

**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: 2021/62/92034/W

Site Address: 24, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA

Description: Erection of single storey extension to rear and raised decking, demolition of existing conservatory and associated alterations

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: 12-Aug-2021

SITE DESCRIPTION – 2021/92034

24 Rutland Rd Milnsbridge is a modern brick detached property with a pantile ridged roof. The property benefits from a two Storey side extension incorporated a small catslide roof, built up to the boundary and an existing rear Conservatory, due to the topography of the site the rear Conservatory is elevated above the existing garden incorporating a small decking area outside the rear door.

The front garden provides off street parking for two cars

DESCRIPTION OF PROPOSAL

The applicant is seeking permission to remove the rear Conservatory and replace with a single Storey rear extension to provide a family room with access from the rear new bi-fold doors onto a small narrow raised decking area with access into the rear garden. The measurements of the proposal are as follows:

- 3.1 m in width
- 4.25m in projection
- 3.05m in height to the eaves; 4.25m in overall height with a lean-to roof.

Materials proposed are block work with a render finish, colour to be agreed with a concrete matching roof tiles.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92034>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. The agent has confirmed cream colour render, 12.8.21

RELEVANT HISTORY

2006/90350 - erection of two Storey side extension - 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 25th June 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 21st July 2021, 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

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 proposal will enlarge the property to the rear, creating a single storey extension, replacing the existing conservatory. The proposed works will not be visible from the highway and therefore will not harm the appearance of the street scene.

The extension will be constructed of materials that wouldn't match the host property by introducing blockwork and render. However, the properties within an area are of mixed palette of materials and therefore the proposal would be considered to be accessible in this case. Furthermore is single storey and rear extension.

The extension is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, thereby acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, along with the new SPD for household extensions 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 west facing elevation facing No.26, however the proposal shows a tall thin window in the east elevation facing No. 22, albeit the current conservatory has clear glazing facing the neighbours at No. 22, the new extension will be moved closer to the shared boundary and given the difference in levels would create overlooking at close quarters. Therefore, this window should be conditioned to be obscurely glazed to allow additional light into the room but to prevent overlooking of its neighbours. (condition 5)

With regards being overbearing and or overshadowing the proposal is small in scale, single storey replacing an existing conservatory, albeit slightly larger wouldn't be built up to the boundary with its neighbours, most affected No.22, due to the sloping site.

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 rear 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, 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 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: 2021/92034

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 external 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 render as indicated on the approved plan shall be cream/off white colour.

Reason: In the interests of visual amenity and to accord policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

5. The family room window in the side elevation of the extension hereby approved, shall be obscurely glazed (minimum grade 4), before the extension is first brought into use. 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) this window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan 1:1250	LP01	17.5.21
Existing & proposed layout & elevations	2021/027/03	17.5.21

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:

11.8.21

Coal – none