

**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: 2021/62/91362/W

Site Address: 49, Birkby Lodge Road, Birkby, Huddersfield, HD2
2BE

Description: Erection of single storey extension and garage to rear
(modified proposal)

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: 19-Aug-2021

Officer Report

Site Description

2021/91362 – 49, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BE

No. 49 is a two storey end terraced property constructed of stone and red clay tile roof. Notably it has a steeply pitched gable end and benefits from two small detached garages within its large triangular plot (front and rear). It is bounded by stone walls, half moon copings and lawn front, side and rear. To the north, it borders the Birkby Conservation Area and the Lodge Hotel which is a Grade 2 Listed Building. It sits within a residential area with varying architectural styles and ages.

Description of Proposal

Erection of single storey extension and garage to rear

It is proposed to construct a detached garage with a similarly pitched gable end roof. It would be 5.2m width and a depth of 7.3m. The roof ridge height would be 6.6m with eaves at 2.5m when viewed from the rear with the front elevation having an overall height of 5.3m. It would be situated in line with the primary elevation of the host building. It would have a garage door opening to highway and a door to the rear. A window opening would face the dwelling and four skylights are proposed.

To the rear of the host dwelling, there would be a rear extension projecting 3.6m from the rear and 4m width; another rear/side extension would project 4.8m from the rear elevation of the host dwelling and extending west to be 7m width to end behind the garage. Overall the two extensions combined would be 11m in width. The rear extension would have a lean to roof with a roof ridge height of 3.8m and eaves at 2.9m. The side/rear extension would have a gable end roof with a roof ridge height of 4.8m and eaves at 2.9m. Facing the highway would be a door opening and no openings to the side elevations. Two windows and triple patio doors would face the rear and have seven skylights to the roof.

The materials would be faced with coursed stone and red concrete tile for the roof to match similarly to the host dwelling.

History of negotiations/amendments received

The case officer awaited resubmitted plans after plans were changed to reflect the wider garage and change in roof plans for the side/rear extension. The Neighbour Notice Letters required re-sending after investigation revealed that a technical glitch meant they were not sent at the time as intended.

Relevant Planning History

2020/94213 – Proposal: Erection of single storey extension and garage to rear. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 05/03/2021.

2020/93242 – Proposal: Erection of single storey extension. Decision: RF – REFUSED. Decision date: 17/11/2020.

2007/94522 – Proposal: ERECTION OF DETACHED GARAGE. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 20/12/2007.

94/93769 – Proposal: ERECTION OF DETACHED GARAGE. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 05/01/1995.

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: 19/08/2021.

Site Notice expired: 14/05/2021

Press publicity expired: 21/05/2021.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – No objections
- Highways Development Management – No objections. Note to be placed on s184 agreement to extend a dropped kerb.

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 itself is unallocated on the Kirklees Local Plan but borders the Birkby Conservation Area and a Listed Building.

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**
- **LP 35 – Historic Environment**

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 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
- Chapter 16 – Conserving and enhancing the historic environment

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.”

However it is noted that the site is located opposite Birkby Conservation Area and the Grade II listed Birkby Lodge. The impact of the development on the setting of these designated heritage assets will be considered as part of the application.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, heritage impact 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. Policy LP24 requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

Given that the site is adjacent to the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which sets down a statutory duty for the preservation or enhancement of the conservation areas including their setting. Policy LP35 of Local Plan and Chapter 16 of the NPPF need to be considered which sets out that heritage assets including their setting should be protected and enhanced by new development. The application has also been assessed by the Conservation Officer on an informal basis.

No significant concerns were raised by the Conservation & Design Officer about the Listed Building as it is set within its own large grounds and not impacted by the proposed extension and garage. The proposal was also not judged to be harmful to the Conservation Area.

The single storey garage would not be forward of the host dwelling and when viewed against the two storey dwelling, its size and scale would appear subservient to the main dwelling. In terms of the street scene, it is noted that the host dwelling is part of a handsome group of terraced properties and whilst the garage would be clearly visible in the street scene the gable end roof design with similar pitched roof would complement the appearance of the host dwelling and be typical of the character of the local area.

It is noted that the rear/side extension would be large in scale with a stepped and somewhat elongated design. The use of a gable end with a lean to roof would be reflect the arrangement on the host building’s gable end, with a

lean-to roof siding in subservience and whilst the gable end is of a shallower pitch it is on balance considered to be acceptable for the reasons set out above. The use of matching materials would also aid in the extension to sit comfortably with the host property. In terms of the overall projection of the extension from the rear elevation, whilst large at 3.6 and 4.8m, the dwelling is within a large plot and the largest part of the extension is set away from adjacent properties. Furthermore the location of the extension on the rear elevation is away from highway and views from outside the site would be restricted. The proposal is therefore on balance considered to be of an acceptable design.

The proposal is therefore regarded as acceptable for permission in this regard as it would not harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

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. The closest properties to be affected by the development are No.s 47 (terraced neighbour) and 51 (west).

With regard to No. 47, the garage extension is located on the opposite side of the site to no.47 ensuring that there would be no impact. The rear extension would be built up to the shared boundary with a projection of 3.6 metres adjacent to no.47. The potential for detrimental overshadowing is in part mitigated by the lean to roof and orientation of the extension where any impact would be limited to late afternoon/evening and is not considered to be detrimental. No windows would face the adjacent property preventing any potential for overlooking.

In terms of No. 51, this property is located to the west and the detached garage and a single storey rear/side extension would be closer to the shared boundary. While the garage would have a higher pitch than current garage, No. 51 enjoys an elevated position sitting above No. 49 and has a side extension without windows facing over the proposed extension. The host dwelling has one side window which would have its view of No. 41 obscured by its side extension roof.

The proposed extension would bring additional built form closer to the shared boundary, however it would not project beyond the rear elevation of no.51 ensuring that there would not be any detrimental overshadowing. In terms of

new windows and doors in the proposed extension these are located at ground floor level and serve a WC and entrance door ensuring that there would be no overlooking from these windows. With regard to potential overbearing, No.51 is set off the shared boundary with a path running between the current garage and its side extension and would ensure that there is no harmful overbearing.

To the south, No 4 George Avenue was considered to have no detrimental overbearing, overshadowing or overlooking impact due to its 29m separation distance from No. 49.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the residential amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

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 lead to No. 49 replacing its garage for one that is large enough in size to meet the current garaging space standards and to provide at least 1 off street parking spaces. Within the boundary, there is another detached garage to the south boundary which serves to supply additional parking.

The proposed development would not adversely affect the existing parking spaces within the site 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: 2020/91362

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 to preserve the setting of the adjacent Birkby Conservation Area, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity to preserve the setting of the adjacent Birkby Conservation Area, and to accord with Policies LP24 and LP35 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.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over foot ways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	3B	-	15/04/2021

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	Proposed Elevations Dwg. No. 1 Rev D	D	13/07/2021
Plans – Grouped Plans and Elevations	Proposed Floor Plan and Location Plan Dwg. No. 2 Rev D	D	13/07/2021

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 officer undertook negotiations concerning amended plans to ensure that the scheme met LP policies on visual and residential amenity.

Report Dated: 19/08/2021