

**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: 2020/62/94340/E

Site Address: Hazeldean, 16, Liversedge Hall Lane, Liversedge,
WF15 7DB

Description: Erection of two storey and single storey rear extension

Recommending Officer: Katie Wilson

DECISION – CONDITIONAL FULL 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.

Paul Dowd

AUTHORISED OFFICER

Date: 14-May-2021

Officer Report – 2020/94340

Site Description

Hazeldean, 16, Liversedge Hall Lane, Liversedge is a two-storey semi-detached house dating from around the Edwardian era, with a later conservatory and outbuildings to the rear. The walls are a combination of red brickwork at ground floor level and surfaced in pebble-dashed render at first floor level. The roof is a series of dual-pitched roofs, hipped to the side with a subservient gable to the front.

The land is relatively level and there is driveway and some parking to the front, a garage/outbuilding to the rear, together with a larger garden enclosed by other gardens to either side. The character of the area is of a leafy suburb with substantial houses set back from the roadside, many with various extensions and outbuildings.

Description of Proposal

Planning permission is sought for erection of two storey and single storey rear extension.

Single storey element (adjacent mutual boundary 18, Liversedge Hall Lane):

- 6.0m projection x 2.2m wide
- Mono-pitched roof design 3.0m eaves level 3.5m overall height
- 3no velux windows

Two-storey element (set in from mutual boundary 18, Liversedge Hall Lane, around 2.5m):

- 6.0m projection 4.2m wide
- Dual pitched roof, hipped at the back
- Eaves to match existing and ridge set down around 1.5m
- Doors and Juliet balcony in rear elevation, one small window in west elevation at first floor level, velux windows in either side roof plane.

Ground floor space for open plan kitchen and seating area, first floor en-suite bedroom.

External materials: -walls brickwork to ground floor with render at first floor
- Roofing – grey slates to match existing.

It is noted that an existing garage would also be made smaller in length.

History of negotiations/amendments received

Amendments were received to replace flat roof element, with a mono-pitched roof design.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date Expires: 15th March 2021. No representations received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were carried out.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 without notation on the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity

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 15 – Conservation and enhancement of 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 (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 extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring ‘*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*’.

In this instance, the original part of the house appears to be as it stands, without the lean-to conservatory to the rear. The currently proposed extension would replace the conservatory, with another single storey element to the rear (thought to be original).

Whilst the proposed extension has a relatively large footprint, it is less than the original part of the house and the overall height is significantly below that of the host dwelling. As such, the proposed would be subservient to the original building.

In terms of materials and details, the external wall and roof materials would be to match the existing and the window / door styles and roof designs would all be appropriate and consistent with details seen on the existing house.

As such, the proposal is considered to promote good design and is compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be two households potentially affected by the proposals; these are addressed below:

14 Liversedge Hall Lane – This is a two-storey semi-detached house located to the north-west of the application site, with side-facing elevations parallel with each other, but 7.0m apart.

Although the proposed rear extension would have potential to cast some shade, its overall height is well below that of the existing house and so relative to the impact from the existing house, it would be quite limited.

In terms of overlooking, one small window is shown in the west elevation as proposed. However, this would be for an en-suite bathroom, which could be controlled by condition and obscurely glazed.

It is noted that another new window is shown in the same side elevation at first floor level in the original part of the house. It also appears to be outside the stipulations of permitted development rights, but not included in the description of the proposed development and so is outside the scope of this application.

18 Liversedge Hall Lane – This is the adjoining semi-detached house, attached to the eastern side of the house at the application site.

The proposed extensions have some potential for an overshadowing and overbearing impact. However, the double storey element has been stepped in from the mutual boundary around 2.5m and the overall height is well below that of the original part of the house. The eaves height of the single storey element is also restricted in height and the roof plane slopes away from the boundary.

No openings are shown in the facing side elevation (except velux windows) and it is recommended that new opening be controlled by condition.

Overall, it is thought that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers, and so is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from Liversedge Hall Lane, an adopted, but unclassified road, and it has off-street parking for 4 or 5 cars. The proposed extension would turn a 3-bed house into a 4-bed house. However, it would retain off-street parking for at least 4 vehicles and, as such, this is considered adequate for the enlarged dwelling.

5 – Other matters:

Carbon Budget

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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice to comply with the aims of chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received during assessment of this application.

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: 2020/94340

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 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the rear extensions hereby approved.

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

5. The windows to an en-suite at first floor level in the west facing side elevation of the extension hereby approved shall be obscurely glazed (minimum privacy level 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the windows shall be so retained thereafter or replaced on a like for like basis.

Reason: To not detract from the amenities of the adjoining neighbouring occupants by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. SD/01		10.02.2021
Plans and elevations as existing	Dwg no. SD/02		10.02.2021
Plans and elevations as proposed	Dwg no. SD/03C		23.4.2021

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 has, 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. Part of the roof design was amended during consideration of this application.

Report Dated: 10.05.2021

