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:	2021/62/91925/W
Site Address:	575, New Hey Road, Mount, Huddersfield, HD3 3XN
Description:	Erection of side and rear extensions (modified proposal)
Recommending Officer:	Ellie Worth

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: 08-Jul-2021

Officer report

Site description
575 New Hey Road is a semi-detached property constructed from natural stone with a tiled roof. The property benefits from a small garden and driveway to the front and a landscaped garden to the rear. Pedestrian and vehicular access can be taken from the front boundary onto New Hey Road. Boundary treatment consists of stone walling to the front alongside a combination of fencing and walling to the rear.

The site and wider area is dominated by residential properties, most of which vary in design and form. There is also a significant change in land levels within the area, whereby officers have noted that the application site benefits from a lower ground floor level to rear.

The site is also unallocated on the Kirklees Local Plan.

Description of development
The applicant is seeking permission for the erection of side and rear extensions (modified proposal). The measurements of the proposal are as follows:

Two storey side extension:
• 3.1m in projection
• 7.3m in length
• 5.4m to the eaves; 8m in overall height

Single storey side/front extension:
• 5.4m in width
• 0.8m in projection
• 2.6m to the eaves; 3.7m in overall height

Two storey rear extension:
• 4.3m in projection
• 6.1m in width
• 4.8m to the eaves; 5.8m in maximum height

The majority of the proposed extensions would be constructed from stone, apart from the eastern and western facing side elevations of the rear extension, which would be faced in render. The extensions would also benefit from a blue slate roof to match the host property. The additional fenestration would be constructed from UPVC. Internally the extensions would provide additional amenity space for the property.

Three on-site parking spaces will also be provided as part of this application.

History of negotiations/amendments received
Officers have confirmed with the applicant in writing, that the render would be of a stone colour. As such, no amended plans have been sought.

Relevant Planning History
At the application site:
2020/90428 Erection of side and rear extensions - Granted

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 the 21st June 2021, whereby no representations have been received.

Consultation Responses
None necessary as the scheme is a modified proposal to the previous 2020/90428 permission.

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.

Kirklees Local Plan:
• LP1 – Achieving sustainable development
• LP2 – Place shaping
• LP21 – Highway safety
• LP22 – Parking
• LP24 – Design
• LP28 - Drainage
• LP30 – Biodiversity
• LP34 – Conserving and enhancing the water environment

Householder Design Guide (SPD) adopted June 2021.

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 design places
• Chapter 14 – Meeting the needs of climate change, flood and coastal change
• Chapter 15 – Protecting and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:
1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development
The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district". There is an adopted SPD on house extensions and alterations which provides further detail of what good design is considered to comprise.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below. Furthermore, the previous application for the erection of side and rear extensions (2020/90428) is a material consideration, which establishes the principle of having the aforementioned built form at the site. As such, the key consideration for this application is the alteration to incorporate render on the western facing side elevation of the two storey rear extension.

2. Impact on visual amenity
It has been considered that the proposed extensions would appear subservient to the host property, as the two storey side extension would benefit from a hipped roof and would be set down from the ridge roof line on the main property. The single storey side/front extension would also be relatively small in size and scale and would tie in with the existing lean to element on the front elevation of the dwelling. The rear extension would also replace the existing conservatory and would have a maximum projection of 4.3m. As such, it would still be possible to read the original dwelling which would still sit comfortably within its curtilage. Whilst it has been noted that there would be additional amenity space developed under this proposal, it would not result in the overdevelopment of the site as the property has a large private amenity space to the rear.

In this instance, there would be no alterations to the proposed single and two storey side extensions, when compared against the extant permission. As such, the principle of having this form of development at the site has already been established.

With regards to the rear extension, it design has been considered acceptable, as it would be more in keeping with the host property than the existing conservatory, which it replaces. The extension would still be built over two floors given the significant change in levels. A lean to roof is also proposed.

In terms of materials, the submitted plans show the rear elevation to be constructed from natural stone, along with render to both side elevations. The use of this material has been considered acceptable, as render appears to be a secondary material on many neighbouring properties. This modification would also create a more symmetrical finish when viewing the rear extension from the applicant's outdoor amenity space. As such, this alteration can be supported.

Having taken into account the above and allowing substantial weight to the extant permission, officers are satisfied that the proposal would harmonise to an acceptable degree with the host property and the surrounding development. As such, the works are considered to comply with Policy LP24 of the KLP and the Householder Design Guide (SPD).

3. Impact on residential amenity

Given that the modified works are only seeking permission to alter the external material for the western facing side elevation on the two storey rear extension, it has been assessed that the development would not have a greater impact upon neighbouring amenity, when compared against the previous scheme.

As such, the previous assessment upon residential amenity has been set out below.

573 New Hey Road is the adjoining residential property to the East of the application site. It has been assessed that there would be some impact on these neighbours' amenity, as the existing conservatory and canopy at lower ground floor level will be demolished and replaced by a two storey stone extension.

However, it has been noted that the overall projection of the proposed extension would be slightly less than the existing and would extend 4.3m from the original rear elevation. Furthermore, the extension would also benefit from lean to roof in order to reduce some of the bulk and massing. As such, it has been considered that any overbearing, on these neighbour's private amenity space, would not be detrimental for the reasons outlined above. The existing rear openings would also maintain their outlook.

In regards to overshadowing, it has been considered that there would be some impact on these neighbours' amenity, especially within an evening as the host property is located to the west. However, no. 573 appears to benefit from an adequately sized garden and therefore any impact would not be undue, nor over and above the existing situation.

The submitted plans also show no additional openings to be inserted into the eastern facing side elevation of the extension. This would increase the level of privacy at these neighbours as the existing glazed conservatory would be removed. Openings at lower ground floor would also be obscured by the existing timber fencing.

A small terrace would also be provided at ground floor level to provide additional outdoor seating. This replicates the existing situation on site, albeit the proposed is wider. Given that this addition has the potential to overlook into these neighbour's garden, a condition will be attached to the decision notice which states that the eastern facing side panel shall be obscurely glazed in order to reduce any material harm.

There will also be no further impact on overbearing, overshadowing and overlooking from the two storey side extension, as this will be located at the opposite side of the host property away from these neighbours. As such, an acceptable level of amenity will be retained as this property.

577 New Hey Road is the detached property to the West of the application site. It has been acknowledged that there would be some impact on these neighbours as a result of the two storey side and rear extensions.

Nonetheless, the side extension would be set down from the main property with a hipped roof. This would reduce some of the bulk and massing on these neighbours' amenity and has been considered acceptable. Furthermore, it has also been noted that the main impact would be on these neighbours eastern facing side elevation in which benefits from a small porch, alongside a secondary kitchen window at ground floor and a landing and bathroom window at first floor. As such, any impact on overbearing and overshadowing is not considered to be undue, as these neighbours main habitable room windows exist within their front and rear elevations. The extension will also be inset from the shared boundary by 0.5m, with the majority of the ground floor being obscured by the existing stone wall.

With regards to overlooking the submitted plans also show no additional openings to be inserted into the western facing side elevation of the side extension. This will omit any undue overlooking and therefore can be supported. The existing boundary treatment will also mitigate against any future impact and therefore it is not considered necessary to remove permitted development rights for future opening within this elevation. First floor windows will also be controlled under the GPDO.

There will also be no material impact upon these neighbour's amenity as a result of the two storey rear extension. This is due to the fact that the application site is situated on a relatively lower level than these neighbours, with there being sufficient boundary treatment in place. As such, any impact on overbearing and overshadowing on these neighbours' rear amenity space is not considered undue. It has also been noted that there would be a separation distance of approximately 3.6m retained between the western facing side elevation of the rear extension and the existing boundary wall.

In regards to overlooking, the submitted plans only show a lower ground floor opening to be inserted into the western facing side elevation of the extension. This is not considered to have any significant impact upon these neighbour's amenity given the change in land levels. New upper floor openings will also be controlled under the GDPO.

Officers are also satisfied that there would be no detrimental loss of privacy at these neighbours as a result of the small rear terrace area. This is due to the fact that there would be a separation distance of approximately 3.6m from the existing stone boundary wall and the fact that the terrace area would only be 1.2m deep and therefore would not be used as the main amenity space.

Overall, having afforded weight to the previous permission, officers are satisfied that the development would have an acceptable impact on neighbour amenity. This is to accord with Policy LP24 of the KLP.

4. Impact on highway safety

Given that the modified scheme is only seeking permission to amend the external walling material on the two storey rear extension, officers are satisfied that there would be no greater impact upon highway safety.

More specifically, the submitted plans show the existing access to be widened, along with the creation of two on-site parking spaces. A third space would also be created within the integral garage, as per the previous permission.

A condition will also be re-attached to this decision to ensure that the driveway is of sufficient size in addition to being appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

For these reasons, the development is considered acceptable and would comply with Policies LP21, LP22, LP28 and LP34 of the KLP, the Highways Design Guide and Chapter 14 of the NPPF.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. 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 licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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 is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would be constructed from stone in which is considered to be a natural material that can be locally sourced. The use of large areas of glazing within the rear habitable rooms will also help to reduce the use of artificial light and improve passive solar gain.

6. Representations
None 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2021/91925
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 Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the side extensions and southern facing elevation of the rear extension hereby approved, shall be constructed from natural stone, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The roofing materials of the extensions hereby approved shall in all respects match those used on the host property, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The rendering of the eastern and western facing side elevations on the two storey rear extension hereby approved, shall be in a stone colour to harmonise with the stonework used on the two storey rear extension. These elevations shall thereafter be retained with this finish.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. The extensions hereby approved shall not be brought into use until the widening of the access and extended driveway, as indicated on the site plan (01 Rev H), has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for parking.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The terrace area hereby approved shall not be brought into use until the eastern facing side panel has been obscurely glazed at a minimum of grade 4. The obscure panel shall thereafter be retained.
Reason: So as not to detract from the residential amenity of occupants of the adjoining residential property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours Saturdays With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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 granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. 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. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). 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
Location plan, site plan and existing and proposed floor plans, elevations and roof plans	01 H	-	10th May 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. In this instance, the application has been considered acceptable within its submitted form and therefore no amendments have been sought.

Report Dated: 8th July 2021