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:	2021/62/91540/W
Site Address:	13, Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ
Description:	Erection of single storey extension
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: 16-Jul-2021

SITE DESCRIPTION – 2021/91540

13 Cawthorne Avenue, Fartown is a semi-detached property with a gabled roof, located within a residential area of similar style properties.

The property is closely spaced with its neighbour to the right, following the neighbour at No 15, building a 2-storey side extension up to their shared boundary.

The ground floor of the front elevation is constructed from stone with the rest of the property finished with pebble dash with the roof being constructed from slate.

The front elevation has a bay window with a lean-to roof extended over the door providing an open canopy.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey wrap around style extension, extending the property to the side and rear. The extension would project to the side by 2.3 metres being in line with the front elevation. The extension would span the full depth of the property projecting beyond the rear elevation by 3 metres. To the rear, the extension would project 3m in line with the side extension the full width of the rear elevation with a lean-to roof.

The proposed construction materials would be stone for the front elevation and render for the remaining walls with a slate roof. The accommodation would create another entrance into the proposed utility area at the side and a kitchen dining area to the rear.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91540

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. However, clarification was sought on whether the extension would be attached to the neighbour's property, along with discussions over the neighbours boiler flue.

RELEVANT HISTORY

None

2016/91067 - No 15 Cawthorne Avenue – 2-storey wrap around extension

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F91067

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 28.4.21, 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

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.

Supplementary Planning Documents

House Extensions and Alterations Supplementary Planning Guidance (SPD)

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 the host property and the wider street scene. This is considered in detail in the report below.

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, including the now adopted SPD

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 side extension would be built up to the boundary with No. 15 infilling the remaining gap between the host property and its neighbour at No 15, with the potential of creating a terracing affect.

However, the proposal is single storey with a lean-to roof, furthermore the neighbour's extension is set back slightly and albeit built without the roof set down. Given that the proposal is single storey it is considered not to create any detrimental terracing effect in this case.

The materials of proposed side would match the host property using stone for the front elevation and render to the remaining walls. Therefore, for clarity and for the extension to reflect the appearance of the host property, the front elevation should be conditioned to be stone (condition 3).

The alterations to the rear of the existing house are in a more discreet location, creating a single storey extension. The proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene.

The rear extension will be constructed of materials to match those of the existing building and will remain subordinate to the host building.

It is considered, on balance, that the proposed extension would respect the appearance of the host building, using materials to match when viewed from the street with its surroundings and would not give rise to the appearance of overdevelopment. It will therefore have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, including the now approved SPD and advice in 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.

In this case there would be no windows in the side elevations facing No.11 or 13, with the rear elevation overlooking the applicants garden it is considered that the extension wouldn't create any undue overlooking of its neighbours.

With regards being overbearing and or overshadowing the proposed rear extension is single storey projecting 3m, with a lean-to roof in line with the neighbours 2-storey rear extension at No.15, and albeit No. 11 has no rear extension the proposal is for 3m in line with permitted development, furthermore, there have been no objections received from neighbours either side.

With regards the side extension this is single storey and sits against the neighbours 2-storey side extension. Therefore, it is considered the side and rear extension being single storey will have little impact on neighbour with regards being overbearing or overshadowing in this case.

Impact on highway safety:

In terms of highway safety, the property does not benefit from any off-street parking, and whilst the development would increase the amount of liveable space in the property, given the current arrangements it is not considered necessary to require off street parking to be provided.

The application therefore accords with 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. Building Control – informal discussions have taken place with a building inspector regarding the position of the neighbour's boiler flue and distance from the boundary. They confirmed that the extension could be built as submitted, however there is potential for both properties having damp issues in the future. This could be overcome at the time of construction.

With regards the flue the applicant has been made aware of this and is in discussion with his neighbour.

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 the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

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: 2021/91540

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 LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

3. The front elevation of the hereby approved extension shall be built from stone to match that used in the construction of the host building.
Reason: In the interests of visual amenity and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

4. The 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

5. The render as indicated on the approved plan for the side and rear elevation shall be either pebble dashed to match the render on the host property or be natural stone coloured.
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

NOTE: Please note that the granting of planning permission does not override any private 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 may involve access to land outside your ownership.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250			22 April 2021
Block Plan 1:500			22 April 2021
Existing layout & elevations	HM.01		22 April 2021
Proposed layout & elevations	HM.02	2	17 July 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. 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: 15.7.21

Coal – low risk