# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

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| **Reference No:** | 2021/62/90576/W |
| **Site Address:** | 23, Manor Road, Golcar, Huddersfield, HD7 4AL |
| **Description:** | Erection of single storey side and rear extensions (within a Conservation Area) |
| **Recommending Officer:** | Ellie Worth |

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 07-May-2021**

**Officer report**

**Site description**
23 Manor Road, Golcar is a detached dwelling which is constructed from stone with a tiled roof. The property benefits from an access to the front, a detached garage to the side and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Manor Road. Boundary treatment consists of hedging, dry stone walling and timber fencing.

The site is situated within a predominantly residential area; however, St Johns Church and cemetery lie to the rear. The site is also situated within Golcar Conservation Area.

**Description of development**
The applicant seeks permission for the erection of single storey side and rear extensions. The measurements of the scheme are as follows:

Single storey side extension:
- 1.5m in projection
- 4.3m in depth
- 2.8m in height to the eaves; 3.2m in overall height

Single storey rear extension:
- 5.2m in width
- 4.5m in maximum depth
- 2.7m in height to the eaves; 3.5m in overall height

The extensions will be constructed from artificial stone with a grey tiled roof to match the host property. The new windows will also be UPVC. Internally the works will provide a garden room/study.

Parking will remain at the site as existing.

**History of negotiations/amendments received**
Concerns have been raised with the applicant and agent regarding the projection of the rear extension and its impact on visual and residential amenity. As such, amended plans were received on the 26th April 2021 to reduce the projection by 1m.

**Relevant Planning History**
No recent planning history at the site.

**Representations**
The application has been advertised via site notice, neighbour notifications and the press.
Final publicity expires: 11th April 2021.
As a result of the above publicity, one representation has been received. A summary of the concerns raised are as follows:

- No objection to the scheme in principle, however, the extension will be 5.5m in maximum projection and will be larger than those in the area.
- There is also a shared sewer that runs through the garden of the host property which is the responsibility of Yorkshire Water.
- Any extension over the sewer should require consent from Yorkshire water in order to protect any damage to the pipe.
- The extension runs close to the shared boundary with the neighbouring property and therefore the fence should be protected from any damage.

**Consultation responses**
KC Trees (informal): No objection to the scheme, as previous permission has already been sought to remove the tree along the rear/shared boundary.

**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 situated within Golcar Conservation Area on the Kirklees Local Plan.

**Kirklees Local Plan:**
- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP33 - Trees
- LP 35 – Historic environment

**Householder Design Guide (SPD)**
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, 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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 highway safety
5.Other matters
6.Representations
7.Conclusion

**1. Principle of development:**

The site is located within Golcar Conservation Area. Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, 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". Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, 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 also relevant and states that "good design should be at the core of all proposals in the district.

In this case, it can be stated the principle of development is acceptable subject to an assessment of impact on visual amenity, heritage, residential amenity, highway safety and all other material planning considerations.

**2. Impact on visual amenity and heritage**

It has been considered that the proposed side and rear extensions would have some impact upon the amenity of the site and the wider area, given the additional bulk and massing proposed. However, given the amendments sought to reduce the projection of the rear extension by 1m and the fact that the works would be retained at single storey in height, officers are satisfied that the original dwelling will still sit comfortably within its curtilage.

The design of the wrap around extensions have been considered acceptable from a visual perspective, as they would follow the simple form of the original dwelling and would be finished in stone with a tiled roof to match.

The fenestration has also been considered satisfactory, as the large openings/bi-folds will aid passive solar gain and will provide a flexible space for the applicant to enjoy. The use of large areas of glazing will also enhance the extensions secondary appearance, as a garden room. No new windows will be inserted into the south eastern side elevation, however a roof light will be installed to serve the study.
Whilst it is appreciated that the extensions would sit relatively close with the shared boundary, they will not result in the overdevelopment of the site.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Golcar Conservation Area. In this instance, it has been noted that the additional development would be constructed from matching materials and would be of an acceptable design and form to keep in with the character of the host property. As such, officers are satisfied that there would be no significant impact upon the Conservation Area.

Furthermore, the public benefits to the property, would be that the host dwelling could remain at its optimum use, as a dwelling, with the additional living accommodation required to meet the needs of the applicant.

For these reasons, it has considered that the public benefits of the scheme are considered to outweigh the less than substantial harm. In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

**3. Impact on residential amenity**
The impact of the development on each of the surrounding properties will be assessed in turn.

21 Manor Road is the neighbouring property to the south east of the application site. It has been assessed that there would be some impact upon these neighbour's amenity, given the close relationship in which the works will have with the shared boundary. As such, amendments have been sought to reduce the projection of the rear extension by 1m.

Alongside the above, the plans show the extensions to benefit from shallow pitches, which will help mitigate against some of the bulk and massing. For these reasons, officers have considered any overbearing and overshadowing upon these neighbour's amenity to be acceptable, given the slight changes in levels and the substantial boundary treatment in place.

With regards to overlooking, the submitted plans do not show any new openings to be inserted into the south eastern side elevation, in which will

restrict any loss of privacy. Given that the works would also be situated close to the shared boundary future permitted development rights for new openings will be removed. A condition will be attached to the decision notice accordingly.

1 Steeple View is the residential property to the north west of the application site. It has been considered that there would be no material overbearing or overshadowing upon these neighbour's amenity, given the location of the development proposed. Furthermore, with regards to overlooking from the proposed bi-folding door, it has been assessed that any impact would not be undue, as the main outlook would be onto the applicants detached garage. For these reasons it has been considered that any impact from the single storey extensions would be acceptable.

To the rear of the site is St Johns Church and cemetery.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP from this perspective.

**4. Impact on highway safety**

It has been noted that the works proposed would not intensify the sites domestic use nor would they impact upon the existing parking arrangement. As such, no concern has been raised from a highways perspective, in accordance with Policies LP21 and LP22 of the KLP.

**5. Other matters**

*Bats*

The application site lies within the bat alert layer on the Council's GIS system. However, the works proposed would only be single storey and therefore would not impact upon the eaves or roof area. As such, the development is unlikely to have an impact on roosting bats in line with Policy LP30 of the KLP and Chapter 15 of the NPPF.

*Trees*

KC Trees have been informally consulted as part of this application. In this case, the officer has noted that the development will impact upon the protected tree along the rear/shared boundary, however, consent has been given under the tree works application 2020/93168 for its removal. As such, no objections have been raised in line with Policy LP33 of the KLP.

*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. However, it has been noted that the extensions would be constructed from stone, which is considered to be natural material, that can be sourced locally. The use of large areas of glazing to the garden room will also help to reduce the use of artificial light and improve passive solar gain.

**6. Representations**

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

- No objection to the scheme in principle, however, the extension will be 5.5m in maximum projection and will be larger than those in the area.
  *Comment: This has been noted and amendments have been sought to reduce the projection of the extension by 1m.*

- There is also a shared sewer that runs through the garden of the host property which is the responsibility of Yorkshire Water.
  *Comment: This has been noted, however, works over a sewer are outside the realms of planning and would be a private legal matter.*

- Any extension there should require consent from Yorkshire water in order to protect any damage to the pipe.
  *Comment: This planning application does not overwrite any private legal arrangements for the sewer.*

- The extension runs close to the shared boundary with the neighbouring property and therefore the fence should be protected from any damage.
  *Comment: The plans show the works to be erected on land within the applicant's ownership. As such, any damage to neighbouring properties would be a private legal matter.*

**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:** 2021/90576
**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, LP30, LP33 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The stonework used on the single storey extensions, shall in all respects match the stone 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 heritage and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
**Reason:** In the interests of visual amenity and heritage and to accord with Policies LP24 and LP35 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south eastern side elevation of the single storey extensions hereby approved.
**Reason:** So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

**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 13.00 hours 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.

**NOTE:** Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Location plan | 20/589/01 | - | 18th February 2021 |
| Existing block plan | 20/589/02 | - | 18th February 2021 |
| Existing floor plans | 20/589/03 | - | 18th February 2021 |
| Existing elevations | 20/589/04 | - | 18th February 2021 |
| Design and access statement | 20/589 | - | 18th February 2021 |
| Proposed floor plans and elevations | 20/589/05 | B | 26th April 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, concerns have been raised with the applicant and agent regarding the projection of the rear extension and its impact on visual and residential amenity. As such, amended plans were received on the 26th April 2021 to reduce the projection by 1m.

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|---|
| 5th May 2021 |

**Report Dated:  dsfffsdf**