

**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:** 2021/62/90934/E

**Site Address:** 11, Whitehall Grove, Birkenshaw, BD11 2LE

**Description:** Erection of two storey and single storey extension to front and side and single storey rear extension

**Recommending Officer:** Olivia Roberts

**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.**

Paul Dowd

***AUTHORISED OFFICER***

**Date: 03-Jun-2021**

## **Officer Report**

### **Site Description**

The application relates to 11 Whitehall Grove, a two-storey semi-detached dwelling in Birkenshaw. It is constructed from brick for the external walls and slate tiles for the roof. The dwelling is set back from the access road with an area of amenity space to the front, a driveway to the side and a larger garden area to the rear.

The surrounding area is residential in nature, with Whitehall Grove comprising properties, which are of a similar character to the application dwelling.

### **Description of Proposal**

The application seeks planning permission for the erection of a two-storey and single-storey extension to the front and side and single storey rear extension.

#### **Two-Storey Side and Single-Storey Front Extension**

A two-storey extension would project 1.6m from the side elevation of the host dwelling with a depth of 2.7m. It would be designed with a hipped roof form with a ridge height that would be set down significantly from that of the host dwelling. At ground floor level, the extension would project 0.9m to the front of the dwelling, designed with a lean-to roof form which would have an eaves height to match the existing front canopy.

#### **Single-Storey Rear Extension**

A single storey extension would project 3m from the rear elevation and 1.6m from the side elevation of the dwelling. The extension would be designed with lean-to roof form with a hipped element which would wrap around the rear corner of the property.

### **History of negotiations/amendments received**

The following amendments were requested during consideration of the application:

- Reduction in projection and introduction of lean-to roof form to the single storey front extension to reflect the design of the existing canopy on the property.

Amended plans were received from the applicant's agent, which are set out above. Due to the nature of the revisions made, which altered the roof form to the single storey extension, the amended plans were not advertised.

### **Relevant Planning History**

No relevant planning history at the site.

At 13 Whitehall Grove –

2007/92600 – Erection of ground floor extension. Granted.

At 23 Whitehall Grove –

2020/90124 – Erection of two storey side and single storey rear extension. Granted.

2019/91101 – Erection of two storey side and single storey rear extension. Granted.

At 2 Whitehall Grove –

2018/91546 – Erection of first floor extension to side. Granted.

2006/92447 – Erection of single storey extension. Granted.

### **Representations**

The application was advertised by neighbour letters, which expired on 4<sup>th</sup> May 2021.

No representations have been received.

Parish/Town Council comments: not applicable.

### **Consultation Responses**

No consultations were considered necessary.

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan proposals maps.

### **Kirklees Local Plan:**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design

- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Supplementary Planning Documents:**

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 (KLP) and the National Planning Policy Framework, requiring development to be considerate in terms of the character of 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 KLP, policy LP1 of 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is

considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

## 2 – Impact on visual amenity:

The proposed extensions, by virtue of their scale and positioning on the property, are considered subservient to the host dwelling. The two-storey side extension would be of a modest scale and would be set down significantly from the ridge of the host dwelling, preventing it from appearing overly dominant in relation to the host property. The extensions would be constructed from materials to match existing and are considered in keeping with the host dwelling in terms of their design. Whilst it is acknowledged that the front elevations of the properties along Whitehall Grove are relatively uniform in nature, it is noted that the front extension would have a limited projection beyond the existing canopy and there are examples of front extensions with a similar appearance within the street scene. The extensions are considered in keeping with the character of the host property and surrounding area and as such, the impact on the street scene is considered acceptable in this case.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

## 3 – Impact on residential amenity:

### *Impact on 9 Whitehall Grove*

The rear extension would project along the boundary shared with the neighbouring property. Whilst there would be some additional overbearing and overshadowing impact to the property, when considering its limited projection and single storey nature, as well as its positioning due north, it is considered that this impact would not be detrimental to the amenity of the occupiers. No openings are proposed for the side elevation of the extension which would prevent harmful overlooking. In the interest of residential amenity, it is considered appropriate to condition that no openings shall be installed in this side elevation of the extension in the future. The proposed front extension would have a limited projection beyond the existing canopy. When taking this into consideration, as well as the fact that it would be set in from the shared boundary, the impact of this element on the amenity of the adjoining property is acceptable.

### *Impact on 13 Whitehall Grove*

The proposed side and rear extension would extend along the side of an existing addition to the rear of the neighbouring property. The existing

extension does not have openings in its side elevation and the additional projection of the proposed extension beyond its rear elevation would be limited. As such, the impact of this element is considered acceptable.

The two-storey side extension would be limited in scale, located to the side of the house and it would not have a direct relationship with the existing openings on the side elevation of the property. When taking this into consideration, it is considered that this element would not have a harmful overbearing or overshadowing impact. Whilst the ground floor level of the extension would project beyond the front elevation of the property, the additional projection would be limited, and the extension would be set in from the shared boundary. As such, the impact on residential amenity is acceptable.

To prevent harmful overlooking towards the property, it is considered appropriate to condition that no openings shall be installed at ground floor level in the side elevation of the extensions in the future.

#### *Impact on 31 Prospect Lane*

The proposed single storey side and rear extension would project closer to the property to the rear than existing. Notwithstanding this, it is considered that sufficient distance would be retained to prevent there from being a harmful overbearing or overshadowing impact and from there being any harmful overlooking towards the property. The privacy of the occupiers of the property would be further protected by the existing boundary hedging to the rear of the application site. The two-storey side extension would be set back significantly from the rear elevation of the application dwelling which would prevent this element from having a harmful impact in terms of residential amenity. It is considered that sufficient distance would be retained to prevent harmful overlooking from any openings, should they be installed in the rear of the extension in the future.

There are no properties immediately to the front of the site which would be impacted by the proposed development.

Having reviewed the above, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

#### 4 – Impact on highway safety:

The extensions, by virtue of their use, are considered not to result in an intensification in the domestic use of the dwelling, which would require the provision of additional parking. The proposed side extension would project across a section of the existing driveway. Notwithstanding this, it is noted that the driveway to the side of the dwelling is relatively narrow and, along with the similar driveways within the street scene, does not appear to be used for the parking of vehicles. Whilst a second parking space could potentially be

provided to the front of the property, when considering the existing parking arrangements, the fact that no additional bedrooms would be provided and the nature of the access road, the existing parking space is considered sufficient to serve the dwelling. Therefore, it is considered that the scheme would not represent additional harm in terms of highway safety and that it complies with Policies LP21 and LP22 of the KLP.

## 5 – Other matters:

### *Biodiversity*

The site is identified as being located within the bat alert layer and therefore consideration must be given to the impact of the proposed development on bats and bat roosts. The building appears to be well-sealed and there was no evidence of bat roosts, nor bat roost potential. As a precautionary measure, a footnote has been added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of Chapter 15 of the NPPF and policy LP30 of the KLP.

### *Carbon Budget*

On 12<sup>th</sup> 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.

The proposal comprises domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

## 6 – Representations:

No representations have 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:** 2021/90934

**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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and 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 to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 at ground floor level in the side elevations of any of the extensions hereby approved.

**Reason:** To not detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

**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.

**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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Plans & Elevations	1391-01	-	05/03/2021
Proposed Plans & Elevations	1391-02	02	01/06/2021
Location Plan	1391-10	-	05/03/2021
Proposed Block Plan	1391-11	-	05/03/2021

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 has, 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.

Amended plans were submitted during consideration of the application to address officers' concerns regarding the impact of the proposed single storey front extension on visual amenity. The decision is based on the amended plans and conditions listed.

**Report Dated:**

02/06/2021