

**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: 2021/62/90466/W
Site Address: 414, Wakefield Road, Dalton, Huddersfield, HD5 9XJ
Description: Erection of single storey rear and side extension
Recommending Officer: Sam Jackman

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: 16-Apr-2021

SITE DESCRIPTION – 2020/90466

414 Wakefield Road is a semi-detached dwelling built from stone to the front and side and brick to the rear in an area defined as unallocated within the Kirklees Local Plan. The property is two storeys in height with hipped blue slate roof. There are lawned areas to the front and side and tarmacked driveway leading to a semi-detached garage built over a shared boundary with 412 Wakefield Road.

DESCRIPTION OF PROPOSAL

The proposal is for a resubmission for an identical scheme approved in 2016 which has now expired.

Permission is sought for the demolition of the applicant's garage (which is attached to its neighbours), the erection of a single storey side and rear extension. The extension will provide a dining/kitchen with shower room and utility.

The side element of the extension will be set back from the principal elevation by 3.3m and project from the side elevation by 2m. The height to the eaves will be 2.3m with an overall height of the lean-to roof of 3.2m. An entrance door will be positioned within the front elevation which will be faced in stone to match the existing with the side and rear elevations faced in brick.

The rear element of the extension will be tied into the side extension and project from the rear elevation by 4.3m. The height of the eaves will be 2.3m with an overall height of 4m. The extension will be built in brick and cover most of the width of the rear elevation but is set in from the East, the attached neighbour No 416, by 1.1m. Two roof lights will be set in by 2m from the side elevation and positioned 0.4m up from the eaves height and 0.3m down from the ridge height. The floor plan also indicates a roof light above the dining room which is not shown on the elevation drawings, but is shown on the section and would be of similar height to the roof lights on the other side elevation. The rear elevation will host a set of bi folding doors to the rear and a high-level window within the Eastern elevation set 1.8m up from external ground floor level and approx. 1.55m internally.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F90466>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

2016/92097 - Demolition of garage and erection of single storey side and rear extension – approved not built.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F92097>

2016/91725 – Prior notification for single storey rear extension – Withdrawn Invalid

PUBLIC/MEMBERS RESPONSE

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 2.4.21, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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

LP 22 - Parking

LP 24 – Design

LP 30 - Biodiversity and geodiversity

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be

considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

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, together with Circulars, Parliamentary 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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess the proposal, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case the application, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

There are a diverse mix of built forms along Wakefield Road, a number of which have had alterations and extensions.

The proposed extension is considered to be acceptable in terms of scale and design. The extension will be built with matching materials to the host

dwelling, albeit the side elevation will be brick rather than stone as the existing gable. However, the side extension is significantly set back from the principal elevation, therefore limited view of the side elevation from the street, furthermore, it is only 2m in width and single storey. The extension is therefore considered to remain subservient to the host property and form an appropriate addition. The loss of the garage would not be harmful to visual amenity as it is in a poor state of repair.

The fenestration, in particular the rear elevation, would not harmonise with the principal dwelling. It would consist of a large set of bi-fold doors and a window of horizontal emphasis to serve the kitchen. However as this is on the rear elevation it would not harm public amenity and would provide a good standard of amenity for future occupiers.

The extension is considered on balance to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Impact on residential amenity:

Under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (England) Order 2015 the application dwelling could potentially build a rear extension (provided that did not extend beyond the side wall of the original dwelling) with a height of 4m and projection of 3m. Although the proposed projection would be over the recommended 3m projection measuring 4.3m, the proposed would remain significantly less than what could be achieved under a prior notification application of 6m.

The rear extension is set in from the Eastern boundary by 1.1m with a pitched roof which is considered to lessen the impact of overbearing on 416 Wakefield Road. It has low eaves, and the pitch of the roof is some 5.5m from the shared boundary. Due to the orientation of the properties with a rear elevation facing South, the proposed extension would not have a significant impact on the loss of light to properties either side at 414 and 416 Wakefield Road. They would continue to have an open aspect to the south.

The proposed extension would partially replace the existing garage which is sited over the shared boundary with 412 Wakefield Road. The proposed extension will be set back from this boundary wall by 1.3m and built on the partial footprint of the existing garage. The garage of 412 Wakefield Road will be retained, and the boundary wall made good. There is considered to be no further significant impact to the residential amenity of 412 Wakefield Road.

There is a high-level window proposed in the east elevation of the rear extension. It is considered that the window would not impact upon residential amenity of 416 Wakefield Road as the window is set 1.8m from external floor level, which would be reduced to approx. 1.55m internally. However, to

ensure that the impact is minimised, it is suggested that a condition be added to the approval for the window to be obscure-glazed. (condition 4)

The proposed roof lights within the roof slope of the side element of the extension are considered acceptable as they look onto a side elevation of 412 Wakefield Road. The elevation does host a narrow window at first floor level, but it is likely that this serves a non-habitable room (stairs and landing). It is not considered therefore that the roof lights will impact upon the residential amenity of residents.

The plans and section also indicate a roof light in the floor plans but not in the elevation details. There is sufficient detail provided to indicate this would not result in a loss of amenity to neighbours. In addition it would provide more light into the study, which otherwise would be quite a dark room.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed side/rear extension is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Whilst this application would result in the loss of the garage and the driveway shortened, by the proposal, the remaining drive can still provide parking for 2 cars, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments’ resilience to climate change.

K.C. Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure of the host property and is single storey, however, there is potential for bats in the existing garage, given its age and condition.

Therefore, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/90466

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The external walls and roofing materials as indicated on the approved plans 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 LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. The development shall not be occupied until the ground floor window in the East (side) elevation of the extension hereby approved has been obscure glazed (minimum grade 4).

Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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 during the demolition of the existing garage, development shall cease, and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Site Plan 1:500		22.2.21
Plans as Existing	Jan 2016	8.2.21
Proposed Extension	Rev May 2016	8.2.21

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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

15.4.21

Coal – low risk