

**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: 2021/62/90279/W

Site Address: 10, Fenay Crescent, Almondbury, Huddersfield, HD5 8XY

Description: Erection of two storey side extension, formation of car parking space and regrading of rear garden

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.

Emma Thompson

AUTHORISED OFFICER

Date: 24-Mar-2021

Officer report

Site description

10 Fenay Crescent is a semi-detached dwelling faced in brick under a tile gable roof. The property benefits from a small garden area and driveway to the front, alongside private amenity space to the rear. To the North West of the host property also lies a detached garage, which will be demolished as part of this proposal. Pedestrian and vehicular access can be taken from the front boundary onto Fenay Crescent. Boundary treatment consists of brick walling and timber fencing.

The dwelling is located within a residential area and has a suburban character. The

locality consists of two storey detached and semi-detached dwellings, as well as detached bungalows constructed from similar materials. There is a footpath to the side of the dwelling which connects Fenay Crescent and Jessop Avenue to the rear of the site. The street rises upwards in a north westerly destination. 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 and single storey rear extension, formation of additional car parking space and regrading of the rear garden. The measurements of the extensions are as follows:

Two storey side extension (including single storey front lean to):

- 3m in width
- 8.5m in depth
- 5.1m in height to the eaves; 8.2m in overall height

Single storey rear extension:

- 1.2m in projection
- 3.3m in width
- 2.6m in height to the eaves; 3.6m in overall height

The extensions will be constructed from brick with grey interlocking concrete tiles to the roof to match the host property. The new windows will be constructed from UPVC to match.

Driveway alterations are also proposed as part of this application, to provide two on-site parking spaces to the front of the dwelling. A third space would be available within the integral garage. The agent has also confirmed that the regrading of the land to the rear of the site, will include a 1m high retaining wall.

History of negotiations/amendments sought

No negotiations or amendments have been sought as part of this application.

Relevant Planning History

At the application site:

2020/20441 Pre planning advice for householder extensions – Comments have been noted.

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 10th March 2021.

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

- The property has already had a significant amount of work done
- Impact on the snicket and the wider area from the works proposed

Consultation responses

None necessary.

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:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP34 – Conserving and enhancing the water 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 design places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Protecting 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 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 development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

In this instance, it has been considered that the two storey side extension would on balance appear subservient to the host property, given its overall size and scale in relation to the existing mass of the building and the adequately sized plot which the property sits within. The single storey rear extension has also been significantly reduced, compared to the development put forward as part of the pre planning application. This has been designed with a lean to roof to match the existing single storey element. As such, this will allow the original dwelling to sit comfortably within its curtilage and therefore would not result in the overdevelopment of the site.

Two storey side extension

The design of the side extension has been considered acceptable from a visual perspective, as it would follow the simple form of the original property. Its eaves height, roof form and materials will match the host property. The extension would also be set back marginally from the host property, in order to establish its subservience. Whilst officers would prefer the extension to be set down from the ridge roof line, it has been noted that the works would

appear as a continuation to the existing property and therefore any impact would not be undue.

It has been noted that the works would include a small single storey front extension to replace the flat roof above the existing porch with a lean-to roof, of which would run along the front elevation to the proposed two storey side extension (partially acting as a canopy roof in some areas). Given the relatively small size and scale of this, the works are considered to be compatible with the existing built form.

The proposed fenestration has also been considered acceptable, as it would be of a similar design and form to those that already exist on the host property. A garage door will also be inserted into the front elevation of the extension, in which is considered satisfactory, as this is a common feature within residential areas.

Whilst the extension would intensify development close to the side boundary, it would not result in an undesirable terracing effect, as the land to the north forms a snicket between the residential estates.

Single storey rear extension

The design of the rear extension has also been considered acceptable from a visual perspective, as it will act as an infill, adjoining the existing single storey flat roof element. The proposed plans also show a lean to roof to be created above both extensions. This has been considered acceptable, as the works would not appear overly prominent from public vantage points and would be set back from the highway. Materials will also be to match the host property.

The proposed fenestration includes a window within the rear elevation, to serve the kitchen. This has been considered acceptable from a visual perspective.

Formation of additional car parking space

The submitted plans show an additional car parking space to be created to the front of the property. This would include the partial loss of the area of soft landscaping; however, officers have noted that double driveways are a common feature within this area and therefore any harm would not be undue.

The submitted information states that the new driveway will be finished in tarmac, however, officers would like to see this aspect being laid in a permeable surface and therefore more details will be provided within the later of this report.

Regrading of rear garden and boundary treatment

The applicant is also seeking permission to regrade the rear garden. This will involve the existing patio area being extended. A low retaining wall no greater than 1m will also be provided to create a stepped area to the landscaped garden. This has been considered acceptable from a visual perspective and therefore, no concern has been raised.

Conclusion on visual amenity

Having taken into account the above, it has been assessed that the proposal would harmonise, to an acceptable degree, with the host property and the wider area, complying with Policy LP24 of the Kirklees Local Plan.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

In respect of No.12 Fenay Crescent, it has been noted that there would be limited impact upon these neighbour's amenity, given that the two storey side extension would not protrude beyond the front and rear elevations at the host property. The single storey rear extension would also have a maximum projection of 1.2m and would be situated away from these neighbours. As such, the works proposed are not considered to have a material overbearing, overshadowing and overlooking impact.

Any harm from the proposed regraded garden and the additional car parking space is also considered to be limited.

8 Fenay Crescent is the neighbouring property to the North West of the application site, which appears to be situated on a slightly higher ground, given the change in levels. It has been noted that these neighbours are separated by a footpath whereby 5.7m will be retained. For these reasons any overbearing and overshadowing as a result of the two storey side extension is not considered to be undue. The submitted plans also show no additional openings to be inserted into the northern facing side elevation and therefore any privacy will be retained. Future first floor side openings would also need to be obscurely glazed in order to comply with the GPDO, and therefore, officers do not consider this to conflict with these neighbours existing side opening.

There would also be limited impact from the single storey rear extension, as this would have a projection of 1.2m. As such, any overbearing, overshadowing and overlooking has been considered acceptable.

12 Jessop Avenue is the neighbouring property to the rear of the site. There would be a separation distance of approximately 21m to the rear elevation at these neighbours and therefore any additional impact from the bulk, massing and openings contained within the proposed extensions would not be undue.

13 Fenay Crescent is the residential property to the North East of the application site. There would be a separation distance of 21m including a highway, and therefore officers do not consider there to be any significant impact upon these neighbours' amenity.

In conclusion, the proposal has been considered acceptable from a residential amenity perspective, complying with the aims of Policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

It has been noted that the proposal has the potential to intensify the sites domestic use by taking the property from a 3 to a 4 bed. In line with the councils parking standards a four bedroom property would require 3 onsite parking spaces.

In this case, officers have noted that a second parking space will be provided on the driveway to the front of the dwelling, alongside an integral garage. With regards to the garage, this unfortunately would only have a length of 5.1m and therefore would be below standard. However, this is still likely to be suitable for a small car.

For these reasons, officers consider the scheme on balance to have an acceptable impact on highway safety and parking. This is to accord with Policies LP21 and LP22 of the KLP.

Alongside the above, it is also reasonable to impose a condition to ensure the additional 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.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property and detached garage 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, a condition will be attached to the decision notice in order to ensure that the extended driveway is appropriately surfaced and drained to ensure that the additional hardstanding does not result in surface water run-off and flood risk.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the comments alongside officer correspondence can be seen below:

- The property has already had a significant amount of work done
Comment: This has been noted.
- Impact on the snicket and the wider area from the works proposed
Comment: This has been noted and the impact assessed as part of section 2 of 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 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: 2021/90279

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 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the side and rear extensions hereby approved shall in all respects match those used in the construction of the host property, in accordance with the details show 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. The extended driveway as indicated on the approved floor plan Dwg no. PR01 Rev G shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area 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.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours, Saturdays

With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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: 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. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	LOC 01	A	25 th January 2021
Existing elevations and floor plans	EX01	B	25 th January 2021
Proposed elevations and floor plans	PR01	G	25 th January 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, no negotiations or amendments have been sought.

Report Dated: 22nd March 2021