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: 2021/62/91250/W

Site Address: 22, Burcote Drive, Outlane, Huddersfield, HD3 3FY

Description: Erection of rear conservatory

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 24-May-2021

Officer Report.

Reference: 2021/91250

Location: 22, Burcote Drive, Outlane, Huddersfield, HD3 3FY

Proposal: Erection of rear conservatory.

Site Description.

22 Burcote Drive is a two-storey semi-detached property located in Outlane, Huddersfield. The property is constructed from render and brick and has a gable roof infilled with concrete tiles. The property also benefits from a small rear single-storey projection to the rear, that extends from the dwelling towards the northern side of the rear wall. To the rear of the dwellinghouse there is an area of garden amenity space.

The property is located within a residential area where there is a strong sense of similarity within the streetscene. This is because all of the properties share a similar style of design and construction and are faced with similar construction materials which gives an overall similarity in terms of visual amenity.

The property in Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a rear conservatory.

Rear Conservatory:
The proposed rear conservatory at 22 Burcote Drive will project 3 metres from the rear wall of the dwelling, have a width of 2.7 metres and a maximum height of 3.8 metres. It will be erected adjoining the existing single storey projection, infilling the existing space between the extent of this projection, but projecting a further 1 metre, and the western side boundary of curtilage. However, the conservatory will not be erected directly on the boundary, with a very minor amount of separation distance retained.

The conservatory will be constructed from brick at the base and the rest of the external walls will consist of white UPVC glazing, the new access door to the rear elevation will also be constructed from white UPVC. The windows

proposed on the western elevation will be obscurely glazed. The lean-to roof proposed above the conservatory will be constructed from glass.

On the exterior of the conservatory 2 steps will be erected to allow access to and from the conservatory and rear garden amenity space.

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 which expired on 21st May 2021 – no representations were received.

Consultation Responses.

No consultations were deemed necessary for the proposal.

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 in Unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – Design

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

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 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 NPPF.

Policy LP1 goes on further to state that "the council will always work proactively 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."

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

1. **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.

The proposed conservatory at 22 Burcote Drive will be single storey in height and constructed mostly from glazed panels and therefore the conservatory can be concluded to be of a subservient, lightweight design that will not result in overdevelopment to the rear of the dwelling. In addition, the chosen lean-to roofing style further works to mitigate any undue bulking and massing from the proposed development, of a simple form that is not obtrusive in design. The appearance of the proposed conservatory is fit for its purpose, fitting with the aesthetic of conservatories and how they are designed in general. In addition, the use of brick to boarder the bottom of the conservatory will harmonise with the use of brick on the host dwelling. The fenestration details are appropriate and the use of white UPVC for the windows and doors harmonises with existing fenestration detailing on the host dwelling.

It should also be acknowledged that the glazed panels to be erected on the western side elevation are to be obscurely glazed, this will not impact upon the visual amenity of the conservatory and is viewed positively in light of residential amenity.

Taking into account all of the above, it is considered that the proposed extension and alterations would comply with local, national and emerging policies in relation to design.

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 site shares its boundary with various properties. Therefore, development at 22 Burcote has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

- 24 Burcote Drive – this property is located to the west and adjoins the application site. Due to the principle of development proposed as well as the size and scale of the proposed conservatory and the orientation of the conservatory to this neighbour, no undue overbearing or undue overshadowing will be caused for this neighbouring property. This is further reinforced through the erection of a predominantly glazed wall to the western elevation rather than a harsh, solid wall and the fact that the conservatory will not be erected directly onto the shared boundary, but a minor extent of separation distance retained. This glazing poses no detriment to neighbouring privacy because it will be obscurely glazed. Therefore, the proposed conservatory poses no negative impacts in terms of overlooking.

- 20 Burcote Drive – this property is located to the east of the application site. Given the extent of separation distance between this neighbouring

property and the site of proposed erection for the conservatory, as well as the presence of an existing rear project and the principle of development itself, it can be concluded that the proposed development will not result in any undue overbearing or overshadowing for the occupiers of this neighbouring property. In addition, the proposed conservatory will not detriment neighbouring privacy in terms of overlooking with the existing rear projection minimising the extent of glazing to the eastern side elevation, with only one glazed panel present. This will not impact upon overlooking negatively, it would face towards the driveways on the host property and this neighbour.

In light of the above the proposal is considered to have an acceptable impact on residential amenity.

3. Impact on Highway Safety:

It has been acknowledged that there would be no further impact upon highway safety as the proposal is unlikely to intensify the domestic use at the property and will not alter the existing parking arrangements. The proposed development also poses no alterations to existing access to and from the property in conjunction with the adjoining highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

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.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As
the proposed development proposes no alterations of amendments to the existing roof above the dominant dwellinghouse, it is deemed not to cause a potential risk to bat roosts. 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: **2021/91250**
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 extension shall not be occupied until the windows in the south western elevation of the conservatory hereby approved, marked elevation A on the proposed plan ref 1J/2829/2, have been obscure glazed. 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 shall thereafter be retained for the lifetime of the development.

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 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
Plans – Grouped Plans and Elevations: existing	1J/2829/1	-	7.4.21
Plans – Grouped Plans and Elevations: proposed	1J/2829/2	-	7.4.21
Plans – Location Plan	-	-	7.4.21
Plans – Proposed Site/Block Layout	-	-	7.4.21

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: 24.5.21