

**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: 2021/62/90172/W
Site Address: 11, Olney Street, Slaithwaite, Huddersfield, HD7 5EG
Description: Erection of two storey extension to side
Recommending Officer: Ellie Worth

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: 30-Mar-2021

Officer report

Site description

11 Olney Street, Slaithwaite is a detached property constructed from stone with a tiled roof. Given the change in levels within the site and the wider area, the property appears to benefit from two storeys to the front (north west), alongside three storeys to the rear (south east). From reviewing the sites history, the proposal does not benefit from any on site parking. Private amenity space is to the side and rear and is bounded in by timber fencing and walling.

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

Description of development

The applicant is seeking permission for the erection of a two storey side extension. The measurements of the scheme are as follows:

- 4.8m in projection
- 6.9m in depth
- 5.6m in height to the eaves; 8.3m in overall height

The extension will be constructed from natural coursed stone to match the host property with a natural slate roof. The proposed fenestration will also be UPVC to match. Internally the extension will provide a garage at ground floor alongside a master bedroom with dressing room and en-suite at first floor.

History of negotiations/amendments sought

Discussions have been held regarding the roof tiles, whereby the agent has confirmed that a natural slate will be used and therefore a condition should be attached to the decision notice accordingly. Updated floor and elevation plans have also been sought to show the rear staircase. These were received on the 26th and 30th March 2021.

Relevant Planning History

At the application site:

2016/91794 Erection of first floor extension to front and raising of the roof – Granted

92/00964 Erection of single storey extension – Granted

Neighbouring properties:

2003/94712 Erection of two detached garages to dwellings under construction – Granted (Zion Chapel)

2002/91508 Erection of extension and alterations to convert chapel to no. 4 dwellings with associated parking – Granted

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 the 5th March 2021.

As a result of the above publicity, one representation has been received. A summary of the concerns are as follows:

- The roof slates will not match neighbouring properties
- The Juliet balcony would not be in keeping with the existing building
- The bedroom would overlook the property to the rear
- The extension is set down from the main dwelling and therefore does not look in keeping
- The ridge, eaves and front and rear walls would look better if they lined up
- The rear staircase is an eyesore
- The internal dimensions of the garage would not be large enough for two parked vehicles
- There would be restricted view when leaving the garage, which causes safety concerns

Given that the amendments sought were to demonstrate the rear external staircase on all proposed floor plans and elevations, officers did not consider it necessary to re-advertise the scheme.

Consultation responses

KC Environmental Health: No objections subject to conditions being attached to the decision notice relating to an electrical charging point and the finding of unexpected land contamination.

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
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP53 – Contaminated and unstable land

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 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 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

It has been considered that the proposed two storey side extension would appear on balance subservient to the host property, given its overall size and scale in relation to the existing mass of the building. The submitted plans also show the extension to be set down and back from the host property. This will allow the original dwelling to sit comfortably within its curtilage. It has also been noted that the proposal would not result in the overdevelopment of the site, as sufficient amenity space will be retained to the rear.

The design of the proposal has been considered acceptable from a visual perspective, as the extension would follow the simple form of the original property and would be constructed from stone to match. The agent has also confirmed that the roof will be finished in natural slate to match the host property and therefore a condition will be attached to the decision notice accordingly.

The proposed fenestration would also be of a similar appearance to those that exist on the host property and will benefit from stone heads and cills. To the rear, a Juliette balcony is proposed, however, any impact from this more modern style of fenestration would not be unduly incongruous with it being sensitively sited within a secondary rear elevation of the property, away from the principal streetscene.

A large garage door will also be inserted into the front elevation; although this does not follow the original design of the dwelling, it is a commonplace feature of dwellings within built up areas and therefore no concern is raised regarding this element of the development.

Whilst it has been noted that the extension would intensify development along the North Eastern boundary, it would not result in an undesirable terracing effect, as a large driveway separates the host property to no. 11A Olney Street.

Having taken into account the above, it has been considered that the proposal would harmonise, to an acceptable degree, with the host property and the surrounding development the character of the area and the wider street scene, complying with LP24 of 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.

Apartment block 11A to 11D Olney Street is the residential property to the North East of the application site. It has been assessed that there would be some additional impact upon these neighbour's amenity, given the fact that they benefit from openings within their side elevation. In this case, it has been noted that the openings at ground and first floor, whilst being relatively large in size and scale, are considered to be secondary to the habitable room windows in which they serve. With regards to the second floor openings, these serve two bedrooms. However, officers have noted that these openings are relatively small in size and scale and therefore any overbearing would not be undue, as a separation distance of at least 9.8m will be retained. Roof lights are also available within the front and rear roof slopes to these bedrooms, in order to aid passive solar gain. For these reasons, it has been considered that any overbearing on balance, would not have a material impact upon these neighbour's amenity. Any overshadowing would also be limited, as these neighbours are situated to the North East.

The submitted plans do not show any new openings to be inserted into the side elevation of the two storey extension, which will preserve these neighbour's amenity. Nonetheless, future permitted development rights for ground floor openings within this elevation will be removed, in order to restrict any overlooking. Future first floor side openings would also need to be obscurely glazed in order to comply with the GPDO.

1 Hill Top Road is the neighbouring property to the rear of the application site. It has been noted that there is only a separation distance of approximately 14m between these neighbours and therefore the proposed development is likely to have some impact.

However, in this case, the extension would be situated to the side of the dwelling and would be set back slightly from the rear elevation at the host property. This will ensure that the main bulk and massing is adjacent to the

application sites providing amenity space. It is also noted that the existing two storey extension at this neighbouring property does not benefit from any openings within its rear elevation and therefore, officers are satisfied that the works would not have any undue overbearing, overshadowing and overlooking upon these neighbour's amenity, especially, when compared to the existing situation. For these reasons, this relationship can be supported on balance.

29 Colne View is the neighbouring property to the South East of the application site. It has been noted that these neighbours benefit from private amenity space to the west of their property, which is likely to have some relationship with the two storey side extension. However, the works would retain a separation distance of approximately 14m, alongside these neighbours being situated on a significantly lower level. As such, any overbearing, overshadowing and overlooking onto the outdoor amenity space of no. 29 would not be detrimental.

4 and 6-8 Olney Street are the neighbouring properties to the North of the application site. It has been noted that a separation distance of approximately 13m will be retained, including a highway. For these reasons any overbearing, overshadowing and overlooking from the bulk, massing and openings contained within the two storey side extension would not be materially harmful. The extension is also set down from the main ridge on the host property, in order to reduce its overall impact.

On balance, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan.

4.Impact on highway safety

Whilst the proposal has the potential to increase the site's domestic use, by taking the property from a 3 to a 4 bed, officers have noted that compensatory off street parking has been provided.

In this case, the proposed integral garage would only have a width of 4.5m and therefore is unlikely to be suitable for the parking of two vehicles, when assessed against the Highways Design Guide. However, officers welcome the new on-site parking, as this has the potential to take one extra car off of the highway. For these reasons, the proposal is considered to comply with the aims of Policies LP21 and LP22 of the KLP.

A condition will also be attached to the decision notice to ensure that the 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.

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 Council as Highway Authority is required.

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

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, 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.

Nonetheless it has been noted that the extension would be constructed from stone and blue slate. Stone is considered to be a natural material, that can be sourced locally.

Contaminated land

The site is situated on potentially contaminated land and therefore KC Environmental Health have been formally consulted. In this case, no objections have been raised and therefore, the officer requested that a condition regarding the finding of unexpected land contamination should be attached to the decision notice. This has been considered necessary in order to comply with the aims of Policy LP53 of the KLP and Chapter 15 of the NPPF.

Air quality

KC Environmental Health Officers have requested that a condition regarding the installation of an electrical charging vehicle point should be attached to the decision notice. However, given that the works are for an extension to an existing dwellinghouse, this has been considered unreasonable.

6. Representations

As a result of the above publicity, one representation has been received, in objection. The concerns raised shall be assessed in more details below, alongside officer correspondence.

- The roof slates will not match neighbouring properties
Comment: The roofing materials will match those that exist on the host property (after discussion with the agent) and therefore a condition will be attached to the decision notice.
- The Juliet balcony would not be in keeping with the existing building
Comment: This has been noted, however, officers do not consider any harm to be undue.
- The bedroom would overlook the property to the rear
Comment: A full assessment against neighbouring amenity can be found within section 3 of the report above.
- The extension is set down from the main dwelling and therefore does not look in keeping
- The ridge, eaves and front and rear walls would look better if they lined up
- The rear staircase is an eyesore
Comment: The design of the extension has been thoroughly assessed within section 2 of the report above. The details of the scheme, including the external staircase to the rear, are considered to be of suitable design quality to approve.
- The internal dimensions of the garage would not be large enough for two parked vehicles
Comment: This has been noted.
- There would be restricted view when leaving the garage, which causes safety concerns
Comment: Officers do not consider the proposed garage to give rise to any highway concerns, as the plans show the garage to be set back 1.6m from the causeway to allow drivers to check for pedestrians and other vehicles when manoeuvring and to provide indivisibility for pedestrians.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/90172

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, LP34 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the two storey side extension hereby approved shall in all respects match those 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 Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the details set out within the application form, the roofing materials of the two storey side extension hereby approved shall be natural blue slate to match those used in the construction of the existing building.

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

5. 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 ground floor North Eastern facing side elevation of the attached 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.

6. The hereby approved hardstanding to the front of the attached garage shall be first surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' and thereafter retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety and to ensure that the additional hardstanding 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. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in

accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484 221000 who can advise further on this matter. Plans and

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 13.00hours , 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 and existing floor plans and elevations	11OS-P2/P01	-	19 th January 2021
Proposed floor plans and site plan	11OS-P2/P02	A	26 th March 2021
Proposed elevations	11OS-P2/P03	A	30 th March 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, discussions have been held regarding the roof tiles, whereby the agent has confirmed that a natural slate will be used and therefore a condition should be attached to the decision notice accordingly. Updated floor and elevation plans have also been sought to show the rear staircase. These were received on the 26th and 30th March 2021.

Report Dated:

30 th March 2021
