

**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:** 2021/62/90128/W

**Site Address:** 41, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX

**Description:** Erection of single storey extension and roof terrace to rear

**Recommending Officer:** Tom Hunt

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 23-Mar-2021**

## **Officer Report**

### **Site Description**

2021/90128 – 41, Meadow Lane, Slaithwaite, Huddersfield, HD7 5EX

No. 41 is a split level 2 and 3 storey, end-terraced, new build property constructed of stone and tile gable roof when viewed from the highway. To the front is a driveway. To the rear it is a three storey dwelling overlooking a large garden and open space/cricket ground to the south. There is a stepped access to the rear garden from the highway. It sits within a residential area with similar architectural styles and ages.

### **Description of Proposal**

Erection of single storey extension and roof terrace to rear

The proposal is for a single storey rear extension to its lower ground storey with a roof terrace bounded by glass balustrade. It is proposed to project 2000mm and be 4.7m width. It would be 2805mm height from lower ground level to the floor of the balcony and with the glass balustrade tapering from 4505mm to 3905mm height overall.

The side elevations do not have windows or other openings. The side elevations of the balustrading would be opaque glass. The lower ground storey would have bi-fold doors opening from the sitting room to the garden and have double doors to serve the playroom on the roof terrace with a modestly enlarged window.

The materials would be stone and tile to match.

### **History of negotiations/amendments received**

The case officer considered the application on review and received amended plans taking into account representations to change the balustrading to obscured glass at the sides.

### **Relevant Planning History**

91/01123 – Proposal: RENEWAL OF OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT. Decision: OP - CONDITIONAL OUTLINE PERMISSION. Decision date: 12/06/1991.

93/03162 – Proposal: ERECTION OF RESIDENTIAL DEVELOPMENT. Decision: RM - APPROVAL OF RESERVED MATTERS. Decision date: 19/05/1994.

96/91180 – Proposal: RENEWAL OF UNIMPLEMENTED OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT. Decision: OP - CONDITIONAL OUTLINE PERMISSION. Decision date: 18/06/1996.

2004/90156 – Proposal: ERECTION OF 61 DWELLINGS WITH GARAGES. Decision: SOF - SECTION 106 FULL PERMISSION. Decision date: 21/04/2005.

Permitted development rights were removed in 93/03162.

## **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: 08/03/2021

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

- Overshadowing with a 4m high brick wall, would be better with glazed balustrade.

The amended plan was not re-publicised as this largely addressed the representation received. The impact on the amenities of neighbouring residents – taking into account the comment above – is considered in the assessment.

## **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 27<sup>th</sup> 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 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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”. The one storey rear extension would project modestly, be sited to the lower ground storey and have a glass balustrade to the roof terrace which would be viewed a lightweight, modestly scaled and subservient addition to the host dwelling. Originally the roof terrace was to have solid walls on the side elevations but the scheme was altered to include glass balustrading to lessen the overall mass of the scheme. The extension would be constructed of stone and the introduction of glass with supports would assist with the softening of the structure and would not create an obtrusive feature when viewed from public vantage points.

Due to the topography of the area the rear gardens to the properties can be seen not only from the cricket ground below but also from beyond. A number of properties along Meadow Lane have created decked and terraced areas and therefore, to create an additional lower decked area would not be out of keeping within the street scene.

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 and also in terms of its design, size and visual amenities. The closest neighbours to be affected by the development would be No.s 43 (west) and 39 (east) with the cricket ground to the south.

It is not considered that the roof terrace lower decking would have a detrimental impact on the cricket ground as the existing relationship between the ground and the dwellings would remain unchanged. There would be no material difference to the potential for ball strike. The neighbouring dwellings utilise their rear gardens in different ways, including upper and lower sections of their gardens. This has resulted in a variety of terraces and decking being constructed over the years so would be in keeping with the local area.

With regard to no. 43, the limited 2m extension is located to the east of the property. The extension is set off the joint boundary and now includes lightweight opaque glazing for screening to the roof terrace. This would prevent undue overlooking from the balcony area whilst reducing the mass of the scheme when viewed from this property. The patio doors and patio area would still receive direct sunlight and enjoy an open aspect to the south and would not suffer undue overshadowing or overbearing impact.

In relation to No. 39, there is a pathway separating the two properties, No. 39 is situated further past the rear elevation of No. 41 with a first floor, side window placed to the centre so it would not suffer detrimental harm in overlooking as a result of the extension. The lower ground storey extension would not be high enough in relation to the side window of No. 39 to be overshadowed. The limited projection would not contribute to any detrimental overbearing harm to the property.

#### 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 proposed development would not adversely affect the existing parking spaces within the site or intensify the use of the dwelling enough to warrant additional parking spaces 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 has been received. The comments made are addressed in the report 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:** 2021/90128

**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 wall 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 hereby approved roof terrace shall not be brought into use until the glass balustrades measuring 4505mm to taper to 3905mm in height from the floor level of the roof terrace on both the west and east sides of the roof terrace have been erected in full accordance with approved plan ref: 'Dwg ref: 41ML/P02-Rev A'. The west and east balustrades shall be constructed from obscure glazing which shall be equivalent to or more obscure than Pilkingtons Glass grade 4 privacy level. 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) the balustrades shall be thereafter retained with the same obscure glazing privacy level.

**Reason:** In the interests of the privacy of neighbouring residents and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

| Plan Type                            | Reference                              | Version | Date Received |
|--------------------------------------|----------------------------------------|---------|---------------|
| Plans - Grouped Plans and Elevations | Dwg ref: 41ML/P02-Rev A                |         | 16/03/2021    |
| Plans - Grouped Plans and Elevations | Dwg no. P01 existing and location plan |         | 22/01/2021    |

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. The Agent submitted amended plans to alter the material to be used for privacy screening to the side elevations of the roof terrace. This application has been assessed on the basis of the amended plan.