

**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: 2021/62/91381/W

Site Address: 21, Yew Tree Lane, Cowlersley, Huddersfield, HD4 5UY

Description: Erection of first floor extension to attached garage to create dwelling forming annex accommodation associated with 21, Yew Tree Lane, Cowlersley, Huddersfield, HD4 5UY and erection of balcony to dwelling with door alteration

Recommending Officer: Sam Jackman

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: 04-Jun-2021

SITE DESCRIPTION – 2021/91381

21, Yew Tree Lane, Cowlersley is a stone detached property with a concrete tiled roof, with mock Tudor panelling detail to the front elevation. The property is the first property of four, on a private drive built in a disused quarry.

The property has an attached double garage and side conservatory.

The property sits within large grounds with the historic quarry face along the rear boundary.

DESCRIPTION OF PROPOSAL

The proposal is to erect a first-floor extension over the garage to provide a granny annex accommodation in the form of a bedroom, seating area with en-suite. Access is via external staircase at the rear. To the front above the garage door would be a Juliet balcony.

Also, a first-floor front balcony area to the master bedroom, 1.6m by 2.7m, in line with the front gable. It will be supported a corner brick pillar and have a glass balustrade to 2 sides

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91381>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

86/02328 – detached dwelling – granted conditionally

PUBLIC/MEMBERS RESPONSE

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 28.5.21, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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

LP 22 - Parking

LP 24 – Design

LP 30 - Biodiversity and geodiversity

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, 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
- **Chapter 14** – Meeting the challenge of climate change, flooding & 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

ASSESSMENT

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 stating that “the council will always work pro-actively 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 LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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

Impact on visual amenity:

The proposed development would be in the form of a first-floor extension over the existing garage located at the side and a new balcony to the master bedroom to the front of the property.

The property is located within fairly large grounds, situated along a long private drive serving the host property and a further three. Due to the topography of the area and being located in a disused quarry, there is limited view of the property from Yew Tree lane.

The proposed first floor granny annex would follow the garage footprint and given that is set back from the front elevation of the host property and with the backdrop of the quarry face would have little impact on the visual amenity. Furthermore, the extension would be built from matching materials and designed to reflect the property, therefore is considered to relate satisfactorily to the host property, where the proposed extension combined with the existing conservatory are considered to be subservient in this case.

The proposed balcony would be located on the front elevation and would be seen from neighbouring properties but limited view from Yew Tree Lane, furthermore the property is modern in appearance and the balcony is small in scale which wouldn't project past the front elevation of the host property. Therefore is considered to be acceptable in its design and would have little impact on the visual amenity of the area.

Taking all the above into account, it is considered that the proposed development would be acceptable in terms of visual amenity and would therefore comply with Policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any

occupier of adjacent land by way of overshadowing or overlooking and also in terms of its design, size and visual amenities.

The proposed first floor extension over the garage to create a granny annexe is considered to have an acceptable impact on neighbours, with regards being overbearing or overshadowing given the separation distance of over 18m to the shared boundary with No 23, located to the south west. The properties to the east are located on top of the quarry face overlooking the host property roof rather than being level, therefore again the granny annexe would have little impact on these properties with regards being overbearing or overshadowing.

With regards overlooking the front window overlooks the applicants drive with no neighbours directly facing the property, with no habitable windows in the rear or east elevation. there is a secondary window in the west facing elevation however there is over 18m to the shared boundary with the addition of the neighbours drive and double garage providing further separation distance to their private amenity space located to the rear of the property.

With regards the front balcony, there is the potential for some overlooking however the balcony is fairly small in scale at an acceptable distance from the shared boundary, furthermore the front gardens of both the applicant and neighbour are already open.

Therefore, it is considered there will be no impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking given the separation distance to neighbours.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states "extensions...minimise impact on residential amenity of future and neighbouring occupiers." Having considered the above factors affecting neighbouring properties and relevant policies, the proposed first floor extension is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal and can easily accommodate 4 cars plus the garage as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that albeit the extension will result in the existing roof over the garage being removed, the property in this case appears to be well sealed and maintained with little opportunity for bats. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Use – It is noted that the development seeks permission of annex accommodation which whilst acceptable as set out above the unit would be too small for an independent dwelling and therefore a condition will restrict its use to be ancillary to the main dwelling.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/91381

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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

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 and to accord with LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. The residential annex accommodation approved as part of this permission shall be used solely for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse known as 21, Yew Tree Lane, Cowlersley and shall at no time be sold or rented as a separate residential unit.

Reason: For the avoidance of doubt as to the development permitted, as different amenity and parking considerations would be taken into account if the building was to create a separate unit of accommodation. This would accord with Policy LP21 and LP24 of the Kirklees Local Plan and Chapter 12 the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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	Date Received
Location Plan 1:1250 & 1:500		16.4.21
Existing block Plan 1:500		16.4.21
Existing floor layout	PP2021- EFRP 01	16.4.21
Existing elevations	PP2021-FF04	16.4.21
Proposed floor layout	PP2021-PFRP02	16.4.21
Proposed elevations	PP2021-PE05	16.4.21

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 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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

4.6.21

Coal – none