

**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: 2021/62/91594/W

Site Address: 1, Rose Mount, Birkby, Huddersfield, HD2 2BU

Description: Erection of single storey extension

Recommending Officer: Laura Yeadon

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: 10-Jun-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91594>

Site Description

1 Rose Mount is a large detached property which is sited on a corner plot between Rose Mount and Birkby Hall Road. The dwelling is finished in a white render with gabled architectural detailing, dormer extensions and a concrete tiled roof. The dwelling is set at an oblique angle within the plot with garden areas to the front and sides of the dwelling. Along the north-eastern boundary is a driveway which leads to a double garage to the rear of the property. The site is within an area which is predominantly residential and faces the Edgerton Conservation Area.

Description of Proposal

Permission is sought for the erection of a single storey extension. The application has been submitted following the granting of a similar scheme under application number 2020/90417 and subsequent Non-Material Amendment application under 2021/91567. The schemes differ with regards to the width of the extension being larger than that approved and also the addition of 2 no. windows within the side and rear of the garage. The larger light lantern, set back of the rear garage wall and a small pitch to the front of the garage were granted permission via the application for a non-material amendment.

The proposed extension would be located in the same position as that approved and would accommodate a double garage and kitchen which would be internally interlinked.

The garage section of the extension would have a front elevation which would be 5.6 metres and a rear elevation which would be a width of 7.2 metres.

The kitchen would continue the width of the garage by a further 10 metres projecting off the side of the property by 8 metres. The extension would have a flat roof at an overall height of 3.8 metres which includes the parapet of stone coping.

History of negotiations/amendments received

No negotiations have taken place nor have any amended plans been sought or submitted.

Relevant Planning History

2021/91567 Non material amendment to previous permission 2020/90417 for erection of single storey extension
Approved

2020/90417 Erection of single storey extension
Conditional Full Permission

2013/93836 Erection of conservatory, single storey link to kitchen and dining and replace existing double garage with 1.5 storey detached double garage with mezzanine games room over
Conditional Full Permission

2003/95275 Alterations to form pitched roof and erection of conservatory
Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 31st May 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

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 without notation on the Kirklees Local Plan however does face the Edgerton Conservation Area.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 33** – Trees
- **LP 35** – Historic environment

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance

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

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and Conservation Area
- 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. 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.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

The site faces the Edgerton Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan. Whilst not directly within the Conservation Area, due to the close proximity, the impact on the setting of the Conservation Area is a material consideration.

2 –Impact on visual amenity and Conservation Area:

The scheme proposes a single storey extension which would be located on the side and rear elevations of the property. The extension, whilst a large structure, would be set back significantly from the front elevation of the property and would be clearly subservient to the host property by virtue of being single storey. The proposed garage would be in a similar location to the existing.

The construction materials would be rendered masonry and the roof would be flat sat behind stone coping. A rendered finish is considered to be acceptable as this would match the host property. The parapet roof design is also considered to be acceptable as it would reduce the prominence of the sizeable extension.

The fenestration details would include a light lantern to the roof of the kitchen, floor to ceiling openings within the front elevation of the kitchen and a metal door for the garage which are also considered to be acceptable. 2 no. additional windows are proposed which are also visually considered to be acceptable.

As previously assessed, whilst an area of land to the rear of the property would be lost to accommodate the extension, in the most part, the garden areas would be retained as existing. The cluster of development would be to the rear of the dwelling and as the development would be in this isolated location, would have a minimal impact on the street scene from Birkby Hall Road due to the existing boundary walls which would screen much of the development. Also a site plan has been submitted which demonstrates that the proposed works would not result in an overdevelopment of the site.

With regard to the impact of the proposal on the Edgerton Conservation Area, the property faces the boundary of the Conservation Area which is on the opposite side of Birkby Hall Road. Due to the development being set back from the front elevation boundary of the site, it is not considered that the works would adversely affect the setting of the significance of the Conservation Area and would therefore accord with Policy LP35 of the

Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of overlooking, the principle of the position of the openings has been assessed and approved as part of the previous application. 2 no. additional openings are proposed within the side and rear elevations of the garage. These require planning permission as a condition on the previous decision notice removed permitted development rights for further openings to be inserted. This was due to the proximity of the walls of the extension to neighbouring properties. The 2 no. additional openings are proposed to be within the garage and therefore non-habitable and also the submitted plans denote that these will be obscurely glazed. Provided that these openings are obscured to a level 4 glazing, these are considered to be acceptable.

In terms of the impact on No. 3 Rose Mount, the garage would be located closest to this property and would be adjacent to the rear garden of the adjacent property. Due to the limited height of the garage and due to the existing screening it is not anticipated that No. 3 would be unduly affected by the proposal.

No. 268 Birkby Hall Road has a side elevation which would face the rear elevation of the extension with the extension running alongside the boundary, forward of this neighbour. Whilst the built form of development would sit forward of the front elevation of the neighbour, the extension would be of a similar height to that previously approved in the 2020 application. Whilst there is a tree which would sit close to the extension which offers a level of screening that could be impacted on by the proposal, this is not protected and could be removed without requiring consent. As such, there are no concerns regarding the impact of the proposal on this neighbouring property. Taking the above into consideration, the proposal is acceptable in terms of residential amenity and would accord with both local and national policy.

4 – Impact on highway safety:

The submitted plans indicate that the proposed garage could accommodate 2 no. vehicles however the front elevation of the garage is not of sufficient width to provide access for 2 no. cars as falls short of the required dimensions under current guidance. Notwithstanding this, there is sufficient space on the existing driveway to accommodate further vehicles and therefore there are minimal concerns.

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 size and scale of the development, it is not considered that the application is required to demonstrate mitigation measures, however it is noted that the extension would use natural stone coping and would be thermally efficient.

Biodiversity – the application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the works not affecting the existing eaves of the dwelling.

Trees – The location of the extension is close to a mature tree. The extension proposed comes within close proximity to it and as such has been considered further in respect of any impact taking into account Policy LP33. Having previously discussed the development with the KC Tree Officer it is considered that the development can be accommodated without detriment and as such can be supported.

6 – Representations:

No representations have 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: 2021/91594

Officer Recommendation: Approve

Conditions

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 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, LP24, LP33 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external walls 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 LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the extension at any time without the prior written approval of the Local Planning Authority.

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

5. The development shall not be occupied until the windows in the north elevation and west elevation of the extension as shown on drawing number Rev:01 hereby approved have been obscure glazed to minimum Grade 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	WYK 623826		16 th April 2021
Existing and proposed elevations	Rev:01		16 th April 2021
Existing and proposed floor plan and site plan	Rev:01		16 th April 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 10th June 2021

Coal – low