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:	2020/62/92725/W
Site Address:	3, Belton Grove, Birchencliffe, Huddersfield, HD3 3RF
Description:	Erection of two storey side extension and external alterations
Recommending Officer:	Laura Yeadon

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-Jan-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92725

Site Description

3 Belton Grove is a two storey property which is constructed from stone, brick and pebbledash render. The property is set up and set back from the roadside, separated by a front garden. There is a driveway to the side leading to a detached pre-fab garage and a garden to the rear. Belton Grove is on an incline with No. 1 being located on a lower ground level than the application site, and at right angles to it, with No's 7 and 9 on a higher ground level. Surrounding development is residential and predominantly semi-detached dwellings with a similar design to the application property.

Description of Proposal

Permission is sought for the erection of a two storey extension and external alterations.

The proposed extension would project to the side of the property by 4.3 and would have partial ground floor front elevation that would project forward to match that on the bay window and would lie flush with the existing rear elevation of the property. The eaves height and roof ridge height would also be a continuation of the existing with the hipped roof being retained. It is proposed that the front elevation would have a ground floor faced in natural stone, concrete tiles for the canopy, render to the first floor and concrete tiles for the roof. The side elevation would be constructed from brick with the rear elevation that would have a brickwork ground floor and rendered first floor.

History of negotiations/amendments received

No negotiations have taken place and no amendments have been submitted.

Relevant Planning History

None

Representations

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.

Final publicity date expired 9th October 2021 – no representations received.

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):
K.C. Strategic Waste – Two closed landfill sites within 250m of application address

K.C. Minerals Waste – no objection – footnote advised to be attached to decision notice

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 located within an area without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Parking
- **LP22** – Highway safety and access
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land

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-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural 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 highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The proposed development would be in the form of a two storey side extension.

The design is such that the two storey side extension would have an eaves height to match the existing with a roof ridge that would also be a continuation of the existing with the elevations with the exception of the ground floor front elevation which would project slightly forward to match that of the existing bay window. Whilst this would not be wholly subservient, as required within Policy LP24 of the Kirklees Local Plan, the extension would be in keeping with the host property and also in keeping with No. 10 Belton Grove which hosts a similar styled extension. Due to no. 1 being set on a lower ground level and set at oblique angle to the application site no terracing effect would occur with the neighbouring property. Whilst in a prominent location, it is not considered that the proposal would cause significant harm to the visual amenity of the street scene.

The proposed has a mixture of finishing materials and these would be replicated within the extension. It is proposed that the ground floor front elevation would be random stone with render at first floor, the side elevation would be brick with the rear elevation being brick at ground floor with render above. Concrete tiles are proposed for the roof with dark grey openings. As

these would replicate those on the existing property, these are considered to be acceptable.

The amenity areas to the side and rear would be retained however the block plan indicates that that the front garden would offer parking for the property. A block plan has been submitted with the application and which does not indicate the works would result in an overdevelopment of the site. It also appears that the existing pre-fabricated garage would be removed.

Taking all the above into consideration, it is considered that the proposal is acceptable in terms of the impact of the proposal on visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, due to the front and rear elevation in the main would lie flush with the existing elevations, the separation distances between the front and rear elevations of the extension to neighbouring properties would not be reduced and therefore no increase harm from overlooking would occur.

The attached semi-detached property at no. 5 would not be impacted on with the main impact of the proposal being to the adjacent property, No. 1 Belton Grove which is an extended property, set at an oblique angle to the application site and on a lower ground level. The extension would be located to the west of the neighbour and therefore there would be no undue loss of direct sunlight as a result of the proposal. The extension, due to its elevated position would potentially have an overbearing impact on the rear elevation of the neighbour, where openings are located and small amenity area with the separation distance of 4.75 metres between the properties. Notwithstanding this, due to the orientation of the property, the amenity area will be overshadowed by its own property during from morning through to mid-afternoon.

The potential for an undue overbearing impact occurring to the occupiers of no. 1 as a result of this application has been carefully considered. The flank wall of the extension would not wholly overlap with rear facing windows in no. 1. The outlook from the ground floor windows is already impacted as a consequence of rising land. The orientation of the buildings would not materially impact on sunlight or daylight. Although the proposed extension would be clearly apparent within the adjoining property, such views would not be oppressive or overbearing, taking into account the existing relationship between properties, and would not significantly detract from living conditions within. In addition, the main amenity space for no. 1 is to the front of the property – which is unaffected by this development. Taking this into consideration along with a condition to preventing openings being positioned within the side elevation of the extension, and that no objections to the scheme have been submitted, it is considered that on balance, the proposed extension is considered to be acceptable in terms of residential amenity.

4 – Impact on highway safety:

The proposal would result in a loss of the existing garage and there is no garage provision proposed within the submission. A block plan has been submitted which demonstrates that 2 no. vehicles can be located to the site frontage. As the proposal would result in additional bedroom provision, in accordance with the Highways SPD, 3 no. car parking spaces would be required. Notwithstanding the plan demonstrating 2 no. spaces, due to the width of the frontage being slightly over 9 metres, 3 no. vehicles could be parked within the site. As such, there proposed parking is considered acceptable subject to a condition in relation to permeable surfacing.

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 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. Given the limited scale of the development it is considered unreasonable to request further information with the application. The extension would, however, improve the insulation envelope of the dwelling.

Landfill gas – there are two closed landfill sites within 250m of the application address. Kc Ref29 is approximately 75 metres away and SW001 lies approximately 182 metres from the site. The methane levels recorded on site ref SW0001, following the last monitoring exercise in 2008 fall above the upper explosive limit. The site is approximately 186m from the closed landfill site and surrounded by dense built up environment. As such it is considered unlikely that methane would migrate this distance in sufficient quantities to present a hazard. Nevertheless, it would be appropriate to attach a footnote to the permission informing the applicant of the detected methane levels

6 – Representations:

No representations have been 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 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: 2020/92725

Officer Recommendation: Approve

Conditions

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 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 Policies LP1, LP2, LP21, LP2, LP24 and LP53 of the Kirklees Local Plan.

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

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side elevation wall of the extension at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for the parking of vehicles on the approved plan 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 as amended or any successor guidance. These area shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle parking, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within Chapter 14 of the National Planning Policy Framework.

NOTE: The applicant is hereby advised that the site lies within 250 metres of two former landfill sites, where methane levels were recorded at 22% v/v on one of the sites in 2008. It is unlikely that methane levels would migrate in sufficient quantities to present a hazard, however the applicant should consider carrying out landfill gas monitoring prior to developing the site to establish whether landfill gas is present and whether appropriate mitigation measures are required.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1944		19th August 2020
Block plan	2037 – 06		19th August 2020
Existing elevations and floor plans	2037 – 01		19th August 2020
Proposed floor plans	2037 - 02		19th August 2020
Proposed elevations	2137 – 03		19th August 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. No negotiations have taken place and no amendments have been submitted as it was considered that the proposal was, on balance, acceptable.

Report Dated: 20th January 2020

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