

**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: 2020/62/94189/W

Site Address: 16, Yew Green Avenue, Lockwood, Huddersfield, HD4 5EW

Description: Erection of single storey rear extension

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: 16-Feb-2021

Officer Report

Site Description

2020/94189 – 16, Yew Green Avenue, Lockwood, Huddersfield, HD4 5EW

No. 16 is a two storey semi-detached dwelling. To the front, there is a lawned front garden which is walled and a driveway to the rear garden. It is on an elevated position overlooking No. 14 to its north. The rear garden is part driveway and part lawned with a patio. The construction materials of the host dwelling are buff brown brick, render with concrete tile hipped roof and white uPVC windows and doors.

No. 16 is on a residential close surrounded by dwellings of similar architectural style and rear extensions.

Description of Proposal

Erection of single storey rear extension

The proposal is for a single storey rear extension projecting 6000mm from the rear elevation and spanning 3915mm width. It would have a flat roof 2700mm in height with a lantern rooflight. The construction materials would be pebble dash render to match the host dwelling's main cladding material, grey single ply membrane roof and brown uPVC windows and doors. There would be double doors and two windows facing north towards No. 14. No other windows or openings are proposed for its other elevations.

History of negotiations/amendments received

The case officer considered the application and requested the extension be faced in render to match the main cladding material of the host dwelling and the south side elevation in plans.

Relevant Planning History

2020/92897 – Proposal: Erection of single storey rear extension. Decision: W - WITHDRAWN. Decision date: 26th October 2020.

Officer Note: This was a substantially larger scheme and the Officer requested it be revised downwards in scale for residential amenity and design.

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: 08 February 2021

One representation have been received; a summary of the comments received is set out below:

- The design, size and appearance is imposing and not in keeping of the area
- 6m projection is excessive

Officer Note: This will be addressed in the Assessment

- Noise and disturbance
- Light pollution from the lantern light and external lighting

Officer Note: The proposed extension would be used ancillary to the operation of the main residents and is not considered to lead to noise disturbance. Concern regarding light pollution from the proposed roof lantern is not considered to be significantly detrimental and would be typical for other structures such as conservatories or where roof lights are used on extensions. In terms of potential construction noise, this would be limited and note is included on the decision notice setting out reasonable hours of use.

- Overshadowing and overlooking

Officer Note: This will be addressed in the Assessment

- Devalue property values in area

Officer Note: This is not a material planning consideration.

- The extension should be a significant distance between plot boundaries, the proposal encroaches into the land of the neighbour.

Officer Note: The proposed rear extension would be constructed within the application red line boundary which is within the applicant's control. It is noted that it would be constructed up to the party wall, however any impact on this would be a private legal matter to be resolved between neighbours. A footnote has been placed within conditions.

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”.

While it is noted that the extension is large it is to the rear of the property and would have minimal impact on the street scene. The plans indicate that the size of the extension would not be considered overdevelopment of the plot and that it would sit comfortably with the area’s character with similar rear extensions. The rear extension would be subservient to the host dwelling due to its single store nature with overall height and restricted width and the construction materials would match the host dwelling in pebble dashed render.

Therefore, by virtue of its position to rear of the dwelling, scale and design the proposed extension would not detract from the character or appearance of the existing dwelling nor would it create a prominent feature within the streetscape.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and 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.*”

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 neighbouring paired property to the south, No. 18 would be most affected by the extension due to its location adjacent the shared boundary. The proposed extension would not have windows facing its neighbour to the south and the submitted plans set out that the existing boundary treatment would be retained. Therefore the proposal would not lead to any detrimental overlooking to no.18.

In terms of overshadowing, the extension is located directly to the north and a 2.1 metre high boundary wall between the two properties is to be retained, which would mitigate most is not all potential to overshadow. However it is noted that in the late afternoon or evening there may be some additional overshadowing by the taller nature of the extension when compared to the boundary treatment. However the harm is not considered to be significantly detrimental.

Turning to overbearing it is noted that the submitted plans set out that the neighbour's ground level is lower than No. 16's and the extension would be 2925mm in height. The extension's height is 2700mm approximately from the host property. The extension would increase the height of the party wall by approximately 80mm for the neighbour which is on balance considered to be relatively modest. Whilst it is noted that the extension would sit against the party wall, it would have minimal extra height over the existing wall and have a flat roof reducing its profile as far as is practicable. It is therefore considered that the extension would not be detrimentally overbearing.

Furthermore, it is noted that the host property benefits from its permitted development rights and an extension of the scale proposed (6 metre projection, with appropriate overall height) could be applied for via a larger homes extension application. Whilst it is noted that an objection has been received to the application, as set out above the impact of the extension of the neighbouring properties is not considered to be detrimental and therefore it is likely that permission would be granted by this process as well as a standard planning application as submitted.

No. 14 is located to the north would have an existing separation distance of approximately 5m; their extension extends further west than No. 16 and is considerably lower in ground levels with their gable roof approximately just above No. 16's ground level . As such the proposal would not have direct harm caused to no.14 by overshadowing. While there is a patio door opening proposed facing No. 14, it would not face habitable rooms or any windows. There is a pre-existing relationship between the two neighbours so no additional overlooking or loss of privacy would be considered due to the proposed extension.

Turning to no's 27 and 29 Moor End Road to the west would have a separation distance of 27m to their rear elevation and would not have negative impacts on overshadowing, overbearing or overlooking due to the position of the extension and the separation distance.

In conclusion the proposal is considered to have an acceptable impact on residential amenity and would accord with Policy LP24 of the Kirklees Local Plan.

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.

6 – Representations:

One representation had been received, considered and answered within the Assessment.

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: 2020/94189

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 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: 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: 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 to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Location Plan		07/12/2020

Plan Type	Reference	Version	Date Received
Existing Floor Plans	01		07/12/2020
Existing Elevations	02		07/12/2020
Proposed Floor Plans	03 Rev A		07/12/2020
Proposed Elevations	Dwg No. 04 Rev B		13/02/2021
Proposed South Side Elevation	Dwg No. 5		13/02/2021

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 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 considered the application on review and sought to amend the external finish of the extension to reflect that on the host dwelling and to request detail on side elevations for the avoidance of doubt.

Report Dated: 15/02/2021