# 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:** | 2020/62/93846/W |
| **Site Address:** | 21, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW |
| **Description:** | Raising of roof height to form rooms in roof space and alterations to existing porch |
| **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: 05-Jan-2021**

**Officer Report**

**Site Description**

2020/93846 – 21, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LW

21 Netheroyd Hill Road is a bungalow with a front extension and a car port to its right. It is elevated and set back with a terraced front garden bounded by a low stone wall and a driveway to its right. The host dwelling itself is situated on a sloping west downwards to east direction road. There are two further extensions, one rear with a pitched gable roof and a side flat roofed extension serving as a garage.

The construction materials are faced in random coursed stone with a white render strip in the middle of the host dwelling and a bay window in its centre for the primary elevation. The host dwelling has a front gabled roof in tile. The front extension has a stone base and double glazing wrapped around north to east elevations and is flat roofed. To the side and rear the house and extensions are in brick of various non-matching shades and sizes.

**Description of Proposal**

Raising of roof height to form rooms in roof space and alterations to existing porch

It is proposed to raise the host dwelling's existing roof by approximately 1m to create a roof ridge height of 5.3m and have a new eaves height of 3.3m. This is intended to create two bedrooms accessed by stairs and a small shower room. Six skylights will be inserted, three on either side and the middle ones staggered. The flat roofed front extension carport would be finished in white render and have a gable end pitch roof mirroring the host dwelling's roof pitch with a roof ridge height of 3.8m and eaves 2.6m approximately in height.

To the front garden, a middle wall would be removed and levelled up with a higher eastern boundary wall at 2m with the north boundary wall to be adjusted for the sloping road to be 1m in height which would be an increase of 0.50m from existing. Within the front garden, another wall of 1.5m in height to create two levels for the front garden instead of the current three and be at maximum ground level to be 3m in height.

**History of negotiations/amendments received**

30/12/2020 – Amendments were secured to retain the boundary wall's existing heights to reflect the boundary character of the street and to improve the visual amenity of the street.

**Relevant Planning History**

88/05777 – Proposal: Pitched roof to part of existing dwelling. Decision: GC - GRANTED CONDITIONALLY. Decision date: 13th January 1989.

**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: 25th 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**
- **LP 30 – Biodiversity**

**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 15 – Conserving and enhancing the natural environment

**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 host dwelling would have its roof raised 1m to accommodate two bedrooms and a shower-room accessed by stairs. The existing car port would also have a gable roof which would unify the front extension with its host dwelling. The carport would also be finished in white render which would additionally improve the street scene. The host dwelling is on an elevated position in relation to No. 19 however it is considered that the raising of the

roof ridge height by 1m would not be detrimental to the street scene or the wider character of the area where opposite the street is characterised by large two storey houses.

In light of the above the design of the proposal is 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.*"

No. 21 and its neighbouring properties are set in relatively large plots with space between the dwellings which ensures that new developments are somewhat separated from each other helping to mitigate impacts on residential amenity. The two properties that would be most impacted on would be no.19 to the west and no.23 to the east. The impact on each of these properties will be assessed in turn.

No. 19 is set at a lower level than the application site and the increase in height of the dwelling would to create additional built form within proximity to no.19 however it is not considered that the relatively modest increase would lead to a detrimental overbearing impact. In terms of overshadowing whilst there would be some additional bulk to the host property given it is not considered to detrimentally overshadowing no.19 or its amenity space. With regard to overlooking whilst roof lights would be added to the side of the property these would look over no.19 due to the change in levels and there are also no roof lights or windows in no.19 which would be overlooked. The impact is therefore considered to be acceptable.

No.23 is set at a higher level, with the main roof increase being set away from the shared boundary by 4 metres with additional separation to the dwelling itself. The new car port roof whilst constructed up to the shared boundary would be separated from the main dwelling by the drive which is 2.7 metres wide. These separation distances combined with the level differences is sufficient to ensure that the proposal would not have a detrimental impact overbearing or overshadowing impact on no.23. With regard to overlooking the proposed roof lights would be separated from no.23 by 6.7 metres and no windows are located on the side elevation of no.23 which are considered to be detrimentally impacted on.

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 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**: 2020/93846
**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. If bats are found then Natural England should be contacted.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Plans – Proposed Elevations | Proposed Front & Rear Elevations | | 30/12/2020 |
| Plans – Existing Elevations | HD-M-690-101 – Existing Side Elevation | | 11/11/2020 |
| Plans – Proposed Elevations | HD-M-690-001 – Proposed Side Elevation | | 11/11/2020 |
| Plans – Existing Elevations | HD-M-690-103 – Existing Front & Rear Elevation | | 11/11/2020 |
| Plans – Proposed Floor Plans | HD-M-690-002 – Proposed Floor Plan | | 11/11/2020 |

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Plans – Existing Floor Plans | HD-M-690-102 – Existing Floor Plan | | 11/11/2020 |

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 reduce the boundary treatment of the proposal and to improve the visual amenity of the streetscene.

**Report Dated:** 04/01/2021