

**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: 2020/62/93591/W

Site Address: 2, Ponyfield Close, Birkby, Huddersfield, HD2 2BF

Description: Erection of two storey rear extension and raise roof of dwelling and garage (within a Conservation Area)

Recommending Officer: Laura Yeadon

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: 26-Apr-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93591>

Site Description

2 Ponyfield Close is a two storey detached dwelling located within the Birkby Conservation Area. The property is positioned at the entrance to a relatively modern cul-de-sac and has a front elevation facing Birkby Hall Road. The property is constructed from stone with a slate roof. To the front of the property is a forecourt and to the rear a garden area. Adjacent to the rear of the lawned area is a driveway which leads to a detached garage. Adjacent to the property is an electric substation and the wider site comprised of mainly residential properties. Whilst Ponyfield Close is a modern development the properties within the street scene are more traditional detached, semi-detached and terraced properties. Due to the topography of the area, the properties to the south of the property slope downwards on lower ground levels.

Description of Proposal

Permission is sought for the erection of a two storey rear extension, raise the roof of the dwelling and garage and an enlarged porch to the front elevation.

Raising of roofs

It is proposed that the roof of the dwelling would be altered from the current hipped roof to a pitched roof with the eaves height raised by 2 no. stone courses (0.3 metres) and the overall height of the roof ridge raised by 1 metre. It is proposed that corbel detailing will be added to the eaves. The garage roof is also proposed to be raised by 0.6 metres with the eaves being retained as existing.

Two storey extension

It is proposed that a two storey rear extension would be constructed which would have a side elevation facing the substation lying flush with the existing side elevation and would span the full width of the rear elevation and would be set in from the side elevation facing Ponyfield Close by 0.3 metres. The eaves height would match the existing (as extended) and the roof line would be hipped and set down from the ridge of the property (as extended) by 1 metre. Within the side elevation of the extension facing Ponyfield Close, a bay window is proposed at ground floor level.

Front porch

The existing front porch would be enlarged from a projection of 1.4 and width of 2.7 metres to a projection of 2 metres and width of 2.8 metres. The eaves height would be 2.3 metres and the overall height would be 3.4 metres.

History of negotiations/amendments received

Following initial comments from Conservation and Design, the scheme has been amended which reduced the projection of the rear extension from 4.5 metres to 4 metres, reduce the ridge of the rear extension and omit the dormer extension, set the rear extension in from the roadside, demonstrated the garden areas on the site plan to show the amenity space for the property, add a bay window to the side elevation of the property. It was not considered necessary to re-advertise the amended plans as the built form of development had been reduced from that originally submitted.

Relevant Planning History

1988/00716 Outline application for residential development
Refused – appeal upheld

1989/02225 Outline application for residential development
Withdrawn

1993/02004 Erection of residential development (38 dwellings)
Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 22nd December 2021 – one letter of representation received with the following being a summary of comments:

- Two storey extension is a significant addition to the house
- Overlooking exacerbated from proposed bedroom windows into landing and garden
- Overshadowing
- Out of keeping with the rest of the estate
- Single storey extension with bedroom located within increased roof volume would reduce overlooking and light issues and also the overall look of the estate

Parish/Town Council comments – not applicable

Consultation Responses

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

K.C. Conservation and Design – concerns raised regarding depth and scale of rear extension not being subservient. Following the submission of amended plans and the inclusion of a side elevation bay window, no objection.

K.C. Environmental Health – contaminated land conditions required due to proximity of electric sub-station

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 within the Birkby Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway Safety
- **LP 24** – Design
- **LP 35** – Historic environment
- **LP 53** – Contaminated 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it

does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and the Conservation Area
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 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.

The site is within the Birkby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

2 –Impact on visual amenity and the Conservation Area:

The property is detached dwelling and it is proposed to extend the property to the rear by a two storey extension and also alter the roof form from a hip to a gable and also raise the overall height of the dwelling and the garage. The proposed construction materials would match the host property. In addition, to the front of the property the existing porch would be increased in size.

Concerns were raised to the Agent within the Conservation and Design consultation response with regard to the overall impact of the scheme and that the works would result in a development which would not be subservient to the host building and therefore not compliant with Policy LP24. As such, the plans were amended and resubmitted which reduced the projection of the two storey extension to 4 metres and also reduced the overall height of the two storey extension and omitted the rear dormer extension. It is therefore considered that with the revisions proposed, the extension would appear as a subservient structure and would therefore comply with Policy LP24 of the Kirklees Local Plan. The hip to gable alterations would also be in keeping with other roof forms within the street scene and therefore acceptable. The increase in overall height of the dwelling whilst adding bulk to the property is on balance considered to be acceptable given that the dwelling would be read in conjunction with the adjacent property which is taller with a gabled roof. The bay window within the side elevation of the extension was an addition within the amended plans requested by the Conservation and Design Officer to relieve the side elevation of the extension from being a mass of blank walling. In addition, a proposed site plan has been submitted which demonstrates that the proposed development would not result in an overdevelopment of the plot.

The proposed porch extension is also considered to be subservient by virtue of being single storey in height and would also be extended from matching materials.

The proposed raising of the garage roof by 0.6 metres is also considered to be acceptable in terms of visual amenity.

In terms of the impact on the Conservation Area, amendments were sought in relation to the overall proposal causing some harm to the character and appearance of the Birkby Conservation Area. Discussions took place between the Agent and the Conservation and Design Officer took place and as a result, amended plans were submitted. Following the submission of amendments and the introduction of a ground floor bay window with the side elevation, the Officer is agreeable to the amendments put forward. Policy LP35 requires proposals to maintain local distinctiveness and preserve and enhance the significance of heritage assets. In this instance, modernising, extending and generally renovating the existing property and garage to retain its future use as a dwelling meets this test.

It is therefore considered that the proposal would have an acceptable impact on visual amenity and would preserve the appearance of the Birkby Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of residential amenity, the rear elevation faces the side elevation of No. 4 Ponyfield Close. Further to this, the application site is set on a higher ground level than the neighbouring property due to the topography of the area.

It is not considered that there would be a significant impact on residential amenity from the proposed porch or the bay window within the side elevation of the extension facing the road. In terms of the hip to gable alterations and the raising of the roof, due to the property being detached with a good degree of separation around the property, it is not considered that these alterations would cause a high degree of harm to any neighbouring properties. In terms of the raising of the roof of the garage, the structure is located to the side and rear of the conservatory on the rear elevation of the neighbouring property. As there would be no increase in height of the external walls of the garage with the alteration being to the ridge which slopes away from the neighbouring property, this element of the scheme is considered acceptable.

In terms of the two storey rear extension, this element of the scheme would reduce the separation distance between the existing rear elevation of the property and shared boundary with No. 4 by 4 metres, achieving a gap of 8 metres between the two properties. There is a first floor side elevation opening within No. 4 which serves a landing and as such is a non-habitable room opening. In terms of overlooking to this window it is not considered to be detrimental due to the separation distance of 8 metres being achieved combined with the use of the window. However, it is noted that there is potential to directly overlook the garden area and down onto the roof of the conservatory from bedroom 4. Whilst not habitable rooms within the adjacent dwelling, due to the limited separation distance which extends to 9 metres there is concern that there could be an adverse impact from the windows in bedroom 4, therefore, it is considered necessary to obscure glaze these openings by condition. Whilst future occupiers of the property may find these oppressive, the windows would still provide sufficient light and ventilation to the room, and an alternative position for the window was considered by Officers, but moving it to the western side may impact on the property to the west which includes windows in its side elevation. It is also noted that bedroom 3 and the study would be clearly glazed ensuring that it is only a small part of the development that is affected by the obscure glazing condition. As such, it would be reasonable and necessary in this instance to impose a condition requiring the use and retention of obscure glazing in the windows identified.

With regard to overshadowing and/or being overbearing, the site is set on a higher ground level than No. 4. The extension would be located to the north of the neighbouring property and therefore it is not anticipated that there would be significant harm from overshadowing to the neighbouring dwelling.

Taking into account all the above, it is considered that on balance, the proposal, as amended is considered acceptable and would comply with both local and national policy.

4 – Impact on highway safety:

The existing driveway and garage would be retained and therefore, there are no concerns regarding the impact of the scheme on 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. It is considered that the development would assist with climate change in the respect of materials which would be sustainable and likely be locally sourced.

Contaminated land – the site has been identified as potentially contaminated land due to its proximity to an electrical substation. As such, conditions are required in relation to the reporting of any contaminated land identified during the construction process.

6 – Representations:

One letter of representation received with the following being a summary of comments and LPA response:

- Two storey extension is a significant addition to the house

Response: This has been addressed within the above assessment

- Overlooking exacerbated from proposed bedroom windows into landing and garden

Response: This has been addressed within the above assessment

- Overshadowing

Response: This has been addressed within the above assessment

- Out of keeping with the rest of the estate

Response: This has been addressed within the above assessment

- Single storey extension with bedroom located within increased roof volume would reduce overlooking and light issues and also the overall look of the estate

Response: Noted

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: 2010/92591

Officer Recommendation: Approve

Conditions

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 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 LP1, LP2, LP24, LP35 and LP53 of the Kirklees Local Plan and advice within 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 advice within the National Planning Policy Framework.

4. The development shall not be occupied until the rear elevation windows to Bedroom 4 as shown on drawing numbers HD-A-952-205 Rev: C and HD-A-952-202 Rec: C within the rear elevation of the rear 2 storey extension hereby approved have been obscure glazed to a minimum Grade 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

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

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall

be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

Note: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours, Saturdays With no noisy activities on Sundays or Public Holidays.

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and proposed site plan	HD-A-952-203 – Rev: B		8 th March 2021
Existing front and rear elevations	HD-A-952-201		9 th November 2020
Existing side elevations	HD-A-952-101		9 th November 2020
Existing floor plans	HD-A-952-102		9 th November 2020
Proposed front and rear elevations	HD-A-952-205 – Rev: C		22 nd March 2021
Proposed side elevations	HD-A-952-201 – Rev: C		22 nd March 2021
Proposed floor plans	HD-A—952-202 – Rev: C		22 nd March 2021
Proposed attic and roof plan	HD-A-952-206 – Rec: B		8 th March 2021
Design, Access and Heritage Statement	HD-A-952		9 th November 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. Following initial comments from Conservation and Design, the scheme has been amended which reduced the projection of the rear extension from 4.5 metres to 4 metres, reduce the ridge of the rear extension and omit the dormer extension, set the rear extension in from the roadside, demonstrated the garden areas on the site plan to show the amenity space for the property, add a bay window to the side elevation of the property.

Report Dated: 23rd April 2021

Coal - low