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:	2021/62/92354/W
Site Address:	5, Southway, Lindley, Huddersfield, HD3 3LN
Description:	Erection of single and two storey extensions, dormer windows to front and rear and external alterations
Recommending Officer:	Laura Yeadon

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.

Emma Thompson

AUTHORISED OFFICER

Date: 03-Sep-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92354

Site Description

5 Southway is a large dormer bungalow which is constructed from red brick and render with a tiled roof. The property is located on a small cul-de-sac where the dwellings are comprised of relatively modest sized dwellings within large gardens which are a mixture of bungalows and two storey dwellings of varying styles and designs. To the front of the main body of the dwelling is an attached double integral garage and an off-street parking area and lawned garden and to the rear of the property is a larger lawned garden which is set up from the finished floor level of the dwelling.

Description of Proposal

Permission is sought for the erection of single and two storey extensions, dormer windows to the front and rear and external alterations.

It is proposed that a two storey and roof extension is constructed to the rear elevation of the property. The extension would have a roof height which would match the existing roof of the dwelling and would have a total projection of 4 metres, 6.2 metres in width with an eaves height to match the existing. It is also proposed that single storey rear extension would attach to this enlargement which would be set in from the side elevation of the property which would project 2.4 metres with a width of 5.7 metres with an overall height of 3 metres to the ridge of the flat roof. It is proposed that the extension would be rendered with the roof constructed of existing and new concrete tiles and the single storey extension having a GRP rubber flat roof.

Dormer openings are also proposed within the front and rear elevations of the existing roof slope with a larger dormer proposed within the south facing elevation of the extended section of building which would be GRP/Zinc clad.

External alterations include the removal of the opening within the garage within the front elevation and a reconfiguration of the openings within the rear elevation.

The application has been submitted following permission being granted under application numbers 2018/91169 and 2020/91843 which were for larger schemes to this proposed. The 2018 permission has now lapsed however the 2020 application is extant.

History of negotiations/amendments received

None

Relevant Planning History

1996/92457 Erection of extensions and dormer window
Conditional Full Permission

2018/91169 Erection of extensions and alterations
Conditional Full Permission

2020/91843 Erection of single and two storey extensions, dormer windows to front and rear and external alterations
Conditional Full Permission

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 19th July 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan however the western (rear) boundary forms the boundary with the Edgerton Conservation Area.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment

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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

House Extensions and Alterations Supplementary Planning Guidance

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

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity including the Conservation Area
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
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.

The site shares a boundary with the Edgerton Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

2 –Impact on visual amenity including the Conservation Area:

The dwelling is located within a cul-de-sac where the dwellings vary in terms of size, scale and design which include dormer features in both the front and rear of the neighbouring dwellings.

The proposed works would increase the footprint of the building however the submitted proposed site plan and location plan demonstrate that the resultant building would not result in an overdevelopment of the plot. Additional bulk would be added to the building with the creation of the rear extension however whilst the proposal would have a larger footprint than the previously approved scheme, the visual impact would be less intrusive as the eaves and ridge height of the extension would be an extension to the existing rather than being raised. In addition, the previous application sought approval for the existing hipped roofs being altered to gables which are not proposed within this scheme. The proposed openings are sympathetically located to face within the site itself with the openings facing 52 Daisy Lea Lane being limited to roof lights.

The design of the property already incorporates small dormer openings within the front and rear elevations and given that these would be replaced with small dormer openings, with an additional dormer within the side elevation of the extension facing towards the garden area, it is considered that these are also acceptable.

The proposed materials of construction are similar to those previously approved and therefore considered appropriate.

In terms of the impact on the setting of the Conservation Area, the proposed itself, as extended would be set back from the rear boundary by approximately 16 metres which is considered to be a sufficient distance to not cause any harm and would therefore accord with Policy LP35 of the Kirklees Local Plan.

3 – Impact on residential amenity:

The dormer extension within the front elevation of the property would replace the existing front elevation dormer and therefore the established separation distance between the site and No. 1 would not be decreased. The openings within the rear elevation of the extensions and existing dwelling are set in significant from the grounds of Daisy Lea Cottage and Daisy Lea House to the west. The openings within the side elevation of the extension would face into

the garden area of the property and would not extend to the existing side elevation of the existing dwelling and are considered to be acceptable in terms of overlooking. The roof lights facing 52 Daisy Lea Lane are not considered to cause undue harm.

In terms of the impact on No. 4 Southway, a dormer opening is proposed within the southern elevation facing the side elevation of the application site which would face the side elevation of the neighbouring property where small openings are located which would normally indicate either secondary or non-habitable accommodation. Taking this into consideration, the separation distance between the proposed dormer and the side elevation of this property is approximately 12.5 metres which would accord with the advice within the House Extensions and Alterations SPD under paragraph 4.11. Furthermore, the window is set sufficiently back in the plot away from the boundary to the neighbour so as to mitigate the introduction of a window at that height. No representations have been received adding weight to the conclusion that the development will not result in any material loss of privacy to the neighbouring amenity space.

In terms of overshadowing, whilst the extension would not be set in by 1.5 metres from the side boundary as advised within section 5.8 of the House Extensions and Alterations SPD to not impact on neighbouring properties, the extension would follow the existing building and it is not considered that the overall scale of the development would be unduly detrimental to neighbouring dwellings, with the rear gardens of properties on Daisy Lea Lane abutting the side boundary of the applicant property. As the extension is to the south of these properties there would be some overshadowing of the rear garden areas (no. 52) but not to a materially harmful extent. There is at least 15m between the extension and the rear of this property.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would accord with Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

It is proposed that the existing double garage in the front projecting section of the building would be retained and there are no proposed alterations to the large forecourt to the front of the building. It is therefore considered that there would be little impact on parking demand and the proposal is acceptable.

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. It is not considered that specific mitigation measures are required in this instance.

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance as the existing rood appears very well sealed. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 – Representations:

None

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: 2021/92354

Officer Recommendation: Approve

Conditions

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 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, LP24, LP30 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost 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
Location plan, existing elevations and floor plans and site plan	A(00)-01		8th June 2021
Proposed location plan, site plan, elevations and floor plans	A(10)-01		21st June 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 1st September 2021

Coal – low