

**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: 2020/62/93557/W

Site Address: 50, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX

Description: Erection of two storey rear extension, regrading of land and erection of boundary wall

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: 11-Jan-2021

Officer Report

Site Description

2020/93557 – 50, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX

No. 50 Meadow Lane is a two storey semi-detached dwelling. The construction materials of the host dwelling are natural coursed stone with concrete marley modern grey tile on cross-gable roof. It is bounded by low wooden slat fencing and is accessed through a shared driveway off Meadow Lane with other properties on site. Its primary elevation has a small driveway and a front lawned plot. It has its side elevation abutting Meadow Lane, a gable end either side and enjoys a corner plot.

The immediate residential area is of very similar dwellings constructed of same materials and have an open boundary treatment in relation to the road with little fencing.

Description of Proposal

Erection of two storey rear extension, regrading of land and erection of boundary

It is proposed to extend the rear gable elevation further with a two storey extension projecting 2500mm and then a single storey extension projecting from the two storey extension by 1500mm. Both extensions would be 3400mm wide. It is proposed that the gable roof ridge height of the two storey extension would be the same, 6.8m approximately, as the existing host dwelling as is the eaves height of 5.4m. The mono-pitched roof ridge height of the single storey extension would be 3.5 from the new ground level and eaves height of 2.7m from the new ground level.

The ground floor extension would have a dining room open plan with kitchen and the first storey would be an en-suite.

There would be a small window inserted to the en-suite on the first storey side elevation. There would be a floor to ceiling window to the ground floor rear elevation and a window to its first storey. To the north elevation of the ground

floor extension there would be bifold doors facing the next door neighbour's blank first floor extension wall.

Re-grading of Land & Boundary Walls

It is proposed that the garden plot would be regraded to level out the lawn on the south boundary and to erect sections of boundary wall treatment as follows:

West elevation: Coursed stone wall maintaining a new ground level cutting into the gradient with metal railings 0.5m atop measuring 1595mm overall maximum with the stone walls;

Southwest: 750mm coursed stone wall and a 700mm metal railings atop;

South: 1100mm wooden fencing (which would be dropped down in relation to southwest and southeast);

Southeast: 2000mm coursed natural stone retaining wall with piers and 1100mm high timber fence panel inserts between piers;

East elevation: It would have the stone wall with piers continued round similar to southeast being 2000mm overall with two 1100 timber panels. This would extend approximately 4m in width. Then a 1.8m timber fence would continue to meet its neighbouring fence.

The parking space to the front elevation would be retained. It is proposed that a fire pit area be formed on the new raised bed at the primary elevation. The mid-section would be at a lower ground level with steps up to the primary and rear elevation's raised sections. The rear raised section would be a lawn space.

Materials proposed are to match with the host dwelling with natural coursed stone for extension and boundaries with timber fencing over (side and rear elevation) and metal railings (primary elevation).

History of negotiations/amendments received

Amendments were sought to reduce the first floor extension by half a meter minimising the original overall length of the side elevation at first floor level. A standard window was placed at its side elevation instead of a high level window to reduce the blank elevation.

The boundary treatment was reduced by 300mm so that the overall height would be 1800mm-2000mm along its length to improve the visual amenity of the street scene.

Relevant Planning History

2015/90533 – Location: 52, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX. Proposal: Certificate of lawfulness for proposed erection of single storey rear extension. Decision: CERT OF LAWFUL OPPS GRANTED. Decision date: 26th March 2015.

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: 15 December 2020

No representations have been received.

Consultation Responses

No technical consultees required.

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.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The design of the proposed extension is considered to represent a subservient addition to the host property given that it would project from only part of the rear elevation. The matching roof and eave’s height also aid in ensuring that the extension would be in keeping with the design of the host property. In terms of over development only part of the amenity space would be developed ensuring that sufficient space is retained for the occupiers of the dwelling.

In terms of the street scene and wider character of the local area, it is noted the extension would be clearly visible given its position adjacent to the estate road. However, given its subservient design and scale in line with the southern elevation of the dwelling, and the use of matching materials it is considered that it would not adversely impact on the character of the local area.

With regard to the changes to the garden space the new boundary treatments have been broken up into sections which would reduce the blank façade of the side elevation and aid in ensuring that the overall scheme has an acceptable impact on the character and appearance of the local area.

The proposal is therefore considered to have an acceptable impact the visual amenity of the area and would 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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking. The closest properties to the development would be no.48 to the east, no. 52 to the north and no.s 39 and 41 to the south.

The proposal is not considered to have a detrimental impact on no. 48. In terms of overlooking, the only window in the side elevation of no.48 is obscurely glazed and would not have a direct relationship with the proposed extension. With regards to overbearing/overshadowing it is considered that sufficient separation is achieved to ensure that a detrimental impact does not occur. With regard to the changes to the garden, whilst there would be a raises of the ground level adjacent the shared boundary this would be relatively limited and restricted to a section of the front garden which is considered to be acceptable impact.

With regard to no.52 this property has been extended at ground floor level with a 3 metre extension as detailed by certificate of lawfulness 2015/90533. The proposed extension is to the south of no.52 and has the potential to overshadow no.52, however the extension is set off the shared boundary by 3.9 metres and this combined within the existing extension would ensure that a detrimental impact does not occur both in terms of overshadowing but also overbearing. With respect to overlooking, a set of bifold doors are proposed on the ground floor however these would look towards the blank side elevation of no.52 and this combined with boundary treatment would ensure that no detrimental impact occurs. With regard to the first floor no windows are proposed in the side elevation ensuring that an acceptable impact occurs. The changes to the garden are sufficiently separated to ensure that there would not be detrimental impact.

The neighbours to the south at Nos. 39 & 41 have a minimum separation distance of 14m separated by Meadow Lane the separation distance combined with the orientation is considered to be sufficient to ensure that there would be no detrimental overbearing, overshadowing or overlooking impact. The changes to the garden are sufficiently separated to ensure that there would not be detrimental impact.

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.

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.

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 had 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: 2020/93557

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.

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.

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. Contact Natural England if Bats are encountered.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	Revised Site Plans and Elevations (A)		04/12/2020
Plans - Grouped Plans and Elevations	Revised plans as proposed (A)		04/12/2020
Supp Info – General	Revised Boundary Treatment (A)		04/12/2020
Plans – Grouped Plans and Elevations	P01 – location plan and existing plans		28/10/2020
Plans General	P04 – proposed site plans and elevations		06/11/2020

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 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 undertook negotiations with the applicant to secure amended plans to improve the visual and residential amenity of the proposal to reduce the boundary treatment height and to reduce the first storey by 0.5m.

Report Dated: 08/01/2021