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:	2021/62/92289/W
Site Address:	55 , West Close, Fartown, Huddersfield, HD2 1BZ
Description:	Erection of single and two storey rear extension with Juliet balcony
Recommending Officer:	Tom Hunt

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: 28-Oct-2021

Officer Report

Site Description

2021/92289 – 55, West Close, Fartown, Huddersfield, HD2 1BZ

No 55 is a two storey, mid terraced dwelling viewed from the highway and a three storey dwelling viewed from the rear with an underpass between itself and its neighbour to the south. It is constructed of natural stone and roofed with tile. It benefits from a driveway for two cars and a large, long and narrow rear garden. The site falls from east to west and therefore at the rear the property's ground level extends out 4.5m approximately with an elevated position before falling sharply 1.3m from lowest ground level with access to the rear garden aided by external steps.

The property is situated in a residential area, a mix of styles, house types and ages and overlooks Dewhurst Road Allotments (Urban green space) to the west. It is not within a Conservation Area, a Listed Building or affecting the setting of any Listed Buildings.

Description of Proposal

Erection of two storey rear extension with balcony

It is proposed to erect 2 first floor rear extensions and a single storey rear extension.

Single storey rear extension
This would project from the rear elevation by 4m by 6.1m width and to have a flat roof with eaves at 2.3m from ground level.

Main first floor rear extension
This would have dimensions of:

> 3m projection from the rear elevation x 4m width and lean-to roof ridge height of 5.5m and eaves at 4.5m approximately from ground level.

Minor two storey rear extension
This would have dimensions of:

2m projection from the rear elevation x 2.2m width and lean-to roof ridge height of 7.3m and eaves at 4.8m approximately from ground level

The extensions would have openings to the rear elevations only with Juliet balcony to the upper ground floor and patio doors opening out at lower ground level and two skylights to the main two storey rear extension roof.

Proposed materials would be natural stone and tile roof to match the host dwelling. The extensions would serve a garden room at the lower ground and to extend the kitchen to form an additional dining space.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the impact on loss of light to the neighbouring property and to remove the proposed balcony due to 'House Extension and Alterations SPD' guidelines based on overbearing/loss of light impact. Proposed materials were artificial stone which the Officer advised should be natural stone to match and agreed by the agent for visual amenity.

The original plans had extended further from the rear elevation at first/upper ground floor which could not be supported. Negotiations were ongoing to reduce the rear projection at first floor to minimise impact. The agent advised that a neighbour was considering a similar scheme however no planning applications have been received and it was advised that the Officer could only assess a plan on its own merits not on future plans. Newly amended plans were again amended further to reduce overbearing/overshadowing impact on the neighbouring No. 53 and No. 57 and to the passageway.

Relevant Planning History

No previous planning applications for this site.

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: 16/07/2021

No representations have been received. The amended plans were not re-publicised as these reduced the scale of the development.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Ecology – Informally consulted, no objections due to original eaves not being disturbed however a footnote to be attached for information.

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. It is within a Low Coal Risk Area and a Bat Alert Layer.

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 20th 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
- Chapter 15 – Conserving and enhancing the natural environment

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

<u>1 – Principle of development</u>:

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".

Overall the rear extensions would be set down from the host dwelling's roof ridge and be of modest width, projection and limited height aiding in the extension's scale appearing subservient to the three storey rear elevation of the main dwelling. The single storey rear extension at lower ground floor would have a flat roof which would also be considered a subservient and small scale alteration.

Guidance from the 'House Extension and Alterations SPD' requires Officers to limit the projection of extensions as much as is feasible to achieve good design standards and to limit impact to neighbouring properties. It is acknowledged that the extension would be built to the neighbouring boundary of No. 57 and up to the shared passageway; during negotiations it is regarded that the 4m rear projection would be a reasonable fall-back position being in mind that the property benefits from full Permitted Development Rights and 'could' extend further at lower ground floor. It is however acknowledged that the necessary ground works to extend requiring planning permission would mean that the property couldn't benefit from a larger lower ground rear extension under Permitted Development Rights.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site. The elevated position of the ground level adjacent to the property at rear has a pre-existing raised area and a proposed roof terrace balcony was removed to avoid further impact to neighbours considering advice within the 'House Extension and Alterations SPD'.

The rear extensions would not be viewed from the highway and would be constructed from materials which match the host dwelling materials and would have little visual impact on the streetscene.

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 proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 57 (north) and No. 53 (south).

While the impact of the lower ground floor extension's projection to 4m was considered reasonable bearing in mind retained Permitted Development Rights, negotiation was undertaken to reduce the originally proposed first floor extensions bearing in mind that it is facing west and therefore would have its potential impact exacerbated by the narrow width of the terraced properties and windows close by which increases the risk of overbearing and overshadowing particularly impactful when assessing two storey rear extensions.

No. 57

This property has large windows on all three storeys of its rear elevation separated to the neighbouring boundary by 1.35m and has a 1m approximate in height timber fence to its boundary at lower ground level. Bearing in mind that a rear garden fence could be up to 2m without planning permission, it is regarded that if it was erected then this would have a similar impact to overshadowing to No. 57's lower ground window as the lower ground extension. Turning to the ground floor impact of the first floor extension, it was requested that the agent demonstrate 45° rule impacts to the property on plans to aid in assessing the impact of the reduced projection from the rear at first floor, it could be reasonably shown that the risk to overshadowing is sufficiently mitigated at first floor extension level. The reduced projection of the first floor extension adjacent suitably reduced detrimental impact on overbearing to No. 57's ground floor window. There would be no side windows facing the property. For these reasons, it is considered that the proposal would have no detrimental impact to overshadowing, overbearing or overlooking.

No. 53

This property benefits from an original, tapered edge, three storey rear bay projection and has to the lower ground floor a shared passageway to the rear gardens of both separating the neighbouring boundaries and a large hedge

adjacent. The effect of the original projection with windows means that the property has windows to ground and 1st floor set quite close to the neighbouring boundary with 0.5-6m clearance between the rear elevation windows of No.53 and 57 and side windows facing No. 57 albeit at an angle. The impact of the lower ground single storey rear extension would be limited by the shared passageway and the pre-existing high box hedge and there is a pre-existing relationship with screening afforded by this to the lower ground level windows mitigating impact on overbearing and overlooking. The first floor extension proposal had been reconfigured numerous times and it was agreed that bearing in mind 'House Extension and Alterations SPD' guidance, that the 3m projection from the rear would be reasonably acceptable but no more to limit impact on overbearing. There would be no impact on overlooking considering that there are no windows to its side elevation. The position of the extensions to the northwest of the property would ensure that there would be no impact on overshadowing. On balance, for these reasons, the proposal would be acceptable avoiding detrimental impact on overlooking, overshadowing and overbearing.

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, or 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: 2021/92289

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.

3. The external walls of the extensions hereby approved shall be faced in natural stone and the roofing materials to the lean-to roof shall be tiles, these materials 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 Policy LP24 of the Kirklees Local Plan and the Council's adopted 'House Extension and Alterations SPD'.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981

(as amended). 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Site and Location Plan. Drawing: UD-415. Revision: A. (North star included).	A	21/10/2021
Plans – Existing Elevations	Existing Elevations. Drawing: UD-415. Revision: -.	-	04/06/2021
Plans – Existing Floor Plans	Existing Floor Plans. Drawing UD-410 - 100. Revision: A (North star included).	A	04/06/2021
Plans – Proposed Elevations	Proposed Elevations. Drawing: UD-415. Revision: E.	E	19/10/2021
Plans – Proposed Floor Plans	Proposed Floor Plans. Drawing: UD-415. Revision: F (North star included).	F	21/10/2021

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 undertook negotiations to reduce the impact on loss of light to the neighbouring property and to remove the proposed balcony due to 'House Extension and Alterations SPD' guidelines based on overbearing/loss of light impact.

Report Dated: 22/10/2021