

**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: 2020/62/93859/W

Site Address: 56, Stile Common Road, Primrose Hill, Huddersfield,
HD4 6DE

Description: Erection of single storey extensions and dormer
windows to front and rear to form first floor
accommodation. Detached garage/store to rear with
access from Plane Street.

Recommending Officer: Ellie Worth

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: 04-Mar-2021

Officer report

Site description

56 Stile Common Road, Primrose Hill is a detached bungalow constructed from brick and render with a tiled roof. Due to the change in levels within the site and the wider area, the existing driveway and garden to the rear are on a slight slope. To the front of the site, is a pedestrian gateway and steps leading up to the property. Boundary treatment consists of stone walling, hedging/planting and timber fencing. At the time in which the site visit was undertaken, it was evident with the property was in a poor state of repair.

The site is situated within a wider residential area, whereby the neighbouring properties vary in size, scale and form. The site is also unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of single storey extensions, dormer windows to front and rear and a detached garage with access onto Plane Street. The measurements of the scheme are as follows:

Alterations/extensions to existing side extension (South East):

- 1.6m in projection from the front elevation
- 4.3m in width
- 2.7m in overall height

Single storey rear extension:

- 5m in projection
- 4.7m in width
- 2.5m in height to the eaves; 4.2m in overall height

Front dormer window (including two panels of glass):

- 1.5m in width
- 1.8m in height
- 2.7m in depth

Front dormer window (including three panels of glass)

- 2.4m in width
- 2m in height
- 2.7m in depth

Rear dormer (including balcony)

- 2.5m in width
- 3m in height
- 3.2m in depth

Rear dormer (including two panels of glass)

- 1.8m in width
- 2m in height
- 2.7m in depth

Detached garage

- 6m in width
- 6m in depth
- 2.5m – 4.8m in height to eaves; 4.5- 6.6m in overall height (given change in levels)

The extensions will be constructed from red brick and render with blue slate tiles to the roof to match. The new windows will be UPVC.

The new garage will be constructed from stone to match the materials of the neighbouring properties. The driveway will be extended as part of this permission, with slight ground works to even the land to the rear of the dwelling.

History of negotiations/amendments sought

Officers have entered into discussions with the agent regarding the size and scale of the proposed garage. In this instance, amended plans have been sought to reduce the overall height and to create an under build for the office/store. The amended plan was received on the 3rd February 2021.

Relevant Planning History

None at the application site.

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 letter, whereby the final publicity dated expired on the 23rd February 2021. In this instance, two representations have been received. A summary of the concerns are outlined below:

- No objection to the development of the house
- Concerns raised over the size, scale and height of the detached garage
- The garage would overshadow neighbouring properties
- The garage should only be used for domestic purposes
- Consideration should be given to the foundations to avoid any possible ground subsidence
- The plans show the existing trees/foliage to be cut down, will these be replaced?
- The planting of garden boundary vegetation of a manageable proportion would be welcomed
- It is difficult to understand how the new driveway access would fit in with the current road curtilage

Consultation responses

None necessary.

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 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP28 - Drainage
- LP 30 - Biodiversity
- LP34 – Conserving and enhancing the water environment

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 design places
- Chapter 14 – Meeting the needs of climate change, flood and coastal change
- 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
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details to minimise impact on residential amenity of future and neighbouring occupiers'.

In this instance, it has been considered that the extensions and alterations would appear subservient to the host property, given its overall size and scale in relation to the existing mass of the building and the reasonably large plot which the property sits within. The single storey rear extension would be set down from the existing side gable and therefore would not exceed the existing ridge roof heights. The front and rear dormers would also be relatively small in size and scale and would benefit from a dual pitched roof. Finally, the detached garage would appear single storey in height when viewed from plane street, however, it will benefit from an under build due to the slight changes in levels. For these reasons the works would not result in the overdevelopment of the site.

Single storey extensions

The design of the small front extension to incorporate a shallow cat slide roof on the existing side extension has been considered acceptable from a visual perspective. The single storey rear extension would also benefit from a dual pitch in order to keep in with the design features at the application site. The extensions would be constructed from brick and render to match the host property.

In terms of fenestration, the submitted plans show new openings to be inserted into the front, side and rear elevations. These have been considered acceptable as the majority of the openings will keep in with those that already exist on the host property. The elongated windows and double doors within the rear extension have also been considered acceptable on balance, as they will enhance the dwellings more contemporary design.

Given that the extensions would be of an acceptable size, officers are satisfied with the impact on visual amenity, as this aspect would be significantly set back from the highway.

Front and rear dormers

The design of the front and rear dormers have been considered sympathetic to the host property and the surrounding area, as they would benefit from dual pitched roofs. The dormers would also appear as subservient additions within the front and rear roof slopes, given their limited height and width and that they would be centrally placed on the host property.

No details have been provided for the construction materials however, officers would like to see the dormers finished in either hanging roof tiles to match of UPVC cladding of a similar colour to the proposed roof tiles. A condition to control this will be attached to the decision notice.

The applicant is also seeking permission for a small balcony from the rear dormer. This would have an overall projection of 1.5m and therefore any visual impact would not be undue.

Detached garage

Amendments have been sought to reduce the size and scale of the detached garage. Along with this, the applicant has also reconfigured the design of the building to incorporate an under build, due to the proposed changes in levels. This will allow the outbuilding to appear more subservient to the host property, whilst reducing its overall size, scale and prominence.

The garage will be constructed from stone and has been design with a large garage door within the South Western elevation. Whilst such materials would be different to the host property, stone it prevalent in the local area and the garage would sit comfortably with the surrounding development and therefore no concern is raised. Windows and a pedestrian door will also be inserted into the rear elevation, which will allow more natural light into the outbuilding.

Landscaping

It has been noted that works are proposed to create two levels within the rear garden, one for the property's outdoor amenity space and the other for on site parking. Given that the rear yard already benefits from a slight change in levels, the introduction of steps are not considered to be detrimental. As such, no concern has been raised.

External alterations

The submitted plans show the existing pebble dash render to be replaced as part of this permission. This will ensure a better visual finish and therefore a condition will be attached to the decision notice to ensure that the new render is of a cream/off white colour.

Having taken into account the above, the proposed extensions, alterations and outbuilding are considered to have a satisfactory design and would be in

keeping with the character of the area in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

54 Stile Common Road is the neighbouring property to the North West of the application site. Given that this property is a two storey dwelling in which does not appear to benefit from any existing openings within its gable elevation, officers are satisfied that there would be no material overbearing or overshadowing. With regards to overlooking, a small balcony is proposed from the rear dormer, however, this would be retained at a projection of no more than 1.5m and therefore would not be used as the main outdoor amenity space for the host property. Nonetheless, in order to ensure that these neighbours' amenity are protected, a condition will be attached to the decision notice to ensure that the balustrade to the North West (side) is fitted with obscure glazing.

Any impact from the double doors proposed within the side elevation of the rear extension is also considered to be acceptable, as a sufficient separation distance will be retained, alongside the existing boundary fencing.

With regards to the detached garage this would sit further back within the applicants plot and therefore a separation distance of 17m would be retained. As such, any overbearing, overshadowing and overlooking would not be undue.

The Beacon, 60 Stile Common Road is the neighbouring property to the South East of the application site. Given that the existing conifers will be retained along the shared boundary, alongside the fact that this building is situated on a slightly lower level, it has been noted that there would be no significant impact upon these neighbour's amenity. Therefore, any overbearing, overshadowing and overlooking from the additional bulk, massing and openings contained within the extensions and outbuilding would not be undue.

23 Plane Street is the neighbouring property to the South East of the application site. It has noted that there would be no material impact upon these neighbour's amenity, as a result of the works to extend and alter the host property, as a separation distance of approximately 20m will be retained.

With regards to the detached garage on the other hand, it has been noted that this would be situated adjacent to these neighbour's gable elevation. The submitted site plan also shows the existing conifers to be removed in which will reduce the level of screening along the shared boundary.

However, given the amendments sought, the garage would only overbear and overshadow, what appears to be these neighbours side access and a small ground floor window. As such, any impact is not considered to be detrimental

and therefore can be supported on balance. Nonetheless, permitted development rights for future openings within the western facing elevation will be removed.

45 Stile Common Road is the neighbouring property to the North of the application site. There would be a separation distance of approximately 21m retained including a highway and therefore any overbearing, overshadowing and overlooking would be limited.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

4. Impact on highway safety

Whilst the proposal has the potential to intensify the domestic use at the property, officers have noted that there would be an acceptable level of on site parking provided.

In this case, the driveway will be extended, and a double garage will be provided. This would be suitable for at least four vehicles. For these reasons, the proposal is not considered to give rise to any highway safety or parking concerns.

However, it has been considered reasonable to impose a condition to ensure that the additional driveway is appropriately surfaced and drained in accordance with standard guidance to ensure that the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Kirklees Local Plan.

Furthermore, the plans show the new access onto Plane Street to change and therefore a note will also be attached to the decision note which states that the granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Councils Highway Authority may be required.

The submitted plans also show a wall to be installed to the rear boundary at a height of 1m. This will provide acceptable visibility splays and therefore no concern has been raised.

Overall, the proposal has been considered acceptable from a highway and a drainage perspective, as the scheme will provide one off street parking in which will be laid and surfaced in a permeable substance. This is to accord with Policies LP21, LP22, LP28 and LP34 of the KLP and Chapter 14 of the NPPF.

5. Other matters

Biodiversity

It is recognised that the site is located within a bat alert area. However, at the time in which the site visit was undertaken, the roof had already been removed from the property. As such, the works are unlikely to have any

impact upon roosting bats, however, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of 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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that a substantial amount of the extensions and outbuilding would be constructed from stone and brick, which are considered to be durable materials, that can be locally sourced. The use of large openings to habitable room windows will also reduce the use of artificial lighting and improve solar gain. Furthermore, it has been noted that the area of hardstanding will be laid and hardened in a permeable surface in order to reduce the risk of flooding.

6. Representations

As a result of the above publicity, two representations have been received. A summary of the concerns raised, alongside officer correspondence can be seen below:

- No objection to the development of the house
Comment: This has been noted.
- Concerns raised over the size, scale and height of the detached garage
Comment: This has been noted and amendments have been sought.
- The garage would overshadow neighbouring properties
Comment: A full assessment upon the impact on residential amenity can be found within section 3 of the report above.
- The garage should only be used for domestic purposes
Comment: The application has been assessed on its submitted merits, whereby a separate planning application would be required to use the garage for commercial purposes.
- Consideration should be given to the foundations to avoid any possible ground subsidence

Comment: This has been noted, however, is outside the realms of planning.

- The plans show the existing trees/foliage to be cut down, will these be replaced?

Comment: The plans do not show the existing conifers/trees/foliage to be replaced as part of this permission.

- The planting of garden boundary vegetation of a manageable proportion would be welcomed

Comment: This has been noted.

- It is difficult to understand how the new driveway access would fit in with the current road curtilage

Comment: Future works to the highway may require consent and therefore a note will be attached to the decision notice.

The above comments have been carefully considered in the determination of this application. However, they are not deemed to substantiate defensible reasons for refusal for the reasons outlined above.

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: 2020/93859

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 Policies LP1, LP2, LP21, LP22, LP24, LP28, LP30 and LP34 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The brickwork used on the extensions hereby approved, shall in all respects match the brick used in the construction of the existing building, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The render used on the host property and the extensions hereby approved shall be off white/cream in colour. The works shall thereafter be retained with this finish.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The roofing materials for the host property and extensions hereby approved shall be blue slates.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. The extensions and outbuilding hereby approved shall not be brought into use until the extended driveway as indicated on the approved site plan (dwg no. 02 Rev A) has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no windows or any other openings (apart from any expressly allowed by this permission) shall be created in the North Western facing side elevation of the detached garage hereby approved.

Reason: So as not to detract from the amenities of neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

8. Before the first floor balcony is first brought into use, the balustrade along the North Western boundary shall be fitted with obscure glazing. The privacy screen shall thereafter be retained.

Reason: So as not to detract from the amenity of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

9. The front and rear dormers hereby approved shall be constructed from hanging tiles to match the materials used on the host property or from UPVC in a colour to match the proposed roof tiles.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 13.00hours, 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 can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing and proposed floor plans and elevations	01	-	20 th November 2020
Location plan, site plan and proposed garage elevations and floor plan	02A	-	3 rd February 2021

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 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. In this instance, officers have entered into discussions with the agent regarding the size and scale of the proposed garage. In this instance, amended plans have been sought to reduce the overall height and to create an under build for the office/store. The amended plan was received on the 3rd February 2021.

Report Dated: 4th March 2021