

**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:** 2020/62/92804/E

**Site Address:** 18, Spring Bank Drive, Norristhorpe, Liversedge,  
WF15 7QS

**Description:** Erection of single storey rear extension and raised  
patio

**Recommending Officer:** Katie Wilson

**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: 28-Jan-2021**

## **Officer Report – 2020/92804**

### **Site Description**

18 Spring Bank Drive, Norristhorpe, is a two-storey detached house, dating from the 1980s/90s. The walls are largely a light-coloured brickwork, with some stone to the front elevation. There is a small garden to the front with a driveway to the side leading to a detached garage. At the back is a conservatory, retaining wall and garden that slopes down and away from the house.

The surrounding area is residential, with similar houses nearby that have been extended in various ways and a variety of other housing in the wider area.

### **Description of Proposal**

Planning permission is sought for erection of a single-storey rear extension and raised patio.

- Rectangular footprint approximately 4.0m projection x 5.8m wide.
- Dual pitched roof, eaves around 2.6m high and ridge level 5.2m.
- Bi-folding doors to rear elevation and floor to ceiling windows in north-west facing side elevation, 4 roof lights, 2 on either roof slope.
- Leading out onto raised patio – projecting further 2.5m, with 1.6m high retaining wall to back garden and approximately 8 steps down into rear garden.
- The walls would be brickwork and roof would be surfaced in tiles, both to match the existing.

The proposal would also involve removal of the existing conservatory and raised patio.

### **History of negotiations/amendments received**

Amendments were secured to include full details of proposed raised patio and description altered to include raised patio.

### **Relevant Planning History**

None.

### **Representations**

**Final publicity date Expires:** 8<sup>th</sup> December 2020. No representations received.

Parish/Town Council comments: Not applicable.

## **Consultation Responses**

No consultations took place.

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### **Kirklees Local Plan (KLP):**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 – Conservation and enhancement of the natural 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 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 extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

## 2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring ‘*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*’.

In this instance, the original part of the house is considered as it stands, without the conservatory to the rear. The current proposal would add massing at the rear of the house. However, it is all at ground floor level and would replace an existing conservatory and raised patio. Therefore, it is considered that it would be subservient to the original building.

In terms of materials and details, the external materials would match the existing, as would the roof design. The window styles are more contemporary, and the raised patio larger, but these features are considered to complement the appearance of the existing house and would have very limited impact upon the street-scene, as they are screened from public view by surrounding buildings.

Overall, it is considered that the proposal would promote good design and is compliant with this part of policy LP24 of the KLP.

## 3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be four households potentially affected by the proposals; these are addressed below:

*16 Spring Bank Drive* – This is a similar two-storey detached house (with a two-storey side extension close to the mutual boundary) located to the south-east of the application site.

In terms of potential overbearing impact and overshadowing, the proposed extension would be close to the shared boundary and on the raised patio, so it is likely that there could be some such impact. However, it is also considered that the impact would be relatively limited over and above that which has already been formed by the existing conservatory, which would be replaced.

With regards to overlooking, no openings are shown in the facing side elevation and it is suggested that new openings are controlled by condition. It is also suggested that the balustrade to the raised patio (along the south-eastern side) is obscurely glazed and at least 1.8m high. This is to prevent overlooking at close quarters.

*20 Spring Bank Drive* – This is another similar detached house, located to the north-west of the application site.

Given that the footprints of these houses are staggered, so that the rear building line of this neighbouring property is beyond that at the application site by approximately 3.0m, with the conservatory further beyond, it is considered that the overshadowing and overbearing impacts of the proposed extension would be quite restricted. Furthermore, there would be a gap of around 3.5m between the facing side elevations, with the driveway in between, and the impact would in officers' opinions, be relatively limited over and above the current situation.

Regarding loss of privacy, two narrow floor-to-ceiling windows are shown in the facing side elevation of the proposed extension. However, these would look directly across the driveway to the blank wall of neighbouring property, and at slight angle to the conservatory, where there is also some decorative concrete walling along the boundary, which provides some screening. Some additional screening would be provided by an existing garage, which would be retained.

*11 Forge Lane* – It comprises two-storey detached house with a conservatory at the rear and a detached garage to the side. It is located to the north-east and on slightly lower ground. Its rear garden borders part of the south-eastern boundary, to the rear of the application site.

Given that there would be a separation distance of around 19.0m between the nearest part of the proposed raised patio and the conservatory to the rear of 11 Forge Lane, and further to the rear of the proposed extension, it is considered that any overshadowing or loss of privacy issues would be minimal.

*13 Forge Lane* – This is an older two-storey semi-detached house, with extensions to the rear and, also, on lower ground. It is positioned to the north of the application site and shares a rear boundary, where there is an evergreen hedge currently maintained at least around 3.0m high.

In this instance there would be a separation distance of around 24.0m between the nearest parts of each building, with rear gardens in between and,

as such, it is considered that there would be no significant impact upon the residential amenities of either occupant.

In summary it is considered that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers and is compliant with this part of policy LP24 of the KLP.

#### 4 – Impact on highway safety:

The application site is accessed from Spring Bank Drive, a residential estate road, and the application site has a driveway to the side suitable for at least three cars to park off the street.

The current proposal would not affect the existing parking provision, nor would it amount to development requiring further parking spaces within the curtilage.

In these circumstances it is considered that the proposal would not be harmful to highway safety and is compliant with policy LP21 of the KLP.

#### 5 – Other matters:

##### *Carbon Budget*

On 12<sup>th</sup> 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 special measures are 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 and which will require compliance with national standards.

##### *Protected species (bats):*

The site is in an area recorded as a bat alert area. Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies. An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and, as a result, no survey is required. However, a precautionary footnote shall be added to the decision notice, to comply with the aims of chapter 15 of the NPPF.

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

6 – Representations:

No representations were received during the assessment this application.

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:** 2020/92804

**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 Policies LP1, LP2, LP21, LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (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 in the side elevations of the rear extension hereby approved.

**Reason:** To not detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. The south-east facing glazed side panels of the raised patio hereby approved shall be at a height of at least 1.8m above the floor level of the patio and constructed of obscurely glazed glass (minimum grade 4), or be constructed of materials that provide the same screening effect and shall be retained thereafter and when necessary replaced like for like.

**Reason:** To not detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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 13.00 hours, 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 may 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plans	2032/100		26.08.2020
Existing site layout	2032/102		26.08.2020
Existing elevations	2032/101		26.08.2020
Proposed site layout	2032/110		26.08.2020
Proposed floor plan /layout	2032/112		26.08.2020
Proposed elevations	2032/111	B	17.11.2020

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. Amendments were secured to include full details of proposed raised patio and the description was altered to include the raised patio.

**Report Dated:** 26.01.2021

