

**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: 2021/62/90033/W
Site Address: 83, Imperial Road, Edgerton, Huddersfield, HD1 4PG
Description: Erection of two storey side 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: 02-Mar-2021

Officer Report

Site Description

2021/90033 – 83, Imperial Road, Edgerton, Huddersfield, HD1 4PG

No 83 is a semi-detached two storey dwelling paired with No 81 sitting within a corner plot. Its construction materials are brick, stone and pebbledashed render with a hipped roof made of blue slate tile. It is bounded by hedging atop a low wall and benefits from a detached garage to its west elevation.

To its rear garden boundary, Edgerton Conservation Area is adjacent.

Description of Proposal

Erection of two storey side extension

The two storey extension would project from the side elevation by 3.8m and is a rectangular extension with the corner cut off at the rear. The west elevation would be 5.9m depth, the corner 1.8m width and the rear be 2.5m. The first storey would be set back from the primary elevation by 0.7m with a lean to roof for the ground storey. The extension would have a hipped roof set down from the host dwelling by 0.2m with a roof ridge height of 8.1m and eaves to match the host dwelling with 5.5m height from ground. The construction materials of the extension would be to match the host dwelling with stone at front then render for the first storey and brick and render for side and rear and slate roof tile.

There would be windows each to the two storeys facing Imperial Road and small windows each for the rear elevation storeys with a door opening on the ground storey.

The extension would have a kitchen/dining/living room at ground floor and main bedroom to the front with WC at rear.

History of negotiations/amendments received

The case officer considered the application on review and requested details of parking arrangements for Highways and feedback from Conservation & Design regarding the design of the extension. The agent submitted the

parking arrangements and wished the proposal to proceed as submitted and a decision has been made on the application as submitted.

Relevant Planning History

None.

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: 02 February 2021

Press publicity: 26 February 2021

No representations have been received.

Consultation Responses

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

- **Highways Development Management** – No objection after parking shown on plan
- **Conservation & Design** – No objections

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 35 – Historic 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-designed places
- Chapter 16 – Conserving and enhancing the historic 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, however the rear boundary is adjacent to Edgerton Conservation Area. 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, including any impact on the setting of the adjacent conservation area 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. Policy LP24 requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

Given that the site is adjacent to the Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which sets down a statutory duty for the preservation or enhancement of the conservation areas including their setting. Policy LP35 of

Local Plan and Chapter 16 of the NPPF need to be considered which sets out that heritage assets including their setting should be protected and enhanced by new development. The application has also been assessed by the Conservation Officers.

The two storey side extension would be stepped back from the primary elevation at the first storey and set down from the host dwelling aiding in the extension appearing subservient to the main dwelling. At the ground floor the extension would be small in scale with a lean to roof and given the limited projection this is also considered to be subservient.

In terms of the street scene, it is noted that the host dwelling is on a corner plot with its paired neighbour having a side extension of a smaller size. The proposed side extension is larger than the neighbour but the provision of 0.7 metre set back and the setting down of the roof is sufficient to ensure the extension on balance appears as a subservient addition. In terms of terracing the adjacent property is a gable ended property of a differing design and good separation is achieved at the front with a small amount of space to the rear. These arrangements are considered sufficient to prevent any undue impact. The use of matching materials would help the extension to sit comfortably within with the host property and within the wider street scene.

Turning to the impact on the conservation area, the border is to the rear of the site and the position of the extension is not considered to be sensitive to the setting of the Conservation Area. It is noted that the Conservation Officer has advised that the visible appearance of the extension would be improved if it was reduced in scale similar to next door. However, for the reasons set out above the design overall on balance is considered to be acceptable.

The proposal is therefore regarded as acceptable on balance for permission and would not harm the setting of the Conservation Area and would accord with Policies LP24 and LP35 of the Local Plan and Policies in Chapters 12 and 15 of the NPPF.

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 closest properties to be affected by the development are no.s 82 Syringa Street (west) and 81 Imperial Road (east).

With regard to no. 81, the extension is located on the opposite side of the building and mainly to the side of no. 83, this would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

In terms of no. 82, this property is located to the west, and does not contain any openings facing the proposed extension preventing any overlooking. The proposal would bring the building closer to the shared boundary, however the extension is mainly located to the side of the host property within a tight corner plot, which would mitigate against any additional detrimental overshadowing of the rear garden area. With regard to potential overbearing the extension would be closely set off the shared boundary and not be overbearing.

With regards for neighbours to the rear No 49 and 51 Cleveland Road, the angle of the corner plot and the set down roof ridge height would limit impact on overshadowing to their gardens primarily in winter and be considered acceptable. It would not be considered to have detrimental harm in overbearing and overlooking due to the separation distances of over 30m and angled position not directly facing their windows.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The application has also been assessed by Highways DM Officer.

The proposed development would lead to no.83 having 3 bedrooms and a study and on request, an amended plan has been provided which shows two parking spaces. The provision of the two spaces is consider to be sufficient for the site and will be conditioned to be provided before the extension is brought into use and appropriately surfaced. Subject to the aforementioned condition the proposal would accord with Policy LP21 and LP22 of the Local Plan.

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:

No representations had 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: 2021/90033

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.

4. The development shall not be brought into use until the areas indicated to be used for parking on the submitted plans have been provided and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies '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) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the uses specified on the submitted plans.

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Local Plan Policy LP21.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Existing Site/Block Layout	P00 – Existing Site Plan		18/01/2021
Plans - Grouped Plans and Elevations	P14 – Front and Rear Isometric		18/01/2021
Plans - Grouped Plans and Elevations	P01 – Existing		18/01/2021

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	P15 – Visuals		18/01/2021
Plans – Location Plan	Site location plan		07/01/2021
Plans – Proposed Elevations	P13 – Proposed Elevations		18/01/2021
Plans – Proposed Floor Plans	P11 – Proposed Ground Floor		18/01/2021
Plans – Proposed Floor Plans	P12 – Proposed First Floor		18/01/2021
Plans – Proposed Site/ Block Layout	P10 – Proposed Site Plan		17/02/2021

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 undertook negotiations with the applicant to secure an amended plan which shows the that two parking spaces can be achieved on site.

Report Dated: 01/03/2021