

**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: 2021/62/91945/W

Site Address: 2, The Coppice, Fixby, Huddersfield, HD2 2JA

Description: Erection of single storey rear extension and raised decking

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: 21-Jul-2021

Officer Report

Site Description

2021/91945 – 2, The Coppice, Fixby, Huddersfield, HD2 2JA

2 The Coppice, is a detached bungalow property constructed from stone under concrete interlocking tile roof. The dwelling serves 4 bedrooms. The main body of the dwelling is linear in form, and there is a modest gable projection beyond the front wall of the dwelling as well as a large gable projection serving two bedrooms and a conservatory with a gable glazed roof and an adjoining gable projection serving the utility room to the rear of the dwelling. There is raised timber decking with open slat fencing in between the main gable projection and the conservatory to the rear; which with steps joins a narrow strip of decking connecting to a small raised decking area with fence and steps down to the rear garden to serve the utility room door. There is garden space to the front and rear of the dwelling. There is a driveway on the west side of the site which leads to a detached garage building to the rear of the site. The site slopes downwards from the front to the rear and from the east to west.

The site is within an area which is predominantly residential characterised as one storey dwellings in character. The Coppice is a residential street comprising 6 detached bungalow dwellings similar in character to the dwelling at No.2 and this street links The Dell to Viewlands.

The site is not within a conservation area, nor are there any listed buildings within close proximity to the site. To the rear of the site is a wooded area which is protected by a Tree Preservation Order (ref: 06/87/a1).

Description of Proposal

Erection of single storey rear extension and raised decking

It is proposed to erect a single storey flat roof rear extension that would project 4 metres, be 8.9 metres wide with an maximum height of 3.4 metres. The extension would be rendered, have a central lantern, Glazing would be installed on the rear and side elevation to serve the sun room and a door and window to serve the utility room.

Raised decking would be installed around the extension which would drop away to the ground floor level by steps.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

2 The Coppice: 2005/94592 – Erection of ground floor extension and detached garage – Approved.

2 The Coppice: 2020/90807 – Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking – Refused. Appeal Dismissed (ref: APP/Z4718/D/21/3267574).

Officer note: The Inspector noted no overlooking to a significant degree was found in relation to the proposal, specifically:

“the adjacent property (12B The Dell) is at a slightly lower site level than the appeal property, but that it is located toward the south of that property and there is considerable landscaping between the two dwellings. In addition to this, the adjacent property is not directly behind the appeal dwelling, at an oblique angle with regard to key window positions.”

However the appeal was dismissed assessing the first floor extension to be overly dominant in a single storey property area on grounds of character of the townscape.

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: 25/06/2021

No representations have been received.

Consultation Responses

No technical consultees 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 unallocated on the Kirklees Local Plan.

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

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 21st 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

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.”

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.

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.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

The single storey rear extension’s flat roof would have its eaves 0.3m above the host dwelling’s existing eaves, would remove two gable roofs to have a flat roof reducing its overall height but be of the same footprint as the existing rear extension which would aid the extension’s scale appearing subservient to the main dwelling. Whilst it is noted the materials do not match the host dwelling, they would appear to be residential in character and the alteration of the conservatory to sunroom with rendered facings to the utility room and sunroom would visually unify the extensions and by way of its position to the rear would have little visual impact on the streetscene. The conversion of the conservatory to sunroom would aid in reducing heat loss in winter and excessive heat in summer by reducing the glazing.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

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

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 properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No.4 The Coppice, No.12B The Dell, No’s.4 and 6 Viewlands. It is considered that the proposed development would be a sufficient distance away from any other properties to

prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No.4 The Coppice

The proposed single storey sunroom extension would be set away from the boundary shared with No.4 The Coppice by some distance. The proposed single storey rear extension would run adjacent to the side boundary shared with No.4 and whilst close to No.4, would have no facing windows which in turn is screened by a large boundary treatment of conifer limiting its impact, especially given it would have a flat roof and not a prominent gable end. Given this, it is considered that the proposed development would not cause undue harm to No.4 in terms of loss of light, loss of outlook, overlooking or the creation of an overbearing effect.

Whilst the proposed decking and some steps would be at greater heights above ground than is permitted development, there are already platforms and steps from the rear of the dwelling leading to the rear garden and it is considered that any impact would not be detrimental.

No.12B The Dell

Given that the site is located to the north of No.12B, and the separation distances proposed involved between the extensions and No.12B, it is considered the proposed extension would not cause undue harm to No.12B The Dell in terms of loss of light, loss of outlook or the creation of an overbearing effect.

It was noted that within the 2020 appeal that the inspector judged that there be sufficient screening, even regarding the sloping site, enough to allow a similar proposal on this basis. There would be no change in overshadowing impact.

No.6 Viewlands

No.6 Viewlands is directly to the west of the site and the rear wall of this neighbouring dwelling faces towards the application site. It is considered that the proposed single storey rear extension would be screened by the main gable projection and be of a sufficient scale and distance away from No.6 to prevent undue harm to the residential amenities of No.6.

Regarding the impact of the platforms, there is thick and high landscaping on the shared boundary between No.6 and the site and it is considered that this would sufficiently provide screening and have no undue harm to No.6 in terms of loss of outlook, overshadowing or the creation of an overbearing impact.

No.4 Viewlands

Given the northeast orientation of the site to No.4 and the distance of the proposed extensions, steps and decking from No.4, Viewlands it is considered

that the proposal would not cause undue harm to No.4 in terms of loss of light or the creation of an overbearing effect. Given the angle this neighbouring dwelling is set at to the site and the respective distances between the proposed extensions, steps and decking from this neighbouring property, it is considered that the proposal would not cause undue harm to No.4 Viewlands in terms of loss of privacy or overlooking.

Given the above, it is considered that the proposed development would be acceptable under Local Plan Policy LP24 (B), (C) and (D) and Chapter 12 of the National Planning Policy Framework.

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 not adversely affect the existing parking spaces within the site, intensify use 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: 2021/91945

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 Policy LP24 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Site Location	-	14/05/2021
Plans – Existing Site/Block Layout	00 Site Plan - Existing. Project No. J19-094. Drawing No. P01.	-	14/05/2021
Plans – Existing Elevations	Existing Elevations. Project No. J19-094. Drawing No. P03.	-	14/05/2021
Plans – Grouped Plans and Elevations	Existing Plans and Sections. Project No: J19-094. Drawing No. P02.	-	14/05/2021
Plans – Proposed Site/Block Layout	00 Site Plan – Proposed. Project No. J19-094. Drawing No. P04.	-	14/05/2021
Plans – Proposed Elevations	Proposed Elevations. Project No. J19-094. Drawing No. P06.	-	14/05/2021

Plan Type	Reference	Version	Date Received
Plans – Proposed Elevations	Proposed Elevations. Project No. J19-094. Drawing No. P07.	-	14/05/2021
Plans - Grouped Plans and Elevations	Proposed Plan. Project No. J19-094. Drawing No. P05.	-	14/05/2021
Plans General	Ground Floor Isometric. Project No. J19-094. Drawing No. P09.	-	14/05/2021
Plan General	Rear Isometric. Project No. J19-094. Drawing No. P08.	-	14/05/2021
Plan General	New Sunroom Visuals. Project No. J19-094. Drawing No. P10.	-	14/05/2021
Supp Info – General	Grouped Plans. Project No. J19-094. (10 Pages).	-	11/05/2021

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 considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 20/07/2021