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:	2021/62/90764/W
Site Address:	46, Hanby Close, Fenay Bridge, Huddersfield, HD8 0FE
Description:	Erection of single storey rear extension
Recommending Officer:	Laura Yeadon

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: 06-May-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90764

Site Description

46 Hanby Close is a two storey detached dwelling located within an area without notation on the Kirklees Local Plan. The property is set back from the roadside separated by a driveway and small front garden with the driveway leading to an integral garage. There is also a garden area to the rear of the property. The dwelling is constructed from stone and has a tiled roof with uPVC openings. The surrounding area is predominantly residential and are similarly styled properties.

Description of Proposal

Permission is sought for the erection of a single storey extension.

The extension would be located on the rear elevation of the property and would replace the existing bay opening and lean-to. The extension would span the full width of the rear elevation lying flush with both side elevations with a projection of 3 metres. The eaves height would 2.2 metres with the overall height of the lean-to roof being 3.4 metres. 2 no. banks of patio doors are proposed within the rear elevation and 3 no. rooflights are proposed.

History of negotiations/amendments received

None

Relevant Planning History

2002/92094	Erection of 250 dwellings *Approval of reserved matters*
2001/90629	Outline application for residential development including means of access and demolition of access and demolition of existing buildings *Section 106 Outline Permission*
2002/94096	Variation of conditions 2, 14, 17, 18, 19 and 27 relating to commencement of development on previous approval 2001/60/90629/E6 for outline application for residential development including means of access and demolition of existing building *Conditional Full Permission*
2004/94120	Erection of 59 no. dwellings with garages (substitution of

house types)

Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement

Final publicity date expired 13th April 2021 – no representations received.

Kirkburton Parish Council – No comment

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

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 14 – Meeting the challenge of climate change, flooding and coastal change

House Extensions and Alterations Supplementary Planning Guidance

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.

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 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

The extension would be located on the rear elevation of the property and therefore would be barely visible from public vantage points and would be subservient to the host property which is two storeys in height. Notwithstanding the plans which state that the property is constructed from brickwork, the details of finishing material can be conditioned to match the host property. The structure is simplistic in terms of design and is of an

acceptable scale and mass, appropriate to this form of development. As such, it is considered that the proposal is acceptable in terms of visual amenity.

3 – Impact on residential amenity:

There are no proposed openings within either the side elevation which would impact on neighbouring property in terms of overlooking and the properties to the rear would be separated from the extension by approximately 14 metres which is considered acceptable to retain a good standard of amenity in this instance. Due to the extension being single storey in height with the projection limited to 3 metres and with the property being detached, it is not considered that there would be a significant amount of harm from overshadowing or by being overbearing.

As such, in terms of residential amenity, the proposal is considered to be acceptable.

4 – Impact on highway safety:

None

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 small scale of development proposed, it is not considered that the proposal requires specific mitigation measures.

Bats – The site is within a Bat Alert layer on the Council's GIS system however as the extension would not interfere with the existing roof of the dwelling due to being single storey in height, it is not considered that a Bat Survey is necessary.

6 – Representations:

None

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: 2021/90764

Officer Recommendation: Approve

Conditions

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 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 LP1, LP2, LP24 and LP30 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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 and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed site plans	EX01		24th February 2021
Existing elevations and floor plans	EX02		24th February 2021
Proposed elevations and floor plans	PL01		24th February 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 5th May 2021

Coal - high