

**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: 2020/62/93047/E

Site Address: 2, Netherfield Close, Kirkburton, Huddersfield, HD8 0UR

Description: Erection of ground and first floor extensions

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: 09-Jul-2021

Officer Report – 2020/93047

Site Description

2 Netherfield Close, Kirkburton is a relatively modern two-storey detached house, with single storey integral garage to the rear. The walls are constructed from natural stone and the roof is dual-pitched and surfaced in grey / brown concrete tiles.

It is located on inner bend in Riley Lane and is part of a short cul-de-sac shared with three or four other houses.

Description of Proposal

Planning permission is sought for erection of ground and first floor extensions.

Ground floor extension (garden room):

- Rectangular footprint 4.3m projection to rear of garage x 5.4m to rear of house
- Flat roof design 3.5m overall height
- Bi-folding doors at north eastern corner and lantern roof light

First floor extension (above garage)

- Directly above garage
- Dual pitched roof.
- French doors and Juliet balcony to north facing gable, ridge roof windows and windows to west facing elevation.
- It would provide space for an en-suite bedroom.

History of negotiations/amendments received

No amendments were requested or received, as the application was acceptable as submitted.

Relevant Planning History

None directly relevant.

Representations

Final publicity date Expired: 17th November 2020. No representations received.

Kirkburton Parish Council comments: No comment.

Consultation Responses

None carried out.

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 without notation on the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 33** – Trees
- **LP 35** – 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-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment
- Chapter 16 – Conservation and enhancement of the historic environment

Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the

Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 KLP, policy LP1 of which 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.

It is noted that the property is within 50m of Kirkburton Conservation Area. However, given the modest scale of the proposed development and its appropriate design in relation to the host dwelling house, it is considered to have no adverse impact in terms of policy LP35 of the KLP and chapter 16 of the NPPF.

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 host dwellinghouse is relatively recently built and in officers’ opinion is currently considered to be the original building, apart from the canopy to the front elevation, added later.

The proposed extensions would add some massing at ground and first floor levels, but they would be significantly less than the original and are lower in terms of overall height. As such, they are considered subservient to the original house.

In terms of materials and details, the external wall materials would be to match the existing, with introduction of part grey render to north facing gable. A pale grey or off-white would blend in with the colour of the stonework. The proposed dual-pitched roof design would be in keeping with the existing house and the proposed flat roof garden room extension is also considered an acceptable contemporary addition.

Overall, it is considered that the proposal would be in keeping with the host dwelling house and the character of the surrounding area. This is compliant with policy LP24 of the KLP and the aims of the NPPF.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates 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:

1 Netherfield Close - This is a similar two-storey detached house, located to the west of the application site. Its side elevation faces onto the garage at the application site. The main impact on this property would be from the proposed first floor extension. Given that there would be a separation distance of around 14m between the first-floor elements at each property, it is considered that there would be very limited overshadowing or overbearing impact, if any. In terms of overlooking, no openings are shown in the facing elevation of the proposed first floor extension except a small window to an en-suite bathroom and this would be obscurely glazed.

4 Netherfield Close – This is another similar property to the north of the application site and its main elevation is onto the rear elevation of the application site. However, as there would be a gap of around 22.5m between their front elevation and the proposed extensions at the application site, it is considered that there would be no significant overshadowing or overbearing issues. Regarding a potential loss of privacy, a new set of French doors with a Juliet balcony is proposed in the facing elevation of the proposed first floor extension. But, given the gap between the facing elevations detailed above, it is considered that any overlooking impact would be relatively limited.

1 and 2 Beckett, Kirkburton – These are traditional two-storey terraced houses to the north-east of the application site. Their rear elevations face onto the back of the application site. However, there would be a gap of at least 8m between them and the proposed single storey extension and 12m to the proposed first-floor extension, with an access road in between. Given this

proposed arrangement, it is considered that there would be no significant overshadowing or overbearing effect. In terms of loss of privacy, no openings are shown at first floor level and new openings could be controlled by condition. Bi-folding doors are proposed to the garden room, although they would be at ground floor level and screened to a significant degree by 1.8m-high fencing along the boundary and there would be no direct relationship to windows at these neighbouring properties.

8 Riley Lane – This is a relatively recently built detached bungalow with a detached single garage. It is located to the east of the application site with an access road in between. Given the position of the proposed extensions, they would be screened to a significant degree from impacting upon this neighbouring property by the massing of the host dwelling house at 2 Netherfield Close. As such, in officers' opinion there would be very limited impact upon the residential amenities of the occupants of this neighbouring property from the proposed extensions.

Overall, it is considered that the proposed extensions would minimise the impact on residential amenity of future and neighbouring occupiers and they are compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from Riley Lane, via a private driveway serving 3 or 4 other properties. The proposal would be a slight intensification of the existing use, due to the proposed additional bedroom. But it would retain an integral garage, with space for one car and a driveway in front, together with parking bays in the side garden. This is considered adequate off-street parking provision for the enlarged house, to prevent any harm to highway safety. As such, the proposal is considered compliant with policy LP21 of the KLP.

5 – Other matters:

Carbon Budget

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 the KLP 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 KLP 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 (trees):

There are several trees subject to tree preservation orders within the site and adjacent to the southern and western boundaries.

Policy LP33 of the KLP seeks to retain any valuable or important trees where they contribute to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and Green Infrastructure Networks.

In this instance, the application was submitted with an arboricultural report and subsidence risk assessment dated 20th May 2019. The Council's trees officers have reviewed the document and commented that, whilst it is not an arboricultural impact assessment or method statement, it does provide sufficient basic survey information to show that the proposed extension will not directly impact on the adjacent protected trees (TPO 07/89 – T70). However, due to the proximity of proposed construction works to the root protection area of a mature tree, tree protection measures would need to be put in place during construction phase, via an arboricultural method statement. Ideally this should be done prior to determination of the application or with a pre-commencement condition. The applicant's agent has been asked to supply an AMS but have not been able to do so to present. Consequently, it is recommended that a pre-commencement condition is applied. The agent has agreed to such a condition.

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.

6 – Representations:

No representations were received during consideration of 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93047

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, LP33 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the single storey extension and side walls of the first-floor extension, together with roofing materials of the first-floor 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. The external gable end wall on rear elevation of the first-floor extension, shall be faced with off white, light grey, or cream coloured render

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.

5. 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 first-floor 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.

6. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: To protect the viability of the protected mature trees, sited close to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 90-001		14.09.2020
Block plan as existing	Dwg no. 90-001		14.09.2020
Site layout as existing	Dwg no. 0001 RL XX 00 DR A 90-002		14.09.2020
Floor plans as existing	Dwg no. 0001 RL XX XX DR A 22-001	P01	14.09.2020
Elevations as existing	Dwg no. 0001 RL XX XX DR A 20-001	P01	14.09.2020
Site layout as proposed	Dwg no. 0001 RL XX 00 DR A 90-003		14.09.2020
Floor plans as proposed	Dwg no. 0001 RL XX XX DR A 22-002	P03	14.09.2020
Elevations as proposed	Dwg no. 0001 RL XX XX DR A 20-002	P03	14.09.2020

Plan Type	Reference	Version	Date Received
3-D views as proposed	Dwg no. 0001 RL XX XX DR A 90- 004		14.09.2020
Supplementary information: Arboricultural report – subsidence risk assessment dated 20 th May 2019 – by Crown tree consultancy	Ref: 010312		14.09.2020

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. The application was acceptable as submitted.

Report Dated: 06.07.2021