

**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: 2021/62/91064/W

Site Address: 102, Kirkstone Avenue, Dalton, Huddersfield, HD5 9ES

Description: Erection of single storey side and rear extension and demolition of outbuildings

Recommending Officer: Tom Hunt

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: 21-Jul-2021

Officer Report

Site Description

2021/91064 – 102, Kirkstone Avenue, Dalton, Huddersfield, HD5 9ES
Erection of single storey side and rear extension

No. 102 is a semi-detached, two storey property constructed of stone and concrete tile roof, paired with No. 104. To the front, a hard surfaced driveway sufficient for 3 plus cars and to the rear a hard surfaced outside amenity area. It benefits from a garage/outbuilding to the rear. It sits in a residential area with similarly constructed houses on the street with evidence of a variety of extensions ranging from 3m to 5m projection from rear. There is greenspace to the south.

Description of Proposal

Erection of single storey side and rear extension

It is proposed to erect an L-shaped extension to the side and rear of the property. It would project 4m from the rear elevation and 2.3m from the side elevation to span 7.1m width at the rear. The side elevation would be set back from the primary elevation by 4m approximately. It would have a lean to roof on both extensions meeting to be a hipped roof towards the rear; its roof ridge height would be 3.6m and eaves at 2.6m measured from the ground level. The rear extension would serve a kitchen/diner, utility room and pantry store to the rear and a porch with WC/shower-room to the side extension. Openings proposed are door to side elevation facing the highway, one window to the side and door/French windows to the rear elevation with two skylights in the roof. There would be no side windows facing No. 104. The construction materials are to match the host dwelling with stone, blue slate and uPVC for openings. The existing outbuildings are to be demolished.

History of negotiations/amendments received

The case officer considered the application on review and requested detail on the outbuildings to be demolished and the description of the original application to be confirmed. From time of agreement of the description, the application was advertised with neighbour notice letters.

Relevant Planning History

No previous planning applications for this site.

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 which expired on: 01/06/2021

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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 of the host property and the wider street scene. This is considered in detail in the report below.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 2nd July 2021, 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 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:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The one storey side extension would be of modest width and projection with a lean to roof aiding in the extension’s scale against the two storey host building to be appear subservient. The rear extension would be of a larger projection from the rear and would be of minimal impact on the streetscene. Whilst it is acknowledged 4m projection is sizable, it would not be out of character with the immediate area and there have been no objections. It would use materials to match with quoin detail to the side and rear extension which would minimally vary from the host in detail.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site with the outbuildings being taken out.

The proposal is therefore regarded on balance as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area

and be acceptable and accord with Policy LP24 of the Local Plan and the House Extensions and Alterations draft SPD.

3 – 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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 79 (north), No. 100 (west), No. 104 (paired neighbour/east) and greenspace to the south.

With regard to No. 79, the proposed would have a separation distance of 25m to habitable windows and proposes to replace this opening with a window would be a single storey side extension with lean to roof to the south, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering impact to No. 100, currently No. 102 has a partially glazed door facing 100 on the ground floor and proposes a window which would not be directly opposite the door serving a WC, whilst it would have a closer relationship to No. 100 there is a pre-existing relationship with overlooking. Given that the WC is on the ground floor and the proximity, it would be necessary to have the window obscured to maintain privacy and be acceptable for overlooking impact. The extensions would be to the rear and east of the property with a lean to roof, whilst it would have a closer relationship to No. 100, the removal of the outbuildings would reduce development in the site and overall on balance would be a scheme that would ensure that there be no additional detrimental overbearing impact. The south facing extensions would have very limited impact in summer early mornings on No. 100 and on balance be acceptable for detrimental impact on overshadowing.

Turning to No. 104, the extension to the rear would be close to the property's shared boundary however the extension would be single storey with no facing windows on level ground. The lack of windows would ensure that there is no detrimental overlooking. Whilst its projection would increase the bulk adjacent to the shared boundary, given that this tapers away with the lean too roof the impact is on balance not considered to lead to a detrimental overbearing impact. With regard to overshadowing, there would be some impact from the afternoon through to the evening, however, on balance the impact is not considered to be significantly detrimental.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety.

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 limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had 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: 2021/91064

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 Policy LP24 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall similarly 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.

4. The development shall not be occupied until the window serving the WC/Shower-room in the western side elevation of the extension hereby approved have been obscure glazed to minimum Grade 4. 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), the obscure glazing to Pilkington Grade 4 shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: Due to its 'Bat Alert' location, a bat roost may be present on site. Bats are a European protected species under section 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan 120220. Proposed Single Storey Side & Rear Extension.	-	15 th March 2021
Plans - Grouped Plans and Elevations	Project Title: Proposed Single Storey Side & Rear Extension. Drawing Title: Plans and Elevations. Drawing Reference: 119220-01 Existing & Proposed Drawings. Rev A. Dated: 00.00.0000.	Rev A	30 th March 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. The case requested confirmation on demolition of outbuilding and changed description of the application to reflect the nature of the proposal.

Report Dated: 21/7/21

