

**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: 2020/62/91843/W
Site Address: 5, Southway, Lindley, Huddersfield, HD3 3LN
Description: Erection of single and two storey extensions, dormer windows to front and rear and external alterations

Recommending Officer: William Simcock

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: 26-Aug-2020

Officer Report 2020/91843

5 Southway, Lindley

Site Description

5 Southway is a large dormer bungalow built in brick and blue slate, with its front elevation facing east, set within a short cul-de-sac comprising individually designed houses. It is built in a roughly L-shaped form with the angle of the L at the front right-hand side, and incorporating an attached double garage at the front. It has a large rear garden.

Description of Proposal

The proposal is for the erection of:

- A first-floor and roof extension raising the main eaves and roof ridge by 750mm, with an additional rear-facing gable, 2.0m in height, 9.5m in width and 3.4m in depth, aligned to the left-hand side of the roof above the existing kitchen and lounge. The main roof is to be gabled instead of hipped as it is now;
- Formation of 3 no. small pitched roof dormers to the front roof slope, and one similar to the rear;
- A single-storey rear extension with a lean-to roof projecting 3.4m, partly replacing the existing dining room.

New walling is to be finished in off-white render. It is proposed that the existing roofing materials would be re-used, with any new tiles, where required, would match.

History of negotiations/amendments received

None.

Relevant Planning History

2018/91169 – Erection of extensions and alterations. Approved, not implemented.

Representations

Final publicity date Expires: 13-Aug-2020 (publicity by neighbour letter, site notice and press advertisement, on the grounds of potential impact on the setting of a Conservation Area).

No representations received.

Consultation Responses

No consultations were deemed necessary in this instance.

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 designation on the Local Plan.

Local Plan:

- LP 21:** Highway safety and access
- LP 22:** Parking
- LP 24:** Design
- LP 35:** 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) published 24th July 2018, 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 – Requiring good design
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)

- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

2 – Impact on visual amenity: The dwelling is located within a short cul-de-sac in which the existing development shows a diversity of built form, layout, style and materials. Only nos. 1 and 2 are full two-storey dwellings, although no. 4 Southway and 52 Daisy Lea Lane (which borders the application site) have a substantial two-storey element at the rear and no. 3 has dormers in the front-facing roof slope.

The proposal would involve an increase in the built footprint but this would proportionally be very small, and the resulting development would still have a house to plot size ratio comparable to other houses on Southway. The first-floor extensions would result in a substantial increase in overall bulk, although it is noted that the property would still have a fairly large rear garden (about 20m depth) remaining as well as a large setback from the highway boundary at the front. It is considered on balance that the overall scale, bulk, built form and design details of the development are acceptable and would not detract from the visual amenity of the area.

The materials and finishes (off-white through-coloured rendering) is considered appropriate for the location.

The proposal would therefore accord with the aims of Policy LP24(a)&(c).

2A – Heritage considerations: The property is just outside the boundary of the Edgerton Conservation Area, which lies to the west. It is considered that the development, owing to its scale and the distance from the boundary, would not adversely affect its setting. It is therefore considered to accord with the aims of LP35(1) and those of Chapter 16 of the NPPF.

3 – Impact on residential amenity: Most of the principal habitable room windows would face front and rear as they do now, and are considered to be too far from any other dwelling to compromise privacy. Exceptions are the open plan family room and the ground floor guest bedroom, which are existing side-facing windows, and the breakfast area room which is a considerable

distance from the boundary and therefore not cause for concern. There are to be no side-facing windows at first floor level.

It is considered that the overall scale of the development would not give rise to an overbearing impact on its neighbours.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b) and (c).

4 – Impact on highway safety: The proposed development would not affect existing parking or garaging arrangements, which are considered to be adequate to serve the property as extended. The development would thereby accord with the aims of LP21-22.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations were made.

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: 2020/91843

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 Policy LP24 of the Local Plan.

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18-Jun-2020
Plans and elevations as existing	A(00)-01		18-Jun-2020
Plans and elevations as proposed	A(10)-01		18-Jun-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. The case officer did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary.

Report dated:

24-Aug-2020
