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: 2020/62/92462/W

Site Address: 324, Birkby Road, Birkby, Huddersfield, HD2 2DB

Description: Erection of front porch

Recommending Officer: Katie Chew

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: 23-Oct-2020

Officer Report

Site Description

324, Birkby Road, Birkby, Huddersfield, HD2 2DB

The application site relates to a detached two-storey dwelling located off Birkby Road in Birkby, the property benefits from front and rear gardens, integral double garage and car parking and turning area to the front.

Description of Proposal

The application seeks planning permission for the erection of a front porch.

The proposed porch is to measure 3.4m x 3m, with a height of approximately 3.1m.

The materials proposed to be used within the porch include windows to match the existing and stone columns.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

2017/92083 – Erection of attached garage with room above and detached pool with room above. Approved 27th February 2018.

2013/91554 – Erection of carport and alterations to garage to form rooms in new roofspace. Approved 7th August 2013.

2012/93647 – Erection of single storey rear extension and dormer windows to front and rear. Approved 15th January 2013.

2012/91698 – Erection of single storey rear extension and dormer windows to front and rear. Approved 10th October 2012.

Representations

Final publicity date expires:

Neighbour Letters – Expired 21st September 2020.

Press Notice – Expired 18th September 2020.

Site Notice – Expired 22nd October 2020.

No representations have been received to date.

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 located within a Bat Alert Area, with a PROW running along the east of the site.

Kirklees Local Plan (LP):

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

National Polices 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. Most specifically in this instance, the below chapters are of most relevance:

- 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
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 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, regarding design. 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.

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 on a residential street surrounded by properties which vary in age, scale and design. However, the majority of dwellings on this street are detached and two storeys in height. A number of the properties on this street have 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 the host property.

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

The materials proposed include windows to match the existing and stone columns, the detailing is considered appropriate in this instance.

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 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. 326 Birkby Road

This neighbouring dwelling is located to the west of the application site, approximately 11m away from the proposed porch extension. Given the proposed porch's location, orientation and size there are no concerns in respect to it being overbearing in nature or causing overshadowing onto this neighbouring property. Whilst it is acknowledged that windows are to be installed within the western elevation of the porch, given the separation distance between both properties and that there is an existing timber fence (measuring approximately 1.8m in height) providing both screening and a buffer between the proposals, it is therefore considered that are no concerns in respect to overlooking or loss of privacy in this instance.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. 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:

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 proposal will see an increase in domestic use of the site, this will be minimal given the size of the proposed porch. In addition, no amendments are proposed to the existing access and parking arrangements at the site. It is therefore concluded that 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 to be unlikely that any roosting bats would be present or disturbed. An informative has been included however to advise the applicant on what to do if roosting bats are found during construction works.

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.

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 approved.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/92462

Officer Recommendation: Approve.

Conditions and 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 as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord 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 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	Version	Date Received
Location Plan	20-011-P-01	-	14/08/2020
Existing Floor Plans and Elevations with Site Plan	20-050-P-02	-	31/07/2020
Proposed Floor Plans and Elevations with Site Plan	20-050-P-03	-	31/07/2020

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 sought in

this instance as the proposals were considered to be acceptable upon submission.

Report Dated:

22/10/2020