

**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: 2020/62/93230/W

Site Address: 79, Yew Tree Road, Birchencliffe, Huddersfield, HD3
3QR

Description: Erection of single storey side and rear extensions

Recommending Officer: Sam Jackman

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: 13-Jan-2021

SITE DESCRIPTION – 2020/93230

79 Yew Tree Road Birchencliffe is a stone built semi-detached dwelling with a small front garden and a long rear garden backing onto Ainley Top roundabout. The roof is gabled to the side with a covering of blue slate. The adjoining property, no. 81, is at a lower elevation than no. 79 and the road at this point is on a slight curve.

The property benefits from a 2-storey rear extension projecting 3.5m set in from the attached properties boundary.

DESCRIPTION OF PROPOSAL

The proposal as amended is for two single storey extensions either side of the existing rear extension.

The extension to the east of the property adjacent to No 81 would infill the gap along the boundary, projecting 3.5m with a lean-to roof. This extension would add space to the existing kitchen and dining room making it open plan with new steel work.

The extension to the west adjacent to the boundary with No 77, would again be in line with rear 2-storey extension, project from the gable by 1.8 and extend to the side of the host property, to create a utility and toilet.

The extensions would be built from materials to match the host property

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93230>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed a single storey extension attached to the rear elevation of the existing two storey extension projection a further 3m, this has now been deleted and replaced with a small extension in filling the gap adjacent to No 81.

RELEVANT HISTORY

2008/91493- erection of two storey extension – Conditional Full Permission

PUBLIC/MEMBERS RESPONSE

We are currently undertaking 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 which expired on the 7.12.20, whereby one representation has been received., concerned with

- Loss of light to the rooms and garden at the rear of the property.

The amended plans were considered to have a reduced impact on neighbours, however it was considered that they should be notified of the amended plans given the changes which expired on the 7th Dec, with further notification giving them until the 13th Jan.

Additional comments received

- Plans an improvement, concerned with proximity to dog run and building works.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP24 – 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 19th February 2019, together with Circulars, Parliamentary 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 & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess the proposal, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

The proposal will enlarge the property to the rear, by increasing the size (width) of the existing rear extension with two single storey ‘wings’. The proposed works will not be visible from the highway, given the curvature of the road and albeit attached to the side, the side extension is small in scale and therefore will not harm the appearance of the street scene. The extensions will be constructed of materials to match those of the existing building and the combined extensions will remain, on balance, subordinate to the host building. The mono-pitch roof forms and the limited width of the extensions assist, in isolation and when considered cumulatively with the existing extension, to remain subservient to the original dwelling. The extensions are considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the LP and advice in the NPPF

Impact on residential amenity:

The proposal is for two separate single storey rear extensions either side of an existing 2-storey rear extension projecting 3.5m.

The proposed kitchen extension would be along the boundary with No. 81 who would be mostly affected by this extension.

There would be no windows proposed in the side elevation therefore no overlooking in this case, this should be conditioned (condition 4) in order to retain their privacy.

The extension would be single storey and albeit project 3.5m would have a lean-to roof and would sit against an existing 2-storey extension. Albeit would sit on the boundary with the neighbour, therefore it is deemed to have a marginal impact on this neighbour with regards being overbearing and overshadowing in this case. This also takes into account the temporary structure in the rear garden of the adjoining property.

With regards to the extension to the west providing a utility and WC, these again will have no windows in the side elevation, furthermore these are non-habitable rooms with limited potential of overlooking given the size of the extension.

The extension again would be single storey, projecting 3.5m and would have a lean-to roof, which would sit against the existing 2-storey extension. Therefore, would have a marginal impact on the neighbour with regards being overbearing and overshadowing in this case.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions (should)...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as it will but up against the existing gables of a recent extension and the proposal is single storey.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that one representation has been received as a result of site publicity.

There concerns are: -

- Loss of light to the rooms and garden at the rear of the property.
Response: this was taken on board and amended plans received.

The neighbours either side have been notified of the amended plans.

Additional comments received

- Plans are an improvement, concerned with proximity to dog run and building works.
Response: this would be a private matter, however it would be appropriate to add a footnote in this case.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/93230

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 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 with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 LP01, LP02 & LP24 of the Kirklees Local Plan and advice in 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 additional door or window openings other than those expressly authorised by this permission shall be constructed in the eastern (side) elevation of the extension on the approved plan at any time.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have

the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250 and proposed front elevation			5.10.20
Existing elevations & proposed dining kitchen extension elevations.			19.11.20
Proposed layout			19.11.20
Proposed utility and toilet front elevations			19.11.20

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 Planning 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. The Case Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the residential amenity of nearby residents. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated:

13.1.21

Coal – low risk