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:	2020/62/91899/W
Site Address:	17, Netherlea Drive, Netherthong, Holmfirth, HD9 3EX
Description:	Erection of two storey side extension and single storey front and rear extensions
Recommending Officer:	Ellie Worth

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 13-Oct-2020

Officer report

Site description
17 Netherlea Drive, Netherthong is a semi-detached dwelling constructed from stone with a grey concrete tiled roof. The property benefits from an integral garage to the side, alongside a glazed extension to the rear. Pedestrian and vehicular access can be taken from the hardstanding at the front of the property onto Netherlea Drive. Boundary treatment consists of timber fencing.

The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form. Nonetheless, the common construction material is stone. The site is also unallocated on the Kirklees Local Plan, however, is adjacent to Netherthong/Deanhouse Conservation Area.

Description of development
The applicant is seeking permission for the erection of single storey front and rear extensions, alongside a two storey side extension. The measurements of the proposal are as follows:

Single storey front extension:
- 1.3m in projection
- 4.7m in width
- 2.6m in height to the eaves; 3.5m in maximum height

Two storey side extension:
- 4.2m in projection
- 5.7m in length
- 4.6m in height to the eaves; 6.4m in maximum height

Single storey rear extension:
- 2.6m in projection
- 2.7m in width
- 2.6m in height to the eaves; 3.6m in maximum height

The extensions will be constructed from stone with concrete tiles to the roof to match the host property. The additional fenestration would be white UPVC.

Two on-site parking spaces will be retained on the hardstanding to the front of the property, alongside a third space within the integral garage.

History of negotiations/amendments received
Initial concerns have been raised with the agent, regarding the overall size and scale of the two storey side extension, as this element has the potential to impact upon visual and residential amenity. As such, an amended plan has been sought to reduce the projection from 4.6m to 4.2m. This was received on the 14th September 2020.

Relevant Planning History

No recent planning history at the application site.

Neighbouring properties
2014/90118 Two storey side extension and porch to front – Granted (15 Netherlea Drive)

Representations
The application has been advertised by site notice, neighbour notification letters and the press.
Final publicity expired: 7th August 2020
As a result of the above publicity, no representations have been received.
Holme Valley Parish Council: Support subject to the materials being in keeping with the host property.

Given the amendments sought to reduce the projection of the extension, officers have not considered it necessary to re-advertise the application.

Consultation responses
None necessary.

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan, however, has the potential to impact upon the setting of Netherthong/Deanhouse Conservation Area.

Kirklees Local Plan:
• LP1 – Achieving sustainable development
• LP2 – Place shaping
• LP21 – Highway safety
• LP24 – Design
• LP30 – Biodiversity
• 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) 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 design places
• Chapter 15 – Protecting and enhancing the natural environment
• Chapter 16 – Protecting and enhancing the historic environment

Assessment
The following matters are considered in the assessment below:
1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity
It has been considered that the proposed extensions would appear subservient to the host property, as the two storey side extension would be set back and down from the principle elevation. The single storey elements would also benefit from lean to roofs ensuring that they are read as secondary features. For these reasons, it would still be possible to read the original dwellinghouse, in which would sit comfortably within its curtilage. Whilst it has been noted that there would be additional amenity space developed under this proposal, it would not result in the overdevelopment of the site, as the property benefits from a modest-sized garden to the rear. Furthermore, the existing integral garage and attached garden room would also be demolished as part of this application.

Single storey front extension
The design of this extension has been considered satisfactory from a visual perspective, as this element would be relatively small in size and scale. The extension would benefit from a shallow lean-to roof and will provide additional space for the existing lounge. The submitted plans show the extension to be constructed from artificial stone to match the host property.

In terms of fenestration, a window and door will be inserted into the front elevation. These openings have been considered acceptable, as they will be of a similar appearance to those that exist on the host property and will be constructed from white UPVC to match.

Given that this extension would be relatively small in size and scale, officers are satisfied with the impact on visual amenity, as this aspect would be significantly set back from the highway, in accordance with Policy LP24 of the KLP.

Two storey side extension
The design of the side extension has been considered acceptable in terms of visual amenity as it would follow the simple form of the original dwelling and would be finished in stone to match the host property. Amendments have also been sought to reduce the projection of the extension from 4.6m to 4.2m in order to reduce some of the bulk and massing. This will allow the extension to appear subservient to the host property.

Alterations have also been sought to amend the fenestration within the front elevation of the extension. This it to ensure that any new openings would replicate those in which exist on the host property. A large garage door will also be installed within the front elevation, which has been considered acceptable, as such features are typical for this kind of arrangement.

Whilst it is appreciated that the extension would increase the bulk and massing to the side of the host property, it is unlikely to result in an undesirable terracing affect, as the works would be set down and back from the main dwelling. More specifically, officers have noted that the neighbouring property at no. 19 is a detached bungalow and therefore the proposal is considered to comply with the aims of Policy LP24 of the Kirklees Local Plan.

Single storey rear extension
The design of the rear extension has also been considered acceptable in terms of visual amenity, as it would benefit from a lean to roof and would be single storey in height. This simple form would against harmonise well with the original property, and would not result in a material increase in built development to the rear of the site, as the extension would be of a similar footprint to the existing glazed garden room.

The submitted plans show a significant amount of glazing to be inserted into the rear and south western facing side elevations, in order to maximise solar passive gain. This has been considered acceptable from a visual perspective, as the extension would not be readily visible within the street scene. More

importantly officers consider the visual aesthetics of the proposed extension to be greater than the existing glazed garden room in which it will replace.

The maximum projection of the rear extension would be 2.6m from the rear elevation at the host property. This has been considered acceptable, as the property benefits from an adequate amount of amenity to the rear.

Alongside the above, the application has been assessed by the impact in which it would have on the character and setting of Netherthong/Deanhouse Conservation Area. In this instance, it has been considered that the additional development would appear as a secondary addition to the dwelling house, with the materials to match the host property. Therefore, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, it has been noted that the public benefits to the property, would be that the host property could remain at is optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant.

For these reasons, it has considered that the public benefits of the scheme are considered to outweigh the less than substantial harm. In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

19 Netherlea Drive is the detached bungalow to the South West of the application site. It has been assessed that there would be some impact upon these neighbour's amenity as a result of the development proposed, given that the two storey extension would intensify the built form to the side of the application site.

In this case, officers do not consider there to be any material overbearing, as the extent of the side extension would be adjacent to these neighbours detached garage. Therefore, any habitable room windows within the rear elevation of no. 19, would still retain a full outlook. Whilst the plans show the two storey extension to encroach into the curtilage of these neighbours, certificate B has been signed and notice has been served. There would also be no additional overshadowing as a result of the side extension, as the application site is situated to the North East.

The submitted plans show no additional openings to be inserted into the side elevation of the extension, in which will help mitigate any undue overlooking. However, given the close relationship in which the development will have with

these neighbour's amenity, future permitted development rights for ground floor openings will be removed. First floor side openings will be protected under the GPDO and would need to be obscurely glazed.

There would also be minimal impact as a result of the single storey front extension, as this would be situated at the opposite side of the host property, away from these neighbours. With regards to the rear extension, officers do not consider any overbearing to be significant, given the fact that this aspect will be retained at single storey and would benefit from a separation distance of approximately 4m to the shared boundary and 9m to the rear elevation at these neighbours. There would also be limited overshadowing for the reasons outlined above.

In terms of overlooking, the submitted plans show double doors and additional glazing to be inserted into the South Western facing side elevation. Whilst this has the potential to impact upon these neighbours private amenity space, it has been noted that the extension proposed would not be materially larger than the one in which it replaces and therefore would not have a direct relationship with these neighbours rear openings. As such, any loss of privacy is not considered to be over and above the existing situation.

Having taken into account the above, it has been considered that any impact on these neighbours would not be detrimental and therefore, can be supported on balance.

15 Netherlea Drive is the attached neighbour to the North East of the application site. It has been assessed that there would be some impact upon these neighbour's amenity as a result of the single storey front and rear extensions. However, officers have noted that such works, would appear relatively small in size and scale and therefore any overbearing has been considered acceptable. There would also be limited overshadowing upon these neighbour's amenity, as any impact would only be evident within an afternoon/evening.

The plans also show no additional openings to be inserted into the north eastern elevations in which will protect these neighbour's privacy. However, given the close relationship in which the front and rear extensions would have with these neighbours ground floor openings, future permitted development rights will be removed within these elevations.

There would also be no material impact as a result of the two storey side extension, as this element would not project beyond the front and rear elevations at the host property, nor would it exceed the ridge roof line.

23 Netherlea Drive is the neighbouring property to the rear of the application site. It has been assessed that there would be limited impact upon these neighbours amenity, given that a separation distance of approximately 19m would be retained from the rear elevation of the single storey extension, alongside 22m from the rear elevation of the two storey side extension. As such, any potential overbearing, overshadowing and overlooking from the additional bulk, massing and openings contained within the extensions would not be undue.

16 and 18 Netherlea Drive are the neighbouring properties adjacent to North West of the application site. There would be a sufficient separation distance retained between these neighbours, alongside a highway and therefore any overbearing, overshadowing and overlooking would be limited. This is due to the fact that the two-storey side extension would be significantly set back from the principle elevation at the host property.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

Whilst the proposed development has the potential to intensify the domestic use at the property, officers have noted that there would be an acceptable level of onsite parking provided.

In this instance, two parking spaces would be retained on the hardstanding to the front of the host property, and one within the proposed integral garage. For these reasons, the proposal is not considered to give raise to any highway safety or parking concerns in line with Policies LP21 and LP22 of the KLP.

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 predates 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 case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that a substantial amount of the extensions would be constructed from stone, which is a natural material, that can be locally sourced. The use of large openings to habitable room windows will also reduce the use of artificial lighting and improve solar gain.

Bats
The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.
In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Certificate B
As previously outlined, the two-storey side extension would encroach onto part of the land owned by no. 15 Netherlea Drive. Whilst notice has been served, in which is considered sufficient for the purpose of this application, any future concerns regarding this development would require private legal advice.

6. Representations
None 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2020/91899
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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and heritage and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at ground floor within the south western facing elevation of the two storey side extension and within the north eastern elevations of the front and rear extensions.
Reason: So as not to detract from the amenities of adjoining/neighbouring properties by reason of loss of privacy and to accord with Policy LP24 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 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.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:
07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	LP 01	-	30th June 2020
Existing and proposed floor plans and elevations	2020/018/04	A	14th 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 Planning 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. In this instance, initial concerns have been raised with the agent, regarding the overall size and scale of the two storey side extension, as this element has the potential to impact upon visual and residential amenity. As such, an amended plan has been sought to reduce the projection from 4.6m to 4.2m. This was received on the 14th September 2020.

Report Dated: 8th October 2020