

**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: 2020/62/93342/W

Site Address: 10, Orchard Terrace, Primrose Hill, Huddersfield, HD4
6DB

Description: Erection of two storey rear extension

Recommending Officer: Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 15-Dec-2020

Officer Report

Site Description

2020/93342 – 10, Orchard Terrace, Primrose Hill, Huddersfield, HD4 6DB

No. 10 is a two storey end terraced property. It is constructed of natural stone and slate tile roof. It has a small front yard which is mostly hard-surfaced with a low stone boundary wall and gateway access. There is a free-standing wooden structure in the front yard.

To its east is a Public Right of Way (PROW) connecting Orchard Terrace with Palm Street. To the rear of the property is a garden bound by wooden fencing. The rear the property presents as a two storey with under storey due to a sloping change in levels southwards. There is an existing extension which is in poor condition abutting the PROW.

The site is in a residential area with a mix of terraced and bungalow properties. There are existing 1-2 storey rear extensions of varying projections from the rear elevation in the immediate area.

Description of Proposal

Erection of two storey rear extension

It is proposed to erect a two storey rear extension projecting 4m from the rear and 5.5m width with a hipped roof ridge height of 5.7m and eaves at 4.5m approximately. The extension would create a kitchen/dining/living space with bi-fold windows opening out to the lower ground level to the outside garden amenity space and have bi-fold doors for its bedroom which would be on the ground floor level. It is planned to insert four roof lights and have no windows to the side elevations.

It is proposed to render the walls and roof with concrete tiles. The windows are proposed to be uPVC/powder coated aluminium and the doors to be powder coated aluminium. The rear garden amenity space would be bounded by part timber and part rendered block wall.

History of negotiations/amendments received

No amended were sought, but clarification on materials and the adjacent PROW were provided.

Relevant Planning History

Only if directly relevant to development (not necessarily just the site)

Representations

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: 19th November 2020

Site Notice expired: 17th November 2020

Press publicity expiry: 27th November 2020

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

PROW: There is a PROW next to the property and we wish it to remain unblocked to maintain accessibility.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

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

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. 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:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The proposed extension would replace an existing extension of poor condition. While it is a two storey extension, the nature of the rear elevation being viewed as 2.5 or 3 storey means that the extension would appear would not overly dominate the rear elevation of the dwelling. The use of low pitched roof would also help reduce its bulk and allow it appear as a subservient extension to the host building.

The proposed materials are render for walls which is referred to as a “proprietary self-coloured render”. The use of render whilst introducing a new material to the property which would be visible to surrounding properties and users of the adjacent PROW, it is evident in the local area and provided a sandstone or cream is used it is considered to have an acceptable impact on the local area. The use of such a colour will be conditioned. If the applicants

require an alternative colour render, then they would need to submit the colour for approval.

It is proposed to roof the extension in concrete tile. This would create a discordant roof material with the host dwelling and for visual amenity, therefore it will be conditioned that the roofing material be slate.

In light of the above, and the conditions attached, the design of the proposal would be considered to be acceptable and accord with Policy LP24 of the Local Plan.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The two storey extension would nearly span the width of the rear elevation and face north-east and would project 4 metres. The closest affected properties to the extension would be no. 12 and no.10 Orchard Street the impact on both these properties will be assessed below.

No.12 Orchard Street

The extension is located to the east of site and its projection at 4 metres would be clearly evident from the rear of no.12. However the windows to no.12 are a minimum of 2.1 metres from the proposed extensions which would aid in reducing its impact. The proposed shallow pitched roof would also aid in reducing the bulk of the extension proposed. It is noted that the proposal would lead to a degree of overshadowing in the morning to the upper and lower ground floor rooms of no.12 due to its position to the east, however on balance given the points above the impact is not considered to be significantly detrimental. With regards to overbearing due to the separation distance of the window the impact is on balance considered to be acceptable. There are no windows in the side elevation so the proposal would not lead to any overlooking impact.

No. 8 Orchard Street

The extension is located to the west and slightly to the north no.8. It is not considered that the extension would lead to a detrimental overbearing or overshadowing impact on no.8 and given that there are no windows in the side elevation there would be no overlooking.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site and therefore would not cause additional harm to highway safety.

The site is located adjacent to PROW Huddersfield 249/30 and the PROW Officer has assessed the application. The agent supplied information on how the PROW would not be obstructed during development. The PROW Officer has no objection to the development provided that a width of the PROW at 1.5m can be retained. In light of this the extension is considered to have an acceptable impact on the PROW. To ensure the applicant is aware of PROW a note will be attached to the decision notice.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. However it is noted that the extension would be constructed to modern standards which would help the building be thermally efficient.

Biodiversity –

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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: 2020/93342

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the details set out on approved plans the extension hereby approved shall be covered in slate tiles which shall match that used on the roof of the existing building.

Reason: In the interests of visual amenity to ensure that the roofing material is in keeping with the host property and to accord with Policy LP24 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

4. The render used on the external elevations of the hereby approved extension shall be coloured or have an external finish which shall be sandstone or cream in colour. The render shall be coloured before the extension is first brought in use and retained thereafter. If an alternative colour is sought details shall be submitted to and approved in writing by the Local Planning Authority, the extension shall be finished in the approved colour before the extension is brought into use and retained thereafter.

Reason: In the interests of visual amenity to ensure that the roofing material is in keeping with the host property and to accord with Policy LP24 of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

FOOTNOTE Public footpath Huddersfield 249 is the access to and is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of

Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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 found then Natural England should be contacted.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	Dwg no. 001 and location plan		12/10/2020

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. The case officer secured further information to clarify the materials of construction and the adjacent PROW, however no amended plans were required and the application was determined based on the submitted plans.

Report Dated: 11/12/2020