

**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: 2020/62/93355/E

Site Address: 28C, Hawthorne Way, Shelley, Huddersfield, HD8 8JX

Description: Erection single storey side and rear extension

Recommending Officer: Nina Sayers

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: 07-Dec-2020

Officer Report

Site Description

28C Hawthorne Way is a two-storey detached property in Shelley, Huddersfield. It has a driveway and an attached single garage to the front of the property and a garden to the rear and side. The exterior of the property consists of a natural stone walling, tiled roofing and uPVC windows and doors.

The house is located on a residential street with properties of similar age and size, but with a variety of designs.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey side and rear extension to create a study and a larger kitchen and dining area.

The proposed rear extension, which will host a kitchen/dining area, will project from the rear elevation of the existing dwelling by 3 metres. It will have a width of 8.7 metres, a height to the eaves of 2.3 metres, creating a total height of 3.4 metres. The proposed side extension will be used for a study. It will project 4.6 metres out of the side elevation of the existing property and will be 4 metres wide. The height to the eaves would be 2.3 metres and the total height would be 3.7 metres.

The proposed development would be built from materials that match that of the existing dwelling house.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

Representations

Final publicity date: 24th November 2020.

The application was advertised by neighbour letter. Final publicity expired on the 24th November 2020.

No representations were received.

No comments received from Kirkburton Parish Council.

Officer comments will be made in section 6 of this report.

Consultation Responses

Kirklees Council Strategic Waste team were consulted regarding the proximity to a historic landfill site. Comments are summarised in section 6 of this report.

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:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP53** – 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a single-storey rear and side extension to an existing residential property. 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.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would be located with an existing garden area. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity as well as highway safety.

2 – Impact on visual amenity

The proposed development is for a rear and side extension, but it is still considered subservient to the host dwelling, which would remain the dominant feature following development. The development would be in keeping with the existing property in terms of design and materials.

Due to the site's location on the corner of the street the proposed development will be visible from the street. However, this development will be single-story and will be built from materials which match the existing dwelling house and the surrounding properties. Considering these factors and the lack of uniformity in the street scene, it is considered that development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 in the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity

Impact on 28B Hawthorne Way

The proposed development will project 3 metres along the boundary shared with 28B Hawthorne Way, which is slightly stepped forward from the host dwelling. The development will be close to the adjacent boundary. However, it will not be any closer than the current side elevation and so is considered appropriate. This development will be single-storey and will not include any openings on the side elevation. As a result, the proposed development is considered not to cause any significant harm due to overbearing or overshadowing of the neighbouring property.

Impact on 30 Hawthorne Way

30 Hawthorne Way's side elevation runs alongside the rear boundary for the application property. The proposed development would project 3 metres closer to the neighbouring property than the current rear elevation and would include openings. Despite the reduced distance between the properties, the proposed development would remain a substantial distance away from the adjacent property. 30 Hawthorne Way does not appear to have any openings on the side elevation and only a small amount of garden boundary is shared with the host property. As a result, the proposed development is not considered to cause any overbearing or overshadowing harm to 30 Hawthorne Way.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thus complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The extension would serve a kitchen and dining area and a study and is, therefore, considered not to result in any intensification in the domestic use of the dwelling so the existing parking provision is acceptable. It is considered that the proposed extension will not cause any additional harm in terms of highways safety and the proposal complies with LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Historic Landfill Site

The application site lies approximately 54m from a former landfill site. After consulting Kirklees Council Strategic Waste, it is considered that, although there is built environment between the application site and closed landfill site, its proximity means methane could potentially migrate to void spaces associated with the development. Thus, to comply with LP53 of the KLP, a precautionary footnote will be added to the decision notice, if this application is approved.

Ecology

The site is located within a bat alert layer. If this scheme is approved, a footnote will be 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.

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.

6 - Representations

No representations were received.

7 – Conclusion

This application for the erection of a single storey side and rear extension to 28C Hawthorne Way has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2020/93355

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 with Policies LP1, LP2, LP21, LP22 LP24 and LP53 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 Chapter 12 of the National Planning Policy Framework.

NOTE: The applicant is hereby advised that there is one closed landfill site within 250m of the application site. Whilst the levels of methane (CH₄) detected during the last shallow spike surveys in 2003 at the nearby historic landfill site were very low, it is advised that the applicant should consider carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are present. 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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 bats 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: 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

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
Site Plan	/	/	20/10/2020
Existing elevations	/	/	20/10/2020
Existing elevations and floor plan	/	/	20/10/2020
Grouped proposed plans	/	/	07/10/2020

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 Planning 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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated: 03/12/2020

