

**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: 2021/62/91164/W
Site Address: 24a, Stoney Lane, Taylor Hill, Huddersfield, HD4 6HP
Description: Erection of single and two storey extensions
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: 25-Jun-2021

Officer report

Site description

24a Stoney Lane, Taylor Hill is a two storey semi detached property constructed from stone to the front elevation and red brick to the side and rear. The property benefits from a small garden to the front, driveway to the side and private amenity space to the rear. Pedestrian and vehicular access can be taken from the front boundary onto Taylor Hill. Boundary treatment consists of timber fencing and walling.

The site is situated within a predominantly residential area however, the neighbouring properties vary in design and form. The site is also unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of two storey side and rear extensions and a single storey rear extension. The measurements of the scheme are as follows:

Two storey side extension:

- 3m in projection
- 7.1m in length
- 5.2m in height to the eaves; 7.8m in overall height

Two storey rear extension:

- 4m in projection
- 3.3m in width
- 5.8m in height to the eaves; 7.2m in overall height

Single storey rear extension:

- 4m in projection
- 2.4m in width
- 3.2m in height to the eaves; 4m in overall height

The side extension would be constructed from stone to the front elevation and red brick to the side. The rear extensions would also be constructed from red brick to match. The new windows and doors would be UPVC. Internally, the works would provide additional living accommodation, however three bedrooms would be retained.

The front garden would also be converted into hardstanding as part of this permission, in order to retain on-site parking for two vehicles.

History of negotiations/amendments received

Officers entered into discussions with the applicant regarding the bulk and massing proposed as part of the rear extension. In this case, concern was raised regarding the impact on the adjoining property and therefore amended plans have been sought to restrict the width of the two storey structure to 3.3m and to set the roof significantly down from the ridge. These were received on the 14th June 2021 and 25th June 2021.

Relevant Planning History

None at the application site or at the immediate residential properties.

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 the 12th May 2021, whereby no representations have been received.

Given that the amendments sought were to reduce the bulk and massing at the site, officers did not consider it necessary to re-advertise the scheme.

Consultation responses

KC Ecology: No comments received.

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 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 - Parking
- LP 24 – Design
- LP 30 – Biodiversity

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

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.

Policy 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”.

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, the principle of development has been considered acceptable.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 124 provides an overarching consideration of design stating that “the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

In this case, 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 extent of the two storey rear extension and to set this aspect down from the roof ridge line, officers are satisfied that the original dwelling would still sit comfortably within its curtilage. This would alleviate the majority of the concern.

Two storey side extension

The design of the side extension has been considered acceptable from a visual perspective, as it would follow the simple form of the original property. Its eaves height, roof form and materials will also match the host property. Whilst officers would prefer the extension to be set down from the ridge roof line, it has been noted that the works would appear as a continuation to the existing property at the end of a row of properties where there would be no potential for terracing and therefore any impact would not be undue.

The proposed fenestration has also been considered acceptable, as it would be of a similar design and form to those that already exist on the host property and would benefit from stone heads and cills.

Whilst the extension would intensify development close to the side boundary, it would not result in an undesirable terracing effect as the site is adjacent to an existing track.

Two storey and single storey rear extensions

Given the amendments sought, the two storey rear extension would be set down from the main ridge and would benefit from a hipped roof. The single storey addition would also benefit from a lean to in order to enhance its subservience. The materials would be to match the host property and the fenestration would be in keeping with those that already exist.

Further to the above, the property under consideration can be read as a pair of semi-detached dwellings, whereby the additional bulk and massing would not appear symmetrical to the adjoining property. However, officers have noted that the side extension would benefit from a hipped roof in attempt to protect the character of the semi-detached properties.

Alterations to front garden

It has been noted that the front garden would be altered as part of this permission and replaced with permeable surfacing. Whilst this would impact upon the character of the area, it has been noted that the majority of the nearby dwellings benefit from large areas of hardstanding to the front of their property. As such, greater weight has been afforded to the highway benefits and therefore the loss of the front garden would not be detrimental.

Conclusion of amenity

Having taken into account the above, it has been assessed that the proposal on balance, would harmonise to an acceptable design with the host property. For these reasons the proposal is considered to comply with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should: "...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

22a Stoney Lane is the attached property to the north of the application site. Originally concerns were raised regarding the impact in which the built form would have upon these neighbours' amenity including their rear openings. As such, amended plans have been sought to reduce the width of the two storey rear extension and to install a single storey extension nearest to these neighbours' openings. The submitted plans also show the roof pitch for the two storey aspect to be set down from the main ridge and to be hipped. This will reduce a significant amount of overbearing and overshadowing, which is further intensified by the change in levels. As such, officers are satisfied that the main impact would be upon these neighbour's pedestrian door and therefore any harm would not be detrimental.

In terms of overlooking, the submitted plans show no new windows to be inserted into the northern facing side elevation. Nonetheless, in order to protect these neighbours' future amenity, permitted development rights for additional ground floor windows within the side elevation of the single storey rear extension will be removed. First floor side openings would need to be obscurely glazed in order to comply with the GPDO.

Therefore, given the amendments sought, officers consider this relationship to be acceptable on balance.

24 and 26-28 Stoney Lane are the residential properties to the south of the application site. It has been noted that a separation distance of approximately 14m would be retained between the two storey extensions and these neighbours nearest elevations. Alongside this, these neighbours are situated on a relatively higher level than the application site, given the change in levels. As such, any overbearing and overshadowing from the additional built form is not considered to be detrimental.

In terms of overlooking, the submitted plans only show one new opening to be inserted into the side elevation of the two storey side extension. This would be relatively small in size and scale and would serve a utility. As such, there would be no loss of privacy at these neighbours. More specifically, officers do not consider it necessary to remove permitted development rights for future ground floor openings, as the change in levels and separation distance would mitigate against any undue impact.

21 and 23 Stoney Lane are the neighbouring properties adjacent to the front elevation at the application site. There would be a separation distance of approximately 20m retained and therefore officers are satisfied that the additional bulk, massing and openings contained within the side extension, would not have a significant overbearing, overshadowing and overlooking impact upon these neighbours' amenity.

Overall, it is considered that on balance, the proposed development would not cause undue harm to the amenities of any neighbouring residential properties in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Impact on highway safety

Whilst it has been noted that the works would not intensify the number of bedrooms at the site, the side extension would be built over part of the existing driveway. As such, the proposed block plan states that the existing front garden would be replaced with on site parking. This has been considered acceptable, as sufficient space would be retained for two vehicles.

Nonetheless, a further condition would be attached to the decision notice to ensure that the driveway is appropriately surfaced and drained, to ensure that it would not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Kirklees Local Plan.

Overall, the proposal has been considered acceptable from a highway and a drainage perspective, as the scheme will provide one off street parking in which will be laid and surfaced in a permeable substance. This is to accord with Policies LP21, LP22, LP28 and LP34 of the KLP and Chapter 14 of the NPPF

5. Other matters

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. 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 licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 and brickwork in which are considered to be durable and energy efficient materials. The use of large areas of glazing to habitable rooms would also reduce to need for artificial light and improve passive solar gain.

6. Representations

None 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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/91164

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 and LP30 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, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northern facing side elevation of the single storey rear extension hereby approved.

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

5. The hereby approved vehicle parking area as shown on the proposed site plan (dwg. no SL04 Rev A) shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' and thereafter retained.

Reason: In the interests of highway safety and to ensure that the additional hardstanding is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: Construction working times Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours, Saturdays With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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.

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.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan	SL-01	-	24 th March 2021
Existing site plan	SL-02	-	24 th March 2021
Existing floor plans and elevations	SL-03	-	24 th March 2021
Proposed floor plans and elevations	SL-05	A	14 th June 2021
Proposed site plan	SL-04	A	25 th June 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, officers entered into discussions with the applicant regarding the bulk and massing proposed as part of the rear extension. In this case, concern was raised regarding the impact on the adjoining property and therefore amended plans have been sought to restrict the width of the two storey structure to 3.3m and to set the roof significantly down from the ridge. These were received on the 14th and 25th June 2021.

Report Dated:

25 th June 2021
