

**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: 2020/62/91838/W

Site Address: 90, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

Description: Erection of front raised terrace, extension of existing basement and internal and external alterations.

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: 21-Jul-2021

Officer Report

Site Description

90, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

The application site relates to a three-storey detached dwelling located off Lingards Road in Slaithwaite. The property benefits from 3 car parking spaces, with garden/amenity space to the rear.

The host dwelling is constructed from random stone with concrete roof tiles and white UPVC windows and doors.

Description of Proposal

The application seeks part retrospective planning approval for the erection of a front raised terrace, extension of existing basement and internal and external alterations. Part of the works has been carried out with some works still waiting to be undertaken. It is important to note that no. 90 Lingards Road does benefit from full permitted development rights.

The proposals include the erection of a front raised terrace area measuring approximately 2.1m in maximum front projection x 8.7m in total width, with a height of 2.7m above ground level. The section towards the north east measures 5.6m in width at 2.1m projection. The section to the south west 3.10m in length at 1m projection. This latter section is described as a 'fire escape leg' and includes a short run of steps leading to the external side elevation of the dwelling. There is also a glass balustrade proposed running around the terrace which measures approximately 1.1m in height for a distance of 7.65m. Along the north eastern elevation of the terrace, set in approx. 0.8m from the north eastern extent of the raised terrace, there is to be a 1.5m high opaque glass screen. Planning permission is required for this 'raised platform' and therefore will be assessed further into the report.

The previous bay window has been removed and replaced with a set of grey aluminium bi-fold doors. A number of white UPVC windows have also been replaced with grey UPVC/aluminium windows. As the replacement doors and windows are not considered to be of a similar visual appearance to those in

the existing house planning permission would be required in this instance, and therefore this will be assessed further into the report.

The basement has also been extended to provide a games room. Whilst planning permission is not always required for a basement extension, if a light well is added which would change the appearance of the basement externally permission is required. As a new door and windows have been installed to the front of the property this does mean that the basement required planning permission and will be assessed further into this report.

A small outbuilding/side extension has also been removed along the eastern side of the site; with a window also being blocked up, planning permission is not required to do this.

A small portion of the existing retaining wall and shrubbery towards the western boundary is also to be removed. As this would include engineering operations this would require planning permission and will be assessed below.

Finally, alongside internal alterations, the existing integral garage has also been converted into a utility room with the previous up and over garage door replaced with a window. Planning permission was not required for these alterations.

History of negotiations/amendments received

Amendments and additional information were sought from the applicant's agent in respect to the proposed works as the originally submitted plans did not appear to reflect the changes made to the dwellinghouse. Amended plans have now been submitted. The case officer also requested that the proposed front terrace be reduced slightly in width and length and an obscure glazed screen be included along the north eastern elevation to ensure that visual and residential amenity were not significantly impacted upon.

Relevant Planning History

94/91515 – Erection of first floor extension. Approved 22nd June 1994.

Enforcement

COMP/20/0259 - General Investigation – pending.

There is also relevant history at adjacent sites, details are provided below.

92 Lingards

2018/92537 – Erection of single storey side extension. Approved 24th September 2018.

2013/92181 – Erection of porch to front. Approved 3rd September 2013.

88 Lingards

2012/92405 – Non-material amendment to permission number 2011/93311 for erection of ground and first floor extensions. Approved 10th August 2012.

2011/93311 – Erection of ground and first floor extensions. Approved 9th March 2012.

Representations

Final publicity date expires:

Neighbour Letters – Expired 14th December 2020.

Neighbour Letters issued 30th June 2020 - 2 representations have been received in objection to the proposals. Comments are summarised below.

- No statutory planning notice has been displayed for this application on Lingards Road.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

- Loss of privacy and overlooking;

Officer note: Concerns over privacy and outlook are discussed within the residential amenity section of this report.

- Loss of views up, down and across the Colne Valley;

Officer note: Noted but loss of view is not a material planning consideration

- Nuisance caused by increased activity, noise and light disturbance;

Officer note: the impact of the development on residential amenity is considered in the assessment

- Visual impact and impact on the character of the local environment. The proposed platform would be unduly prominent, disproportionate and would dominate the principal elevation of no. 90, it would not respect the character of the street scene in regards to scale and harmony;

Officer note: Concerns in regards to the appearance of the proposals are assessed in more detail under the visual impact section of this report.

- Increase risk of crime as the proposals would create hiding spaces free from surveillance;

Officer note: Noted. However, the proposals are for a small domestic extension on the front elevation adjacent to the public highway. Given the nature and character of development it would be for the applicant to ensure that they provide adequate security measures through locks etc. Details of Crime Prevention Officers and Architectural Liaison Officers for Kirklees can be found here: <https://www.westyorkshire.police.uk/advice/our-services/crime-prevention/contact-us/contact-us>

- A number of works have been undertaken under 'permitted development', although there are concerns that they would have needed planning permission;

Officer note: Noted, this is discussed in more detail within the description of proposals section of this report.

- Impact on residential amenity;

Officer note: This is discussed in further detail within the residential amenity section of this report.

- The proposal does not specify drainage provision;

Officer note: Noted. The submitted details are considered to be adequate to assess the planning application, the balcony is located above an area that is already hardsurfaced and would not increase run-off. A condition is proposed that any new hardsurfacing is to be undertaken in accordance with national guidance regarding permeable surfacing.

- It is requested that permitted development rights are removed from no. 90;

Officer note: Noted. However, it is in officer's opinion that it would be unreasonable to attach a condition to remove the property's permitted development rights in this instance as the proposals within this application are not deemed to be overdevelopment of the site, and it is considered that the restrictions and requirements listed within the General Permitted Development Order (England) (2015 as amended) for new extensions or outbuildings would ensure that any neighbouring amenity or visual amenity would be protected in the future.

- Relationship to other developments at no. 90 (see Building Regs application no. 2018/76/01716W);

Officer note: Noted. However, these comments relate to building regulations applications that are currently in with the Council and therefore would not fall to be considered under this planning application

- The privacy of side extensions has been recognised and protected by Kirklees Planners in the past, the planning conditions for the extension at no. 88 specifically refer to this. The creation of a new open side elevation which directly overlooks another property would make a significant change to these protections;

Officer note: Noted. Residential amenity is discussed in more detail further into the report. This includes the potential impact of overlooking of neighbouring property.

- Subservience of extensions relative to original building, the proposals would almost double the size of the floorspace of the original property;

Officer note: Given the nature of the basement extension, it is not considered that this extension would dominate the host dwelling. In addition to this the proposed terrace would be viewed against a three storey dwelling and therefore it is in officer's opinion that the terrace would appear subservient in this instance.

- The tarmac driveway is contrary to EA guidance as it is not a permeable surface;

Officer note: Noted, however the application site has benefitted from a tarmacadam driveway for a significant period like many other properties on the street. In addition there is a gully located adjacent to the driveway which would collect any surface water run off from the existing situation. A condition is proposed that any new hardsurfacing is to be undertaken in accordance with national guidance regarding permeable surfacing.

- Within the documents submitted there are inconsistencies, omissions and factual errors and it is not clear what the application is actually applying for as the drawings differ from the limited text. There are also inaccuracies in the plans;

Officer note: Amended plans have now been submitted by the applicant's agent which seek to rectify any errors within the original submission. These plans provide a sufficient level of detail to assess the development.

- The application refers to both a 'terrace' and a 'balcony' in different parts of the documentation, from looking at guidance it has been concluded that the proposal most closely resembles a raised platform, as a balcony appears to be a slimmer structure;

Officer note: Noted. These phrases are interchangeable and are all taken as a raised platform.

- Kirklees biodiversity officers have informed us that the bats around here use the line of the highway as a feeding corridor, this extra unnatural light could affect their environment as well as neighbouring properties;

Officer note: It is acknowledged that the site is within a Bat Alert Area, whilst it is not considered that the amended windows and doors would significantly impact on the environment of any bats, an informative has been included which alerts the applicant on what to do should roosting bats be found during construction works. There are already windows and doors along the road and streetlights all of which contribute to the established presence of artificial light on this side of Lingards Road. In these circumstances it is considered the proposed development would not be materially harmful to the ecology of the area.

- No details have been provided in regards to what materials are to be used within the platform, details should be provided in respect to the floor surface to be used, the support structure for the platform, the drainage, and the lighting;

Officer note: Noted. The proposed terrace is to be constructed from painted steel with a glass balustrade. In respect to drainage the submitted details are considered to be adequate to assess the planning application as the balcony would be located above an existing hardsurface. Finally, no external lighting is proposed within the application.

- The driveway is currently used by 3 cars, the proposed layout shows only 2 spaces, this is clearly a reduction in parking spaces available;

Officer note: Amended plans have been provided by the applicant's agent which now show that 3 cars can be provided to the front of the dwellinghouse. The Council's highways officers raise no objections to the proposals.

- There is no mention of the drop kerb extension which would be required to facilitate the third parking space;

Officer note: A dropped kerb extension is not considered to be required in this instance as the kerb has already been dropped in this location.

- The reduction in the width of the area of shrubs will affect the conifer trees and could make them unstable. No mention is made as to whether these trees are to remain or be removed. If removed a screen should be installed to replace them in height and length;

Officer note: As these trees are not protected by a TPO, worthy of TPO or from being in a Conservation Area it is down to the applicant whether or not they would wish to remove these trees during construction works. An opaque privacy screen has been proposed along the north eastern elevation of the terraced area.

- Concerns that the proposed terrace could hamper fire-fighters in the protection of life. The proposed fire escape would not provide a clear, unobstructed and speedy route away from a building on fire;

Officer note: Noted, building regulations officers have been to site to assess the construction works and raised no objections to the proposals. However, if external amendments are required to meet Building Regulations then the applicant would need to submit a further planning application to allow for those amendments but this would be outside of the current application.

- The exposed cross beam/strut looks exposed and will be to the detriment of the streetscape;

Officer note: Noted. The impact of the scheme on the visual amenity of the area is discussed in the report below.

- If the applicant decides to install an outside barbeque on the platform neighbours could also have to deal with smells coming from this;

Officer note: Noted. However, this would be outside the remit of planning control. If there is odour or smoke nuisance then this would be investigated under Environmental Protection legislation.

- As it is a common occurrence for non-residents to reverse onto peoples drives the proposed support posts and terrace platform could be vulnerable to being struck;

Officer note: Noted. However, this would not be a planning matter and would be down to the applicant to ensure the safety of the support posts once constructed.

- The quality and clarity of the application, PDR works and Building Control. A number of works have already been undertaken at the site regarded by the applicant as being 'permitted development', these works include:
 - Removal of access steps to the south west end of the driveway;
 - Installation of 4 panel bi-folding doors which both replace and significantly enlarge the former bay window opening;
 - Creation of new obscurely glazed door at driveway/basement level;
 - Creation of new obscurely glazed window at driveway/basement level;
 - Removal of the single integral garage door and partial replacement with stonework. The stonework style here has not been matched with the rest of the building;
 - A sill that supports the new doorway for the bi-folding doors and a lintel that tops the basement doorway have been installed.

Officer note: The application site does benefit from its permitted development rights. With a number of these works falling within PD. This is discussed in more detail under the description of the proposal section of this report.

Following receipt of amended plans re-consultation was undertaken (neighbour letters issued 27th November 2020) in which 2 objections were

received, 3 comments were also received from the 2 persons who had previously made comment on the development. Details are provided below.

- Invasive loss of privacy and overlooking;

Officer note: Noted, this is discussed in more detail within the residential amenity section of this report.

- Increased nuisance caused by activity, noise and light;

Officer note: Noted, this is discussed in more detail within the residential amenity section of this report.

- Visual impact and impact on the character of the local environment;

Officer note: Noted, this is discussed in more detail within the visual amenity section of this report.

- Increased risk of crime;

Officer note: Noted. However, the proposals are for a small domestic extension on the front elevation adjacent to the public highway. Given the nature and character of development it would be for the applicant to ensure that they provide adequate security measures through locks etc. Details of Crime Prevention Officers and Architectural Liaison Officers for Kirklees can be found here: <https://www.westyorkshire.police.uk/advice/our-services/crime-prevention/contact-us/contact-us>

- Relationship to other developments at no. 90 Lingards Road;

Officer note: Noted. However, these comments relate to building regulations applications that are currently in with the Council and therefore would not fall to be considered under this planning application.

- Subservience of extensions relative to original building;

Officer note: Noted, this is discussed in more detail within the visual amenity section of this report.

- Tarmac driveway;

Officer note: Noted, however the application site has benefitted from a tarmacadam driveway for a significant like many other properties on the street. In addition there is a gully located adjacent to the driveway which would collect any surface water run off. A condition is imposed requiring new hardsurfaces to be permeable.

- Fire safety;

Officer note: Noted, building regulations officers have been to site to assess the construction works and raised no objections to the proposals. However, if external amendments are required to meet building regulations then the applicant would need to submit a further planning application to allow for those amendments but this would be outside of the current application.

- Concerns over parking and highway access;

Officer note: Noted, this is discussed in more detail within the highways section of this report.

- Loss of trees and hedges;

Officer note: Noted, this is discussed in more detail within the other matters section of this report.

- The quality and clarity of the application, PDR works and Building Control/Regularisation;

Officer note: The application site does benefit from its permitted development rights. With a number of these works falling within PD. This is discussed in more detail under the description of the proposal section of this report.

Additional plans were received, and a further re-consultation was undertaken, with neighbour letters issued on the 14th May 2021. 3 objections have been received; details are summarised below.

- Inaccurate, contradictory, unreliable and usable plans;

Officer note: Noted. Amended plans have been provided in which the measurements are consistent.

- Increase risk of crime as the proposals would create hiding spaces free from surveillance;

Officer note: Noted. However, the proposals are for a small domestic extension on the front elevation adjacent to the public highway. Given the nature and character of development it would be for the applicant to ensure that they provide adequate security measures through locks etc. Details of Crime Prevention Officers and Architectural Liaison Officers for Kirklees can be found here: <https://www.westyorkshire.police.uk/advice/our-services/crime-prevention/contact-us/contact-us>

- The application would result in a reduction in parking spaces from 4 to 2 and would require the movement of the boundary wall onto property not owned by no. 90;

Officer note: The Council's highways team have assessed the proposals and raised no objections in respect to the amount of parking proposed or highway safety. In regards to the applicant needing to build on land outside of his ownership, no documentary evidence has been submitted to dispute the certificate of ownership submitted with the application form. The application has been assessed on that basis

- No statutory planning notice has been displayed for this application on Lingards Road.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

- The submitted application forms are inaccurate;

Officer note: Whilst the comments made on the submitted application forms are noted, these areas including trees, parking, access, materials have all been assessed within the officers report.

- Concerns over what materials are to be used within the proposals;

Officer note: The proposed terrace is to be constructed from painted steel with a glazed balustrade

- Concerns that the proposed boundary indicated on plans is incorrect;

Officer note: Noted, although the Council have no documentary evidence or information to dispute the submitted certificate of ownership that has been provided by the applicant.

- The internal staircase should be made to comply with building regulations, and no details are provided in respect to ventilation within the basement;

Officer note: This would fall outside of the planning application and should be dealt with at building regulations stage.

- The scale of the basement is unknown and could impact on sewage pipes;

Officer note: From looking at the online mapping system it does not appear that any Yorkshire Water sewers run behind no. 90 however, should any sewage pipes be affected from the proposals the onus would

fall on the applicant to make the necessary checks prior to works commencing outside the scope of this application.

- The proposals impact on the character and appearance of the area, and the terrace would not be subservient to the host dwelling and would result in the overdevelopment of the site;

Officer note: Impact on the character and appearance of the area is discussed in more detail within the visual amenity section of this report.

- There have been multiple amendments to the plans which raises concerns over accuracy;

Officer note: Noted. The amended plans, on which this report is based, are considered to reflect the development applied for.

- Without confidence in the work already undertaken there can be no confidence in any future work;

Officer note: Noted. The decision on this planning application takes into account material planning considerations assessing the final submitted scheme. If granted, the development undertaken would need to comply with the detail shown on the approved plans and in accordance with any conditions imposed.

- Any noise disturbance emanating from inside the dwelling will be amplified outside when the front tri-folding doors are open, there are also concerns in respect to light pollution, smells and late night activities;

Officer note: Noted, this is discussed in more detail within the residential amenity section of this report.

- The increased height of obscure glazing on the balustrade does not properly address overlooking and loss of privacy at no. 88, it should be increased in height;

Officer note: This is discussed in more detail within the residential amenity section of this report.

- Concerns from overlooking, noise and the overbearing nature of the proposed fire leg;

Officer note: This element of the scheme relates to a limited area of stair and raised platform of 1m in width leading from the main balcony area to the south west side elevation of the property. There is an existing gap between the side wall of the property and the property boundary which allows access along this side elevation. Before the current works were undertaken, photographic images from Google

StreetView indicate there was a stairway at the front of the property which also led to the side elevation from the lower parking area.

- The proposals could set a precedent on the street;

Officer note: Each application is treated on its own merits taking into account all relevant material planning considerations.

- Proposed wall is out of character with the existing development in the vicinity;

Officer note: This is discussed in more detail within the visual amenity section of this report.

- Incorrect finishing materials have been used when replacing the garage door, this impacts on the visual appearance of the property;

Officer note: This is discussed in more detail within the visual amenity section of this report.

- The overlooking and loss of privacy for no. 92 is not being given the same level of consideration as no. 88, and opaque glass should also be provided on the other side of the terrace;

Officer note: Noted, this is discussed in more detail within the residential amenity section of this report.

- Concerns over building regulations;

Officer note: This would fall outside the remits of this planning application.

- Any fire escape route leg should land on the drive of no. 90 as this would be the quickest and safest route as per fire regulations;

Officer note: Noted, however this would fall outside of the planning remit and may need to be discussed during the building regulations stage. Should any amendments be required to meet building regulations then the applicant would need to submit a further planning application to allow for those amendments, but this would be outside of the current application.

Following on from the above re-consultation amended plans were received from the applicant's agent which amended the plans to ensure consistency in the scale and size of the proposals. Given the minor amendments made it was not considered necessary to go back out for re-consultation in this instance.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management

Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

Consultation Responses

KC Highways – Comments received 20th January 2021. No objections but does require some additional information in respect to the dimensions of the proposed parking spaces.

Officer note: Amended plans were provided by the applicant's agent in which the dimensions are outlined. The Council's Highways officers are happy with the amended plans.

Parish/Town Council

N/A.

Local Ward Members

Former Councillor Walker – Requested further information on the application but didn't provide any additional comments in response.

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 located within a Bat Alert Area. The site is also located adjacent to a housing allocation in the Local Plan (to the north), and Green Belt to the rear (the application site is not located within the GB).

Kirklees Local Plan (LP):

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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) July 2021, 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) 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. The Council's recently adopted (June 2021) House Extensions and Alterations SPD should also be taken into consideration. In this case, the principle of development is considered to be 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:

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’.

The property is located off Lingards Road in Slaithwaite, it is surrounded by other residential dwellings to the east and west with open fields to the north and south. Dwellings in the immediate vicinity typically comprise of 2/3 storey detached properties built from random stone and concrete roof tiles. A number of these properties have terraces or balcony areas to the front of their dwellings. In addition to this, a number of them have also been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing it may be acceptable to extend and alter the host property.

Whilst it is acknowledged that the proposed terrace and amendments to doors and windows will/do alter the appearance of the principal elevation of the host dwelling, when looking up Lingards Road it is clear to see that a number of properties already benefit from front terraces/balcony areas, and that there is no definitive uniform design or colour of windows and doors installed within the dwellings. Whilst the proposals will provide a more modern twist on the property, it is not considered that this would be an alien feature that would significantly detract from the street scene.

In addition to this, the proposed terrace is considered to be subservient to the host dwelling and will have a lightweight glass balustrade, similar in design to the balcony which currently exists at no. 96 Lingards Road. Whilst it is noted that part of the steel structure supporting the terrace will extend beyond the terrace by approximately 0.8m, this is to enable sufficient car parking to the front of the property and to accommodate the reduction in the size of the originally proposed terrace, as requested by officers. The terrace will be constructed from steel which is to be painted in anthracite grey to match the newly installed windows and doors. It is therefore considered that the proposed design and materials are acceptable in this location. This is subject to a condition requiring the steel support to be finished in anthracite grey before it is first brought into use.

Representations have been received regarding the stone used to infill where the original garage door was located on the front elevation. Whilst it is noted that this stone does not entirely reflect the random stone used in the original dwelling, given the small surface area, it is not considered on balance, to significantly detract from the appearance of the dwelling to recommend

refusal. In addition, comments were made in respect to the visual appearance of the stone wall located to the front of the dwelling, adjacent to the front door, it is in officer's opinion that given the size, scale and materials used within the wall, it would not appear incongruous in this location.

In terms of the basement extension, as this is to the rear of the property it would not be visible from the public highway and would therefore not detract from the visual amenity of the area. The openings to the front of the dwelling to provide light to this space are not out of keeping with the host property. Furthermore, the removal of part of the retaining wall along the western elevation is not considered to cause a significant change to the visual appearance of the application site as this reduction is only to be minor. The shrubbery within this area has no formal protection. This is subject to a condition requiring the external face of the modified retaining wall to be undertaken in materials to harmonise with the host dwelling, re-using existing materials where possible.

The host property and its associated curtilage are of a sufficient size to support the proposed extension and alterations without amounting to overdevelopment. Furthermore, a reasonable amenity space will be retained to the rear of the property.

Officer note: It is noted that a neighbour representation was received which requested the removal of permitted development rights at no. 90 Lingard's Road. It is in officer's opinion that it would be unreasonable to attach a condition to remove the property's permitted development rights in this instance as the proposals within this application are not deemed to be overdevelopment of the site, and it is considered that the restrictions and requirements listed within the General Permitted Development Order (England) (2015 as amended) for new extensions or outbuildings would ensure that any neighbouring amenity or visual amenity would be protected in the future.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and is in line with the Councils recently adopted SPD for house extensions and alterations.

3 - 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’.

Furthermore, the Council’s adopted SPD for house extensions and alterations provides additional details under key design principles 3: privacy, 4: habitable rooms and side windows, 5: overshadowing/loss of light, 6: preventing overbearing impact and 7: outdoor space. These will be discussed in more detail within the below assessments.

Impact on 88 Lingards Road

This neighbouring dwelling is located to the north east of the application site and would be most impacted by the proposed terrace to the front of no. 90, the basement extension would not materially alter the relationship between the dwellings. The proposed terrace would be approximately 4m away from the front bay window of no. 88. Given the location and orientation of the proposed terrace and that this structure is to be lightweight, and bounded in glazing, it is not considered that there would be any concerns in regards to overshadowing or the proposals appearing overbearing in nature. In addition, it is in officer’s opinion that this neighbouring property’s outlook would not be significantly impacted upon that the dwelling would feel ‘hemmed in’ by the proposals. In terms of overlooking, it is acknowledged that the bay window does extend out from the property allowing additional views into the dwelling, given the orientation, the inclusion of a 1.5m high privacy screen, and that the proposed terrace has been reduced in both length and width, it is not considered that there would be any direct views into this habitable room window which would result in significant overlooking to the extent that it would warrant refusal of the application. This is subject to a condition requiring the privacy screen to be erected and thereafter retained.

Representations have been received which have raised concerns in respect to the height of the proposed privacy screen. Whilst it is acknowledged that when standing up on the balcony views can be had over the top of the screen, the screen is there to provide some additional privacy, and will prevent overt overlooking should users be sat down to a table. It is considered that given the other amendments outlined above this would be sufficient in this instance to protect the residential amenity of no. 88 and to ensure that a high standard of amenity is retained.

Impact on 92 Lingards Road

This neighbouring dwelling is located to the south west of the application site and would be most impacted by the proposed terrace to the front of no. 90. The proposed basement would not materially alter the existing relationship between the dwellings. The proposed terrace would also be approximately 4m away from the nearest habitable room window. This window at no. 92 is not a bay window and therefore does have a somewhat different relationship to the proposed terrace than no. 88. Whilst it is acknowledged that no. 92 does benefit from a glazed porch extension to the front of the dwelling (approximately 5.5m away from the proposed terrace) which includes a

significant amount of glazing, this extension is not considered to be a habitable room, and provides access into the front elevation of the dwellinghouse. It is also important to note that the habitable window and porch discussed above are set at a higher level than the proposed terrace and therefore would look out over the terrace rather than into it, this also limits the potential for overlooking from the occupiers of no. 90. The proposed terrace has been reduced in width to 1m the south west to ensure that impact on this neighbouring residential property is minimal. It is not considered reasonable or necessary in this instance to request that the applicant provide an obscure glazed screen on this side of the terrace for the above reasons. Finally, given the location, orientation and that the structure is to be lightweight (as discussed above), the terrace is not considered to raise any concerns in regards to overshadowing, or being overbearing in nature. It is also concluded that the proposals would not significantly impact upon the outlook from no. 92 in this instance. The stair exit from the terrace to the side elevation of the dwelling would emerge adjacent to a set of steps at no. 92, but at a lower level. These would access onto land which is around 1.2m in width at the side of the property. Activity associated with the use of this access would be along the side elevation of no. 92 which contains no habitable room windows.

Neighbouring representations have been received in respect to additional noise and odour coming from the proposed front terrace. However as this is for a domestic extension/alteration it is not expected that there would be any significant and/or detrimental noises or odours coming from the normal activities associated with these types of proposals. However, if once in use there are concerns, these could be investigated by the Council's Environmental Health team who could enforce against statutory nuisance arising.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house extensions and alterations SPD.

4 - Impact on Highway Safety:

Paragraph 111 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 application seeks to convert the existing integral garage into living accommodation; however, the loss of this car parking space is not considered to be detrimental to highway safety in this instance as 3 off-street car parking spaces can be provided within the driveway to the front of the property, works to ensure that 3 parking spaces are made operational before the terrace is

brought into use will be imposed. As the dwelling benefits from 4 bedrooms, the provision of 3 off-street parking spaces is deemed to be sufficient. Furthermore, it is considered that this is sufficient space to the front of the dwelling to provide safe and accessible bin storage and presentation points.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety, subject to conditions that any additional hardsurface is undertaken in accordance with DCLG guidance on permeable surfacing and that 3 car parking spaces are provided on site before the terrace is first brought into use. With such the development would comply with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity & Trees

Whilst it is acknowledged that the site is located within an identified bat alert area, given the nature of the proposals it is considered unlikely to have an impact on the bat population, see response to representations earlier in the report. An informative has been provided however, making the applicant aware that if bats are discovered on site any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

As discussed previously in this report, the adjacent conifer trees are not protected by a TPO, worthy of TPO or by being within a Conservation Area, therefore if the applicant wishes to remove these trees as part of the proposals they can do so without needing to apply to the Council for permission.

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.

6 - 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: 2020/91838

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.
1. 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 Policies LP21, LP22, LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD 'house extensions and alterations'.

2. The 1.5m high opaque glass privacy screen shown on the hereby approved plan Dwg. No. 02 Rev E shall be installed prior to the raised terraced area to the front being first brought into use and retained thereafter.
Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. The steel structure of the raised terraced area hereby approved shall be finished in the colour Anthracite Grey (RAL 7016) before the terrace is first brought into use and shall be retained as such thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
4. The development shall not be brought into use until all additional hardsurfaced areas indicated to be used for parking on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) 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 specified on the submitted plans.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to mitigate flood risk and in accordance with Kirklees Local Plan Policies LP21 and LP24 and Chapter 14 of the National Planning Policy Framework.
5. The raised terrace hereby approved shall not be brought into use until the additional car parking area to accommodate three vehicles as indicated on the proposed layout plan have been laid out and made available for use. Thereafter the car parking area to accommodate three vehicles shall be retained.
Reason: In the interests of amenity and highway safety. To ensure adequate space is provided within the site for car parking, in accordance with Kirklees Local Plan Policy LP21.
6. The external face of the modified retaining wall to the south west of the drive, as indicated on the approved layout plan, shall be completed in materials which harmonise with the existing 'random stone' finish found within the host dwelling, the existing materials shall be re-used where possible.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: The site is within an area where bats forage. 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.

NOTE: Please note that the granting of planning permission does not override any private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works. This includes issues for construction and maintenance or parking of construction vehicles as this may involve access to land outside your ownership, for example the public highway.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Planning Drawing	01	E	28 th April 2021
Proposed Layouts and Elevations	02	G	18 th June 2021

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. Amendments and additional information were sought from the applicant's agent in respect to the proposed works as the originally submitted plans did not appear to reflect the changes made to the dwellinghouse. Amended plans have now been submitted. The case officer also requested that the proposed front terrace be reduced slightly in width and length to ensure that visual and residential amenity were not significantly impacted upon.

Report Dated:

21/07/2021