on 8th May 2020. As a result of this publicity, one representation has been received. The following concerns have been raised:

- When the Kenyon Bank development was originally approved, guidance was given regarding the distance of properties on Inkerman Way. The three houses behind our house have been built much closer

than originally stated resulting in a loss of privacy and increase in noise.

- We ask that the original agreements regarding distance are respected and are concerned that the extension would result in further loss of space and privacy between our properties.

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

Denby Dale Parish Council comments: no comments received.

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
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 51 – Protection and improvement of local air quality
- 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 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 14 – Meeting the challenge of climate, 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
- 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.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan. Policy LP31 of the Kirklees Local Plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be located within an existing garden area to the rear of the dwelling. 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:

Whilst the proposed extension would be relatively large in scale, it is considered to be subservient to the host property which would remain the dominant feature following development. Whilst the extension would be designed with a parapet roof form, and would be relatively modern in terms of its appearance, it is not considered that it would be out of keeping with the character of the host property, nor would it appear out of place on the rear elevation. The extension would be finished in render. Whilst this finish does not currently feature on the host property, given the scale of the proposal and its location to the rear of the property, it is not considered that this finish would be detrimental in terms of visual amenity in this instance. In the interest of visual amenity, it is considered appropriate to condition that the render shall be off-white or cream in colour. Furthermore, it is noted that the extension would include a stone plinth which would tie in with the materials used on the host dwelling.

The extension would be located to the rear of the property and would therefore not be visible from Kenyon Bank. It is therefore not considered that proposal would have a significant impact on the visual amenity of the street scene or the wider area.

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 29 Kenyon Bank

The proposed extension would project 4.40 metres from the rear elevation of the host dwelling and would be set in from the boundary shared with the adjacent property by approximately 2.00 metres. Additional distance is also retained between the shared boundary and the property. The application site is located at a slightly higher land level and is located to the south east and as such, would result in some overbearing and overshadowing impact. Whilst the property benefits from a conservatory to the rear with openings in the side

elevation, it is noted that its principle openings are located to the rear. Taking the above into consideration, along with the single storey nature of the proposal, it is not considered that this impact would be significantly detrimental to the amenity of the property. Whilst no openings are proposed for the side elevation of the extension, in the interest of residential amenity, it is considered appropriate to condition that no openings shall be installed in this side elevation in the future.

Impact on 33 Kenyon Bank

The proposed extension would project 4.40 metres from the rear elevation of the host dwelling, and would be set in from the boundary shared with the adjacent property by approximately 3.00 metres. Whilst the property benefits from a conservatory to the rear with openings in the side elevation, it is noted that its principle openings are located to the rear. Taking this into consideration, along with the single storey nature of the proposal and the fact that the application site is set at a slightly lower level in relation to the property, it is not considered that there would be a significant overbearing or overshadowing impact. No openings are proposed for the side elevation of the extension, which along with the distance retained between the extension and the property, as well as existing boundary treatment which comprises high level fencing, would prevent harmful overlooking into the property.

Impact on 24 Inkerman Way

The proposed extension would project the dwelling 4.40 metres closer to the property which is located to rear than existing. Whilst it is acknowledged that there is an existing close relationship between the two properties, as well as the fact that the host dwelling is set at a slightly higher land level, it is noted that approximately 9.50 metres would be retained between the rear of the extension and the shared boundary. Taking this into consideration, along with the single storey nature of the proposal, it is not considered that there would be a significant overbearing or overshadowing impact. Whilst an opening is proposed for the rear elevation of the extension, it is considered that the existing boundary treatment, which comprises high level fencing, would be sufficient to prevent harmful overlooking into the property which benefits from habitable room openings on the rear elevation, as well as its private rear amenity space.

Given the location of the proposed extension to the rear of the property, it is not considered that the proposal would have an impact on the residential amenity of the property which is located to the front of the site.

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 proposed extension would facilitate an extension of the existing dining room and kitchen. It is therefore not considered that the proposal would result in an intensification in the domestic use of the dwelling. The extension would be located to the rear of the property and would therefore not affect the existing parking and access arrangements at the site. As such, it is not considered that the scheme would represent additional harm in terms of highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Biodiversity

The site is identified as being located within the bat alert layer and therefore consideration has to be given to the impact of the proposed development on bats and bat roosts. Following a site visit, the building appeared to be well sealed and 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 KLP.

Contaminated Land

An area of potentially contaminated land runs across the application site, covering the front half of the dwelling and its driveway. On this basis, it is considered necessary to condition the reporting of any unexpected contamination. As such, the proposal is considered to comply with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

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. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

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

- When the Kenyon Bank development was originally approved, guidance was given regarding the distance of properties on Inkerman Way. The three houses behind our house have been built much closer than originally stated resulting in a loss of privacy and increase in noise.

Response – These comments have been noted and a review of planning history at the site has been carried out during the course of the application. Officers are familiar with the site and its context through the benefit of a site visit.

- We ask that the original agreements regarding distance are respected and are concerned that the extension would result in further loss of space and privacy between our properties.

Response – A full assessment of the impact that the proposed development would have on the neighbouring properties has been carried out in the impact on residential amenity section 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 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: 2020/90828

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, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall be finished in stone and render as shown on the submitted plans. The render shall be off-white or cream in colour and shall be applied before the extension is first brought into use.

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 western side elevation of the single storey rear extension 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.

5. In the event that 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. Unless otherwise approved in writing with the local planning authority, 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. Unless otherwise approved in writing with 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 in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 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: 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
Existing & Proposed Plans	17-803-101	A	20/03/2020

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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated: 09/06/2020