

**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: 2021/62/92186/W

Site Address: 73, Quarmby Road, Quarmby, Huddersfield, HD3 4EA

Description: Erection of single and two storey extensions

Recommending Officer: Ellie Worth

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: 03-Aug-2021

Officer report

Site description

73 Quarmby Road is an end terrace back to back property, constructed from render with a tiled roof. The property benefits from flat roof extensions to its principal elevation, alongside outdoor amenity space to the south west. Vehicular and pedestrian access can be taken from the north eastern boundary onto Quarmby Road. Boundary treatment consists of hedging and stone walling.

The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form. The site is also unallocated on the Kirklees Local Plan.

Description of development

The proposal seeks to demolish the existing extensions and to replace them with a two storey and single storey extension. The measurements of the scheme are as follows:

Two storey extension:

- 4.5m in projection
- 3.9m in width
- 6.2m in height to the eaves; 7.6m in overall height

Single storey extension:

- 4.5m in projection
- 3.8m in width
- 2.5m in height to the eaves; 3.8m in overall height

The extensions would be constructed from blockwork and finished in render. The windows and doors would either be UPVC/aluminium to match those on the host property.

Parking would be retained to the rear of the site as existing.

History of negotiations/amendments received

The agent verbally confirmed that the extensions would be finished in a white render to match the host property. As such, no amendments have been sought.

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 16th July 2021, whereby no representations have been received.

Consultation Responses:

KC Environmental Health (including Strategic Waste): Requested that a condition regarding the finding of unexpected land contamination is attached to the decision notice.

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:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity
- LP 53 – Contaminated and unstable land

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-designed places
- 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 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.

Policy 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 has been considered that 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, it has been noted that the extensions would be marginally larger than those in which they will replace, as they would have an overall projection of 4.5m. However, given the size of the plot, the works would not result in the overdevelopment of the site.

Alongside the above, the design of the two and single storey extensions are welcomed from a visual perspective, as they would replace the existing, tired flat roof extensions. The submitted plans also show the hipped roof for the two storey extension to be significantly set down from the ridge on the host dwelling and therefore it would appear as a subservient addition. The single storey addition would also benefit from a lean to roof.

Materials would match the existing, as the extension would be finished in a white render. The new windows would also be in keeping with those that exist on the host property. Bi-folding doors have been proposed within the single storey extension. Whilst these would be on the principal elevation, given that the host dwelling is a back to back property, any impact would not be undue and the principle of having a two storey extension on this elevation has been long established. As such, the additional glazing would allow for natural light penetration and therefore has been considered acceptable, it is also considered that the proposal would represent a visual improvement on the extension currently on site.

Having taken into account the above, the extensions have been considered acceptable from a visual perspective, in accordance with Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations (SPD) and Chapter 12 of the NPPF.

3. Impact on residential amenity

77 Quarmby Road is the residential property to the north west of the application site. It has been assessed that there would be some impact upon these neighbours' amenity, as a result of the works proposed. However, any impact is unlikely to be detrimental when compared to the existing situation. More specifically, a separation distance of approximately 3.2m would be retained to these neighbours' outdoor amenity space from the single storey extension, alongside 7m from the two storey extension. As such, any overbearing and overshadowing would not be detrimental. The two storey

aspect would also benefit from a hipped pitch and would be significantly set down from the host property, in order to alleviate some of the impact.

With regards to openings, the submitted plans do not show any new windows to be inserted into the northern facing side elevation. This would mitigate any undue overlooking. Nonetheless, given the close relationship between these neighbours, permitted development rights for new ground floor openings within this elevation would be removed. First floor side openings would be controlled under the GPDO.

As such, it has been considered that an acceptable level of amenity would be retained at these neighbours.

69 Quarmby Road is the neighbouring property to the south of the application site. It appears that these neighbours benefit from a single storey flat roof extension which would be adjacent to the two storey structure. As such, officers are satisfied that there would be no undue overbearing or overshadowing.

The small first floor window within these neighbours' southern elevation would also be impacted to some degree as part of this proposal, however, it has been noted that an existing relationship already exists and therefore any impact would not be substantial.

The submitted plans also show no additional openings to be inserted into the southern facing side elevation, in order to protect these neighbours' amenity. Nonetheless, given the close relationship between these neighbours permitted development rights for new ground floor openings within this elevation will be removed. First floor side openings would be controlled under the GPDO.

There would also be no further impact upon the amenity of no. 71, as part of this permission, as the works would not extend above the ridge on these properties.

For these reasons, the proposal has been considered satisfactory in terms of its impact on residential amenity and would accord with the advice contained within Policy LP24 of the KLP.

4. Impact on highway safety

The development is unlikely to intensify the domestic use, nor would it alter the existing parking arrangement at the site. As such, there would be no additional impact on highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Bats

Given the nature of the development and the fact that the flat roofs on the existing extensions are unlikely to be suitable for roosting bats, the scheme would accord with Policy LP30 of the KLP.

Potentially contaminated land

Given that the site is located within a close proximity to a former quarry, KC Environmental Health have been formally consulted. In this case, they requested that a condition is attached to the decision notice regarding the finding of unexpected land contamination. This is to accord with Policy LP53 of the KLP and 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.

Nonetheless, it has been noted that the extensions would be constructed to modern building standards and therefore, would be energy efficient. The use of large areas of glazing to habitable rooms helps to reduce the use of artificial light and improves passive solar gain.

6. Representations

As a result of the above publicity, 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: 2021/92186

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, LP30 and LP53 of the Kirklees Local Plan and the aims of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and the National Planning Policy Framework.

3. The render used on the extensions hereby approved, shall be of a white colour to match the host property. 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.

4. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at ground floor within the side elevations of the extensions hereby approved.

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

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00 hours , Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	-	-	9 th June 2021
Existing floor plans and elevations	01	-	9 th June 2021
Proposed floor plans and	02	-	9 th June 2021

elevations			
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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 agent verbally confirmed that the extensions would be finished in a white render to match the host property. As such, no amendments have been sought.

Report Dated: 3rd August 2021