

**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: 2021/62/92068/W

Site Address: 7, Fenay Crescent, Almondbury, Huddersfield, HD5 8XY

Description: Erection of two storey side and rear extensions and single storey front extensions (modified proposal)

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: 21-Jul-2021

SITE DESCRIPTION – 2021/92068

7 Fenay Crescent is a buff brick detached property with concrete pantile roof with timber cladding detail to the front.

The property currently benefits from a flat roofed porch and drive to the side leading to a detached brick single garage, which has been built beyond the rear elevation of the property by approx. 1m.

The properties either side are set further back into their plots than the host property with playing fields to the rear.

DESCRIPTION OF PROPOSAL

The application is a modified proposal to extend the property to the front with a single storey extension, a 2-storey side and single storey rear extension, removing the first-floor rear extension.

The front extension would project 1.2m in line with the existing porch with a lean-to roof which would be extended over the porch replacing the existing flat roof, in order to extend the lounge at the front, this is unchanged.

The side extension would project from the gable by 2.8m and the ground floor would be flush with the host property whereas approved it was set back from the front elevation by 0.8m and the first floor is set back 0.8m however as approved was set back 2m from the front elevation.

The 2-storey rear extension has been reduced to single storey along with the reduced projection from 2.5m to 2m by the width of the property of 8m and the side extension, a total of 10.8m, this part is unchanged.

The side extension would have a dual pitched roof with the ridge set down, by approx. 0.4m, rather than the previous 1m.

The extensions would create a garage, enlarged lounge, playroom, kitchen dining area & utility. At first floor an en-suite and enlarged bedroom 4.

The extension would be built from materials to match the host property and the existing garage will be removed.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92068>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed the side extension flush with the front elevation, the agent was advised to set it back in line with the previous approved scheme, however the extension has been set back slightly but not as approved.

RELEVANT HISTORY

2020/92286 – 2-storey side and rear – granted – not built but extant.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92286+>

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 28.1.21, whereby 1 letter of representation has been received objecting to this application.

There concerns are

- Loss of light
- larger extension

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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

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 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 LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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.

2 – Impact on visual amenity:

The proposed front extension would extend the existing porch to create an extension across the full width of the property, albeit large in width it projects 1.2m, furthermore there are already examples within the street where properties have large front extensions, therefore the extension is considered acceptable and would have little impact on the street scene. This is unchanged by the amended proposal.

The side extension would be built close up to the boundary with No. 9 however the neighbour has an existing gap to the boundary of approx. 1.4m which is unlikely to be built on. In general, a larger gap is preferred in the case of two-storey side extensions, however in this case the ground floor is now flush but is single storey and first floor is set back 0.8m from the front elevation of the host property, albeit slightly forward now of the adjacent neighbour due to the staggered relation between properties, however, would still avoid the creation of a terracing effect, in this case as amended.

It is considered, on balance, that the proposed side 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.

The alterations to the rear of the existing house are in a more discreet location and have been reduced to a single storey rear extension projecting 2m, which has substantially reduced the size of the extension. The rear extension, as amended, is considered to relate satisfactorily to the host building and will have an acceptable impact on visual amenity, where the materials proposed are to match the host property and are acceptable in this case.

The side and rear extensions as amended are considered now to be subservient to the property. Although there is limited scope to extend further, it would be appropriate to remove permitted development rights for alterations within the roof space and detached buildings, in this case. This would be to prevent the overdevelopment of the site in the interests of visual amenity.

Therefore, the proposal is in accordance with Policy LP 24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area, in accordance with the householder SPD and advice in the National Planning Policy Framework.

3 – 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 overbearing, overshadowing or overlooking and also in terms of its design, size and visual amenities.

There will be no impact on neighbouring properties in terms of overlooking as there are no windows in the side elevations of the extensions, this is unchanged.

With regards being overshadowing or overbearing the rear extension would now project 2m from 2.5m removing the first floor, furthermore both neighbours either side of the property are set further back in their plots resulting in No.5 projecting 2m past the host property and No 9 almost 4m. Therefore it is considered a single storey 2m rear projection would be acceptable and wouldn't create any overbearing or overshadowing of the neighbour's properties in this case. The application therefore accords with policies LP1, LP2 & LP24 of the LP and advice in the National Planning Policy Framework.

With regards to the side extension, which now projects forward to that already approved, where there still is a set back of 0.8m and given the staggered relationship between the neighbours to this side, the additional projection of the side extension is considered to have a marginal effect on No 9.

4 – Impact on highway safety:

In terms of highway safety, the new garage would have internal measurements of 2.4m wide by 5m long which is narrow but would accommodate a small car, the remaining drive would be approx. 6m long, again could accommodate one car. The agent has submitted an amended plan to create a second space to the front given the reduced internal measurements of the garage, 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.

To ensure the new hard surfaces do not lead to an increase in flood risk, it is recommended that a condition be imposed to require permeable surfacing techniques be employed. This would also comply with Chapter 14 of the NPPF.

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 size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change however will be built to current building regs, providing better insulation.

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 property is in a good state of repair, however a footnote should be added in case bats are found.

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.

6 – Representations:

1 letter of representation has been received objecting to this application, claiming the extension is larger than approved, where in fact the rear extension has been reduced from 2-storey to single storey.

There concerns are:-

- Loss of light

Response – this has been addressed in the report

- large extension

Response - this has been addressed in the report

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/92068

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 LP01, LP02 & LP24, of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice in the National Planning Policy Framework.

3. The external walls and 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 & LP 24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

4. The proposed additional parking space detailed on Dwg. No. (20) 002 shall be provided at the front of the property before the development is first brought into use and thereafter retained, all areas indicated to be used for parking on the submitted plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies '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) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.

Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. 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) no development included within Classes, AA, B or E of

Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the amenities of nearby residential properties and to accord with LP24 of the Kirklees Local Plan and Policy in Chapter 12 of the National Planning Policy Framework.

NOTE: With reference to condition (5) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden
[S](#)

NOTE: It is brought to the applicant's notice that the works required within the adopted highway will be carried out under a contract let by the Council as Local Highway Authority. The applicant must therefore contact the Highway Development Manager Highway Service, Flint Street, Fartown Huddersfield, HD1 6LG to discuss the implementation of these works. It is brought to the applicant's attention that it is illegal to work in or on the public highway without the written consent of Kirklees Council as Local Highway Authority for the metropolitan district.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations	(20)002		18.5.21
Proposed floorplans including the first floor set back	(20)002		16.7.21
Proposed elevation including the first floor set back	(20)004		16.7.21

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 requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the amenity of nearby

residents. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated: 21.7.21

Coal – low risk