

**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: 2020/62/91750/W
Site Address: 53, Spinkfield Road, Birkby, Huddersfield, HD2 2AY
Description: Erection of single storey rear extension (within a Conservation Area)
Recommending Officer: Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Sep-2020

Officer Report

Site Description

53, Spinkfield Road, Birkby, Huddersfield, HD2 2AY

The application site relates to a two-storey mid terraced dwelling located off Spinkfield Road in Birkby. The site comprises of front and rear garden/amenity areas with no off street car parking available.

The materials existing at the site include stone, slate roof tiles, PVC windows and timber doors.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension (within a Conservation Area).

A single storey extension is proposed to the rear of the host dwelling and will measure approximately 4.1m x 4.2m and will have an approximate ridge height of 4.4m, including underbuild as the land to the rear of the property is at a lower level.

Materials proposed include stone, slates roof tiles, and PVC windows and doors all to match the host dwelling.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

2012/93511 – Works to Tree(s) within a Conservation Area. Approved 20th December 2012.

Representations

Final publicity date expires:

Neighbour Letters – Expired 11th August 2020.

Site Notice – Expired 6th August 2020.

Press Notice – Expired 31st July 2020

No representations have been received.

Consultation Responses

No technical consultations required.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is identified as being within a Conservation Area and within a Bat Alert Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. In this instance the chapters of most relevance include:

- 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters

Principle of Development:

The site is without notation in 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. In this case, the principle of development is considered to be acceptable and the proposals shall now be assessed against all other material planning considerations, including visual and residential amenity.

These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most 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.

Local Plan Policy 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 and minimise impact on residential amenity of future and neighbouring occupiers'.

Kirklees Local Plan Policy LP35 relates to the historic environment. It states that development proposals which would affect a designated heritage asset should preserve or enhance the significance of that asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, this is supported by guidance contained within Chapter 16 of the National Planning Policy Framework. As

the site is within Birkby Conservation Area the Council's duty under S72 of the Listed Building and Conservation Areas Act 1990 also need to be acknowledged. This states that "in the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The property is located on a residential street surrounded by similarly aged properties, it is important to note that these dwellings are two storey terraces, but there is some limited variation in design and scale. It is therefore considered that dependent on design, scale and detailing, it may be acceptable to extend the host property.

The host property and its associated curtilage are of a sufficient size to support the proposed extension without amounting to over development. Furthermore, a reasonable amenity space would be retained and as such the scale of the proposed extension is considered to be acceptable.

In terms of visual amenity, including the character and appearance of the conservation area, the proposed extension is to extend out from the rear elevation by 4.1m and whilst this will be a new addition to the rear of the property, the extension is to be single storey in height and an extension of a similar size to that proposed could be constructed without the need for planning permission under permitted development using the larger householder scheme pd right. It is of a simple form that would not compete with the unadorned nature of the rear of this terraced row.

In regards to the materials they are proposed to match the host dwelling and the detailing is considered to be appropriate in this instance. Materials have also been conditioned in the interest of visual amenity. It is therefore considered that on balance the proposals are considered to be appropriate in size, scale and design in this location, and that they would not harm the visual amenity of the host dwelling or indeed the significance of the Conservation Area. The proposals are therefore considered to accord with LP24 and LP35 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 51 Spinkfield Road

This neighbouring property adjoins the application site to the west. Whilst it is acknowledged that 1 new window is proposed within the western elevation of the extension this window will not provide any direct views into the neighbouring properties habitable room windows and would look out across the rear garden area. It is also important to note that there is an existing timber fence running between no. 51 and no. 53 which does provide a buffer and some screening. Whilst it is acknowledged that no. 51 does have a habitable room window at ground floor level within close proximity of the proposals, this window should not be negatively impacted by the proposed extension as the extension will not run along the western boundary and will be stepped back by approximately 1.3m.

In terms of overshadowing and the proposals appearing overbearing in nature, whilst it is acknowledged that the proposed extension would provide a new element to the rear of the application site, the extension is to be just single storey in height and the dwellings to the rear are already significantly overshadowed by the existing terraced properties themselves, it is therefore in officers opinion that the proposed extension would not create any significant and additional overshadowing or appear overbearing in this location to require the proposals be recommended for refusal.

Impact on no. 55 Spinkfield Road

This neighbouring property adjoins the application site to the east. As no windows are proposed within the eastern elevation of the extension there are no concerns in respect to overlooking or loss of privacy. In terms of overshadowing, whilst it is acknowledged that the proposed extension would provide a new element to the rear of the application site, the dwellings to the rear are already significantly overshadowed by the existing terraced properties themselves, and it is therefore in officers opinion that the proposed extension would not create any significant and additional overshadowing to require the proposals be recommended for refusal. Finally it is acknowledged that this neighbouring property does sit at a slightly lower ground level to no. 53 and therefore there is a risk an extension here being overbearing. However, that the proposed extension is to be single storey in height to match the height of the existing rear entrance, and could be constructed at a similar length and width without needing planning permission, the proposals are on balance considered to be acceptable in this instance.

For the aforementioned reasons the proposals are considered to be of a proximity and scale which would not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

The property does not currently benefit from any off street car parking. It is also important to note that no amendments are proposed within this application to alter the access or the current parking arrangements at the site.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposals would result in some intensification of the domestic use however, no amendments are proposed to the existing access and parking arrangements, and therefore it is in officer opinion that there is sufficient parking provision provided. The scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is located within a Bat Alert Area given the nature of the proposals it is considered unlikely that roosting bats would be found. An informative has been included however, which provides information to the applicant on what to do if bats are found during construction.

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.

The proposal is for 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.

There are no other matters for consideration.

Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be granted.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2020/91750

Officer Recommendation: Approve.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 and to ensure a satisfactory standard of development in accordance with Policy LP24 of the Kirklees Local Plan and 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, to preserve the significance of the Birkby Conservation Area and to accord with Policies LP24 and LP35 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 to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposal for Kitchen Extension	-	-	6 th July 2020
Conservation/Heritage Statement – Supporting Information	-	-	29 th June 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 preapplication 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 requested as the proposals were considered to be acceptable as submitted.

Report Dated:

07/09/2020