

**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: 2020/62/92778/E

Site Address: 15a, Huddersfield Road, Mirfield, WF14 9HN

Description: Erection of two storey rear extension

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 23-Oct-2020

Officer Report

Site Description

15a Huddersfield Road, Mirfield comprises a two-storey semi-detached house with a pebble dash render finish, a driveway to the side and a lawn garden and a painted timber shed to the rear. The land level drops steadily and, therefore, the house is elevated from the rear garden. The boundary treatments comprise a mix of painted timber fences and hedges.

This stretch of Huddersfield Road is characterised by mainly residential development. The house on site looks similar to those on both sides of the application site, which also have a pebble dash render finish. A few houses nearby appear to have been extended, modestly to the side and rear.

Description of Proposal

Planning permission is sought for erection of two-storey rear extension. Details of the development proposal are set out in the following.

- 3.1m wide x 3.0m deep x 7.1m high
- Facing and roofing material to be matching render and tiles

History of negotiations/amendments received

The roof form has been amended to achieve a better design quality. No further amendments were sought thereafter.

Relevant Planning History

89/02582 – Erection of single storey kitchen extension (11c, Huddersfield Road) – Approved

Representations

This application was publicised by neighbour letter, which expired on 21-Oct-2020. No representations were received following this publicity.

Mirfield Town Council – no comments received.

Consultation Responses

No consultations were required for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- 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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 –Impact on visual amenity:

The two-storey rear extension would be acceptable in size because its ridge would be set down considerably from that of the main house. The width of this extension would be less than two third of that of the house. Acknowledging this, officers are satisfied that a subservient relationship would be achieved between the rear extension and the host building, in accordance with policy LP24(c) of the KLP.

The facing and roofing materials are pebble-dash render and tiles to match the existing building. As such, there are considered no issues with the chosen materials of construction. The extension would have a dual-pitched roof with two windows in the rear elevation, serving the kitchen and bedroom, respectively. The proposed design and fenestration would be sympathetic to those of the pair of semi-detached houses, resulting in minimal effect on visual amenity and the local street-scene. There would remain a reasonably sized garden to the rear of the application site. In this regard, the proposal would not overdevelop the site.

In conclusion, the extension would be of a satisfactory quality in scale, design and materials. It would preserve the overall appearance of the host building and those adjoining it, as well as the character of the surrounding area and the street-scene of Huddersfield Road. Consequently, the development could be supported from a visual amenity perspective, complying with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The two-storey extension would be adjacent to the rear garden of 15 Huddersfield Road. Due to its height and proximity to this neighbouring house, there is potential for an impact on this house in terms of overshadowing and a possible overbearing impact. In this case, it is noted that the depth of this extension would be limited to 3.0 and it would be recessed from the shared boundary slightly. In addition, no.15 appears to have a relatively unobstructed outlook to the southern aspect. The occupants of this house would continue to receive acceptable levels of daylight and sunlight from their windows and garden. In view of the above factors, it is considered that the proposal would not unduly prejudice the living conditions of these neighbours.

The extension would have no windows in the eastern elevation facing this adjoining site. Thus, no privacy issues would arise from this development. In the interest of residential amenity, a condition would be inserted to withdraw the permitted development rights for insertion of new openings from the side elevation of this extension. With this condition imposed, the development concerned would preserve the living conditions of the occupiers of no.15.

17 Huddersfield Road, situated to the west of the site, could also be affected by the rear extension. However, the proposed extension would be recessed from the western boundary moderately. On the other side of this boundary is

the driveway of no.17. The separation distance between the extension of this adjacent house would reduce the potential of overbearing and overshadowing impacts upon these neighbours. As with no.15, this adjoining house enjoys an open aspect to the rear. Hence, it would continue to receive an acceptable level of light, irrespective of the extension concerned.

It is noted that the rear extension would have a small window in its side elevation, facing towards no.17. This window would be a secondary habitable room window, serving the enlarged bedroom. To avoid a directly overlooking impact on the neighbours' garden, a condition would be imposed to state that the extension should not be occupied until the side-facing bedroom window has been obscurely glazed to a minimum level 4. It would also require the obscure glazing be retained thereafter. Subject to this condition, it is considered there would be no harm to the residential amenity of these residents.

There is a pair of semi-detached houses to the rear of the application site, which might be overlooked by the proposed extension. Despite this, a reasonable separation distance would be retained between the houses concerned, to mitigate the impact on privacy of the relevant occupants. For the same reason, the overbearing and overshadowing impacts on these nearby houses are considered negligible.

No other houses in the vicinity of the application site would be adversely affected by the current proposal. In short, the development under consideration would be appropriate from a residential amenity perspective, regarding to policy LP24(c) of the KLP.

4 – Impact on highway safety:

The proposal would neither intensify the residential use of the existing building, nor would it affect the parking arrangement of the site. As such, officers do not find it to cause any issues in terms of highway safety, efficiency and parking. It would accord 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 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 a small- scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well-sealed and there was no evidence of bat roosts, nor was any bat roost potential found. A footnote has been added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Contaminated land

The proposed development would be close to a historic landfill. Hence, the application site might be subject to potential land contamination. The site and its immediate surroundings are already occupied by houses. This application seeks permission to extend an existing house only. Given that, officers consider there to be no unacceptable risk posed to the occupants of this house and those surrounding it. That said, a footnote would be inserted to advise the applicant further, in terms of the risk of unexpected contamination and the potential of landfill gas migration. Subject to that, the proposal would conform to policy LP53 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received after the statutory publicity.

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:2020/92778

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 to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the two-storey rear 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 Chapter 12 of 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) 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 eastern and western (side) elevations of the two-storey rear extension at any time without the prior written approval of the local planning authority.

Reason: To not detract from the amenities of the occupants of the adjoining properties at 15 and 17 Huddersfield Road, Mirfield, by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. The development shall not be occupied until the bedroom window in the western (side) elevation of the two-storey rear extension hereby approved have been obscure glazed to a minimum grade 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the obscure glazing (to a minimum grade 4) shall thereafter be retained.

Reason: To not detract from the amenities of adjoining property 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.

NOTE: The applicant is hereby advised that the site lies adjacent to a closed landfill site. It is therefore advised that the applicant should consider carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are significant. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed side elevations	2020/234/03		07-Oct-2020
Location plan			28-Aug-2020
Existing ground floor plan and rear elevation	2020/234/01		28-Aug-2020
Proposed first floor plan	2020/234/02		28-Aug-2020
Proposed ground floor plan and rear elevation	2020/234/02		07-Oct-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 has, 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 case, the roof-form has been amended to achieve a better design quality. No further amendments were sought thereafter.

Report Dated: 23-Oct-2020