

**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: 2020/62/91278/W

Site Address: 75, Briarlyn Road, Birchcliffe, Huddersfield, HD3
3NW

Description: Erection of two storey extension to side and rear and
single storey rear extension

Recommending Officer: Laura Yeadon

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.**

Kevin Walton

AUTHORISED OFFICER

Date: 14-Oct-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91278>

Site Description

75 Briarlyn Road is a semi-detached property located within an area of land without notation on the Kirklees Local Plan. The property is located within a sloping site with the property set up and set back from the roadside and to the front elevation the property is constructed from stone at ground floor with render above. The side and rear elevations are constructed by red brick at ground floor with render above. There is garden area to the front of the property with a driveway to the side and larger garden to the rear where an outbuilding is located. The surrounding area is predominantly residential.

Description of Proposal

Permission is sought for the erection of a two storey extension to the side and rear and single storey extension to the rear.

Two storey side extension

The proposed two storey side extension would project forward of the front elevation by 0.78 metres and would project to the side by 3.52 metres spanning the full depth of the side elevation and would project off the rear of the property by 3.2 metres. The eaves and ridge heights would match the existing. It is proposed that the two storey front elevation would be constructed from stone and to the side and rear it is proposed that the ground floors would be finished with brickwork and the first floors finished in render. Grey concrete tiles are proposed to the roof. Openings are proposed within the front, side and rear elevations and both ground and first floor levels and also openings within the side and rear roof slopes.

Single storey rear extension

The proposed single storey rear extension attach to the proposed two storey extension and would have the same projection off the rear elevation as the two storey extension which is proposed to be at 3.2 metres and span the full width of the rear elevation. The proposed extension would have an eaves height of 2.5 metres and an overall height of 3.5 metres to the ridge of the lean-to roof and would be constructed from brickwork with a grey concrete tiled roof. Openings are proposed within the rear elevation and roof lights proposed within the roof slope.

History of negotiations/amendments received

Following raising concerns regarding the size, scale and massing of the proposal, a site visit was undertaken. Following this, the Agent was contacted and it was requested that the projection of the extension beyond the rear boundary was reduced from 3.8 metres to 3.2 metres. Amended plans were submitted to reflect this request. The application is therefore assessed in conjunction with the amended plans received on 14th September 2020.

Relevant Planning History

None

Representations

Final publicity date expired 6th June 2020 – no representations 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):

K.C. Highways Development Management – no objection

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 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP22** – Parking
- **LP 24** – Design

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 14 – Meeting the challenge of climate change, flooding and coastal change

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. 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 extension would be in the form of a two storey side and rear extension and a single storey rear extension.

The design is such that the two storey element of the extension would have an eaves height and roof ridge height to match the existing. The extension would also be slightly forward of the front elevation. Whilst this would result in a structure that would not be subservient to the host dwelling, there are a number of properties within the immediate area which have similar designs to this proposed which includes No's 17 and 69 Briarlyn Road. As such, whilst the extension would be large, it would be in keeping with other extensions already constructed in terms of design. Concerns were raised in relation to the overall size, scale, bulk and massing of the proposal and as a result, a site visit was undertaken. Following discussions it was requested that to reduce both the visual harm and harm to residential amenity that the rear section of the single and two storey extension be reduced from a projection of 3.8

metres to 3.2 metres and amended plans were submitted. It is therefore considered that the design of the scheme is now acceptable.

The proposed construction materials would match the host dwelling and would therefore comply with the requirements of Policy LP24 of the Kirklees Local Plan which cites that materials should be in keeping with existing buildings.

The property once extended is within a moderately sized plot and it is not considered that the scheme would result in an overdevelopment of the site.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, the two neighbouring properties that would be affected by the proposal would be No. 77 which is the attached property and No. 73 which is the adjacent property. In terms of the impact on No. 77, this property hosts a single storey rear extension which projects approximately 3 metres from the rear elevation of the property. As the section of extension adjacent to this property is single storey in height, projects 3.2 metres and due to the land levels being similar, it is not considered that the extension would have a detrimental impact on this property. There are no openings proposed that would result in direct overlooking.

In terms of the impact on No. 73, this property is set on a lower ground level than the application site by approximately 1.4 metres. No. 73 has a single storey extension on the side of the property which projects approximately 2 metres beyond the rear of the property. Due to the application property being located to the south of No. 73, there would be some element of overshadowing to the amenity area of No. 73 in the evening hours as the sun drops to the west although this is not considered significantly reduce the enjoyment of the amenity space or living conditions of the neighbouring property. There is, however, massing and bulk on the shared boundary, which is escalated by the drop in land levels, although the scheme has been amended to reduce the bulk to a degree where it is considered not to unduly oppressive upon the neighbouring property particularly in the garden area. This has resulted in the projection off the rear of the property being reduced from 3.8 metres to 3.2 metres reducing the massing when viewed from the neighbouring amenity space.

There is a first floor opening within the side elevation of the neighbouring property however this appears to be obscurely glazed and therefore, it is not considered that the harm from overshadowing and being overbearing to this opening would be significant. There are openings proposed within the side elevation of the extension which would be to a WC at ground floor and bathroom and landing at first floor. Whilst these are non-habitable room openings, due to the proximity of the openings to No. 73, it is considered reasonable and necessary to attach a condition to ensure these are obscurely glazed.

The properties beyond the rear elevation of the property are located on Briarlyn Avenue. The separation distance between the dwellings would be reduced to approximately 29 metres which is considered to be an acceptable distance so as to not result in issues relating to overlooking.

Taking this into account it is considered that on balance, the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

The side extension would be located on the existing driveway and therefore, to accommodate the loss of parking, the front garden would be removed and a permeable surface laid to allow and additional parking space to be formed. Highways Development Management have been formally consulted on the proposed scheme and have raised no concerns regarding the development. As such, the proposal is considered to comply with Policy LP22 of the Kirklees Local Plan with regard to parking. A condition shall be imposed to ensure that this area is constructed from a permeable surface.

5 – Other matters:

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 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. As the proposal is considered to be constructed in the form of stone, brick and render, these materials are considered to be sustainable and would assist in the mitigation of climate change.

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: 2020/91278

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

3. The development shall not be occupied until the windows in the side elevation of the two storey extension hereby approved have been obscure glazed to level 4, or equivalent, as specified by Pilkingtons Glass range. 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) the obscure glazing as such shall thereafter be retained for the lifetime of the development.

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 and advice within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for the parking of vehicles on the submitted plan have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions

and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and proposed site plan	1790-20-003 Rev: A		14 th September 2020
Existing elevations and floor plans	1790-20-001		4 th May 2020
Proposed elevations and floor plans	1790-20-004 Rev: A		14 th September 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. Concerns were raised with regarding to the size, scale and massing of the proposal and the Agent was contacted. It was requested that the projection of the extension beyond the rear boundary was reduced from 3.8 metres to 3.2 metres. Amended plans were submitted to reflect this request. The application is therefore assessed in conjunction with the amended plans received on 14th September 2020.

14th October 2020

Report Dated:

Coal - low