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: 2021/62/90429/W

Site Address: 26, Holly Grove, Lindley, Huddersfield, HD3 3NS

Description: Erection of extensions and alterations

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: 12-Apr-2021

Officer Report

Site Description

2021/90429 – 26, Holly Grove, Lindley, Huddersfield, HD3 3NS

No. 26 is a two storey dwelling with accommodation above the single storey integral garage. The garage's roof ridge is set lower than that of the main body of the dwelling. There is a single storey projection with lean to roof at the primary elevation. The construction materials of the host dwelling are stone with grey interlocking concrete tile gable roof. It has a hard surfaced driveway to the front and small garden at rear. It borders Edgerton Conservation Area to the rear and sits within a close of similarly constructed residential houses,

Description of Proposal

Erection of extensions and alterations

The proposal is to erect a first storey extension above the integral garage and it to be flush with the host dwelling's existing front elevation at the first floor and also to match the original roof ridge line at 7.1m approximately. The extension would project from the side elevation by 2.55m and be 8.66m depth. The primary elevation on the ground floor is set forward of the first floor by 1.8m. The integral garage would be converted to a utility/bootroom and the garage door to be removed. The front elevation would have a window each storey, and no window changes at rear and west elevations. All materials and details would be to match the existing host dwelling.

History of negotiations/amendments received

The case officer considered the application on review and requested revised Proposed Plans to reflect the correct roof ridge line of the Rear Elevation.

Relevant Planning History

80/05564 – Proposal: Erection of 19 Detached dwellings with double integral garages. Decision: Approve. Decision dated: 02/12/1980.

Officer Note: Permitted Development Rights were removed through: Condition 10) Notwithstanding the provisions of the Town and Country Planning General Development Order 1977 no buildings or extensions shall

be erected to the rear of plots 11 and 16 on the approved plan without the prior written approval of the District Planning Authority.

Similar proposals were granted at 18 and 20 Holly Grove but retaining the integral garage and with an adequate separation distance:

93/00879 – Proposal: ERECTION OF SINGLE STOREY AND 1ST FLOOR EXTENSIONS. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 14/04/1993.

91/05364 – Proposal: ERECTION OF SINGLE STOREY AND FIRST FLOOR EXTENSIONS. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 26/11/1991.

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: 06/04/2021
Press publicity expired on: 26/03/2021
Site Notice expired on: 09/04/2021

No representations have been received to date.

Consultation Responses

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

- Conservation & Design – informally consulted, no objections to proposal.

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 itself is unallocated on the Kirklees Local Plan. Its rear garden borders Edgerton Conservation Area to the rear.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**

- **LP35 – 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 - Protecting and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development:

The site's rear garden borders the Edgerton Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area. Given that the site is unallocated Policy LP1 of the KLP is relevant which 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. The principle of developing the site is considered to be acceptable subject to an assessed of visual amenity and heritage, residential amenity, highway safety and all other material planning considerations.

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 seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states "development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial

public benefits that clearly outweigh the harm". The proposal has been assessed by the Conservation Officer to have no harm on the setting of the Conservation Area. It does not have immediate impact on the Conservation Area's setting by way of its position and orientation and the scheme would visually be similar to other houses in the new build estate. Thus, its impact would be neutral.

The primary elevation on the ground floor is set forward of the first floor by 1.8m and the first storey side extension would be to the side, flush with the host dwelling's roof ridge and maintain the first floor's set back position. Overall while the extension would not be deemed subservient, it would appear to be, on balance, to have its mass and bulk broken up by the setback nature of the first floor storey and the ground floor roof line being set forward. While the draft 'House Extension and Alterations' Supplementary Planning Document has some weight, the proposal would not lower the roof ridge line but otherwise be in accordance with the guidance that the extension be set back at least 500mm (at first floor) and follows the form of the existing roof, this would on balance be acceptable as it could be considered subservient by way of its set back position to the ground floor.

Turning to whether it would be contributing to a terracing effect on the streetscene, there would be a close boundary separation to No. 24A so overall the pair would have 1m between the two. The draft 'House Extension and Alterations' Supplementary Planning Document notes that first floor extensions should retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens. No. 26 retains a rear access to the garden on the border to No. 28, it could be considered unreasonable to require two rear access paths either side given that the placements of the detached dwellings did not originally allow for this. This proposal would not technically be in accordance however it should be considered that the existing nature of the streetscene has varied roof treatments, varying positions of the dwellings in relation to the road and has a gentle slope to the site breaking up the rooflines; should No.s 22, 24, and 24A extend similarly the potential terracing would be of limited impact and alteration to character to the overall visual amenity of the street. Similarly approved applications at No.s 18 and 20 vary in having sufficient separation distance but are on larger cornerplots on the highway situated away from the grouped dwellings. This extension does not reduce the existing separation distances between the neighbouring properties.

At the ground floor, the garage would be converted to appear as a windowed ground storey which would be considered to be a subservient alteration evolving the streetscene. Most properties have retained their integral garages but this proposal would not be visually incongruous.

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.

<u>3 – Impact on residential amenity</u>:

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 properties to be affected by the development are 24A (west), 7 (north), 28 (east) Holly Grove and 7 West Avenue (south).

With regard to no. 28, the extension is located on the opposite side of the building and mainly to the side of no. 26, this would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

With regard to No. 7, the first floor extension would introduce two window openings with modestly closer relationship to its primary elevation however it has a separation distance of 22m and therefore would be acceptable in terms of overlooking, overbearing and overshadowing.

Turning to No.24A, the host dwelling would maintain its existing openings towards No. 24A and would not contribute to further detrimental impact on the property in terms of overlooking. The closer proximity of the extension to the shared boundary would not contribute to detrimental overshadowing impact considering that any impact to be limited to the front hard surfaced gardens and extent further limited by the host dwelling's roof ridge line. The slight harm in risk of terracing and being overbearing are mitigated by the retained boundary separation and the variation in streetscene's dwelling positions and character

Considering No 7, the extension would extend the roof ridge line upwards to match the host dwelling's roof ridge line but due to its orientation there would be no detrimental impact on overshadowing to No. 7 or its garden. Otherwise the rear elevation would remain the same with a 17m separation distance to its windows, this would be under the recommended guideline of 21m within the draft SPD however there would be no change to this relationship and there is a tree screening between the two properties so would ensure that there would be no additional detrimental overbearing or overlooking impact.

<u>4 – Impact on highway safety</u>:

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 lead to no.26 still having 3 bedrooms and to lose a parking space in its integral garage. Given that the integral garage does not meet the expected dimensions internally, it could be considered that the garage would not be of use meeting parking requirement currently. On balance considering that the property has two parking spaces to the front on its drive which is sufficient for a 3 bed property, and does not add any further bedrooms, the loss of a non-standard parking space would not be considered to detrimentally harm the street parking arrangements.

The proposal would therefore have an acceptable impact on highway safety and accord with Policies 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.

Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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: 2021/90429

Officer Recommendation: Approve

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.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Proposed Floor Plans	Proposed Plans & Block Plan. Drawing No. 2102-03. Dated: January 2021		16/02/2021
Plans – Proposed Elevations	Proposed Elevations. Drawing No. 2102-04A. Rev A: Minor Alterations. Dated January 2021	A	06/04/2021
Plans – Existing Floor Plans	Existing Plans & Location Plan. Drawing No. 2102-01. Dated January 2021.		16/02/2021
Plans – Existing Elevations	Existing Plans & Location Plan. Drawing No. 2102-01. Dated January 2021.		16/02/2021

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 requested Proposed Elevations to be adjusted to reflect the proposed rear roof elevation.

Report Dated: 09/04/2021