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:	2021/62/90866/W
Site Address:	93, Annie Smith Way, Birkby, Huddersfield, HD2 2GB
Description:	Erection of single storey extension to rear (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 04-May-2021

Officer Report.

Reference: 2021/90866

Location: 93, Annie Smith Way, Birkby, Huddersfield, HD2 2GB

Proposal: Erection of single storey extension to rear.

Site Description.

93 Annie Smith Way is a three-storey terrace property located in Birkby Huddersfield. The property is constructed from stone and has a gable roof, infilled with grey tiles.

The property is located in a residential area, where there is a strong sense of similarity within the streetscene. This is because, all of the properties located along Annie Smith Way share a similar appearance in terms of style and construction, most terrace style properties and all faced with the same exterior construction materials. In turn, this suggests that all of the properties within Annie Smith Way were constructed within a similar time frame.

The application site is located within the Birkby Conservation Area.

Description of Proposal.

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

Single Storey Rear Extension:
The proposed single storey rear extension will project 4 metres from the existing rear elevation of the dwelling, have a width of 5.2 metres and a maximum height of 3.2 metres, with a lean-to roof erected above. The exterior walls of the extension will be constructed from stone and the lean-to roof infilled with grey tiles, in turn, matching the existing appearance of the dominant dwellinghouse.

With regard to fenestration, glazing is only proposed on the rear elevation. This is in the form of a regular glazed window and a glazed access door. Additionally, roof lighting is proposed in the form of two velux windows, erected within the lean-to roof. All of the fenestration detailing will be

constructed from UPVC, matching the appearance of fenestration previously erected on the host dwelling.

Within the interior of the dwelling, the extension will function as a kitchen.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

No relevant planning history.

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, a site notice and within the newspaper, collectively expiring on 23rd April 2021 – no representations were received.

Consultation Responses.

Conservation and Design – no comments were made.

KC Highways Development Management – Highway's development management object to the proposal on the grounds of a resultant reduction in parking provision at the property, with a shortfall of at least one off-street parking space. Outlining that the application site was constructed with the appropriate amount of parking in line with the Kirklees' Highway Design Guide SPD to have two off-street parking spaces. However, if the proposed extension is to be constructed, only one off-street parking space will be retained at the property. Furthermore, although the applicant wishes for the extension to be used as a kitchen, future occupants may wish to use this as a bedroom, creating a four-bedroomed home. Additionally, highways have highlighted that a detrimental precedence could be created. If other neighbouring properties were to also carry out the same works as the application site, this could lead to a significant rise in the demand for on-street parking in the future. For these reasons, highways have deemed the proposal to be unacceptable, with regard to posing detriment to parking provision at the site as well as for the wider streetscene.

Policy/Legislation.

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 not specifically allocated in the Kirklees Local Plan however, it is located within the Birkby Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** - Design
- **LP35** – Historic environment

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 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 16 -** Protecting and enhancing the historic environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
1) Principle of development
2) Impact on Conservation Area and visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1. **Principle of Development:**

Policy LP1 requires 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 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.

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. The proposed rear extension is acceptable in principle within the Birkby Conservation Area, providing they it does not adversely affect the setting of designated heritage assets, the wider visual amenities of the area or the amenities of nearby residents.

Information submitted with regards to significance:

Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a Heritage Statement which, which meets the tests set out in Paragraph 189. It identifies that the site is within the Birkby Conservation Area and it recognises that the area has an historical context. The potential impacts of the development upon the Birkby Conservation Area have been assessed within the Heritage Statement concluding, the design has taken into consideration the existing visual appearance and its historical merit and created a proposal that creates a sensitive modern addition to the existing property.

1. **Impact of the proposal on the significance of the Birkby Conservation Area**

Section 66(1) Planning of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act 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.

Policy LP 35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;

Policy LP 24 requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials

and details and minimise impact on residential amenity of future and neighbouring occupiers.

Impact on Significance:

The proposed rear extension at 93 Annie Smith Way poses no detriment to the Birkby Conservation Area in terms of visual amenity. This is because, the development is located to the rear and therefore, away from the immediate streetscene and is of a single storey nature and therefore, small in size and scale and resultantly, subservient when viewed in conjunction with the host property. Additionally, all of the exterior construction materials are proposed to match the existing appearance of the host dwelling, ensuring harmonisation between the dwelling and the development and further supporting its subservient nature. Furthermore, the proposed lean-to roofing style will work to mitigate any undue bulking and massing, of a simple form which further ensures the extension is not an overtly prominent feature to the rear of the dwellinghouse. For all these reasons, the proposed rear extension to 93 Annie Smith Way will not result in overdevelopment to the rear of the dwellinghouse.

Overall, the proposed works will cause no impact to the original architectural style of the dwelling, visually harmonising with the existing appearance and of a simple form which ensures the extension is subservient when viewed in conjunction with the dominant dwellinghouse.

For these reasons, it can be concluded that the resultant proposed works will harmonise with the dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principal dwelling. Therefore, the proposed works to 93 Annie Smith Way would adhere to the aesthetic appearance of the surrounding area, both spatially and visually, resultantly appropriately according with Policies LP35 and LP24 of the Kirklees Local Plan.

2. Impact on Residential Amenity

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

- *91 Annie Smith Way* – this property is located to the east and adjoins the application site. Due to the single storey nature of the proposed rear extension, no undue overbearing or overshadowing will be caused for the occupiers of this neighbouring property. Additionally, it should be acknowledged that the extension extends parallel to the neighbouring driveway, therefore posing no detriment to the living conditions within the neighbouring dwelling. Furthermore, boundary

treatment is also erected between the neighbouring properties in the form of tall wooden fencing and shrubbery, further working to mitigate any detriment from the proposed works. Finally, the single storey rear extension poses no detriment to neighbouring privacy, with no glazing proposed to face this neighbouring property.

- *95 Annie Smith Way* - this property is located to the west and adjoins the application site. Due to the single storey nature of the proposed rear extension, no undue overbearing or overshadowing will be caused for the occupiers of this neighbouring property. Additionally, it should be acknowledged that not only will the extension extend parallel to the neighbouring driveway, therefore posing no detriment to the living conditions of the neighbouring dwelling, but that a lean-to roofing cover has been erected to project from the neighbouring property. This projects about 2 metres from the dwelling, therefore, working to mitigate impacts posed from the proposed extension at 93 Annie Smith Way. Furthermore, boundary treatment is also erected between the neighbouring properties in the form of tall wooden fencing, further working to mitigate any detriment from the proposed works. Finally, the single storey rear extension poses no detriment to neighbouring privacy, with no glazing proposed to face this neighbouring property.

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

3. Impact on Highway Safety

The application was referred to KC Highways DM for comment and whilst concerns have been raised regarding a reduction in parking, weight has been afforded to the fall back position. Having checked the site history it appears that permitted development rights have not been removed for extensions or retention of parking spaces and as such it is likely that an extension up to 3 metres would not require permission.

The plans show reduction to a two bedroom property but show additional living accommodation duplicating some spaces. The submitted application has been assessed on its merit as a single dwelling unit and should be retained as such. It is not shown to be subdivided and has not been assessed as such. Any subdivision would require a new planning application and assessment.

A refusal due to a reduction in off street parking cannot be substantiated in this instance for the reasons outlined.

4. 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 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 it is not considered reasonable to require the applicant to put forward any specific resilience measures. In addition, the extension is to be constructed from Stone. Stone is considered to be a natural material.

Bats
The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.
In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Additionally, the proposed erection of a rear extension to 93 Annie Smith Way does not require any alterations or works to the existing roof above the dominant dwellinghouse. 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 licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

6. Conclusions

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: **2021/90797**
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, in the interests of the significance of the Birkby Conservation Area and to accord to Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external walls of the rear 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 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 application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Layout – location/site plans	2104-01	-	2.3.21
Planning Layout and Elevation and prop site plan	2104-02	-	2.3.21
Supp Info – Conservation/Heritage Assessment	Heritage Statement	-	11.3.21

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 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 amended plans were sought or submitted.

Report Dated: 27.4.21