

**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: 2021/62/92471/E

Site Address: 114, Hartshead Lane, Hartshead, Liversedge, WF15 8AJ

Description: Erection of rear first floor extension and exterior alterations

Recommending Officer: Katie Wilson

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: 13-Dec-2021

Officer Report – 2021/92471

Site Description

The application site is 114, Hartshead Lane, Hartshead, Liversedge. It is a 2-storey house on an L-shaped footprint and attached to the side of 120, Hartshead Lane (a grade II listed building). Historic maps seem to indicate that in the past it was formerly a barn consisting of three adjoining buildings, the main 2-storey element on roughly north / south axis and adjacent to the roadside, with single storey elements attached to the east and south.

All the walls are natural stonework and the roof is surfaced in stone tiles. It has access, driveway and detached double garage to the south of the house and larger garden stretching further south (the lower half of which is in the Green Belt).

More recently a first floor extension has been built above the eastern part of the building and there is an extant planning permission to build at first floor above the southern part of the building (reference 2019/93888) not yet implemented.

The land slopes gently downwards in a southerly direction and the house is within a group of buildings of similar period and design, and adjacent to a listed cottage to the east.

Description of Proposal

Planning permission is sought for the erection of a rear first floor extension and exterior alterations.

- Rectangular footprint approximately 1.5m deep x 2.1m wide, enlarging link between bedrooms at first floor level. Supported by new up-rights at ground floor level, and forming covered area below.
- Mono-pitched roof forming continuation of existing roof pitch. Eaves height to match existing.
- New window in rear elevation
- It would replace existing bathroom and corridor with 2no new en-suites and corridor.
- The external walls would be stone and roof materials would be to match the existing.

Other exterior alterations:

- North elevation – replace existing window in gable with smaller window.

- South elevation - Existing wall of study (below proposed first floor extension) to be re-clad in timber. New timber posts and joists to frame recessed area below proposed extension.
- East elevation – remove one window at ground floor level. Form new entrance door with dual pitched canopy over, supported by wooden up-rights. Alter position of one window at first floor level and window frames to both windows. Altered window design to former barn door.
- West elevation – two new velux windows in roof slope. One upper floor window in original part of house repositioned approximately 1.0m to the south and same to one window below, another window at ground level modified and made smaller.
- Exterior walls to extant permission 2019/93888 for erection of first floor extension and exterior alterations to be changed from render to natural stone and two new velux windows in both roof slopes. Internal layout modified.

Extant planning permission 2019/93888 is included on the proposed plan and elevation drawings with minor alterations to fenestration detailed above.

History of negotiations/amendments received

The scale of the location plan and numbering was corrected during assessment of the application.

Relevant Planning History

81/6254 – Conversion of barn to dwelling and erection of detached garage. Conditional full permission.

2000/93330 – Erection of porch extension and detached double garage. Conditional full permission.

[Planning application details | Kirklees Council](#)

96/90614 – erection of first floor extension. Conditional full permission.

[Planning application details | Kirklees Council](#)

2019/93888 – erection of first floor extension and exterior alterations. Conditional full permission.

[Planning application details | Kirklees Council](#)

Representations

Final publicity date Expires: 9th September 2021. One representation received.

- Loss of privacy to drive, garage and garden at 118, Hartshead Lane from Juliet balcony.
- Loss of privacy from roof windows in existing roof and two new ones proposed in first floor extension

- They will create a precedence making it difficult to object to similar proposals overlooking 118.

Parish/Town Council comments: not applicable.

Consultation Responses

K C Conservation & Design: No concerns about impact on heritage grounds.

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 and adjacent to a listed building on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment
- Chapter 16 – Conservation and enhancement of the historic 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

1 – Principle of development:

The buildings and upper half of the application site is on land without notation on the Kirklees Local Plan and as such policy LP24 of the KLP is applicable. It seeks to ensure that development proposals promote good design by ensuring a range of criteria, including that development should respect and enhance the character of heritage assets and that extensions are subservient to the original buildings and in keeping in terms of scale, materials and details, minimising impacts upon residential amenity. The principle of extensions to this property is acceptable providing that it meets the detailed criteria.

The application site is also on land adjacent to a grade II listed building at 120, Hartshead Lane, an early to mid 19th century cottage. As such, Policy LP 35 of the KLP and Chapter 16 of the NPPF are relevant. LP35 states that “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. The impact of the proposal in relation to the setting of adjacent Listed building is discussed later in the report’.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. Regarding extensions, it states under part c, that proposals should promote good design by ensuring ‘*extensions are*

subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

In this case, the original building is thought to be a former barn (with ridge running on north / south axis) and single storey elements attached to the south and east, together with two smaller out buildings.

More recently planning permission has been granted for first floor extension over eastern element (ref: 96/90614), with subordinate ridge level. This has been implemented. There is also an extant planning permission for first floor extension above southern element (ref: 2019/93888) which appears to have been un-implement so far.

The proposed first floor development would enlarge the existing first floor extension (ref: 96/90614), but add only approximately 3.5 sqm and remain subordinate to the original part of the house.

In terms of materials and details, the external walls would be natural stone with replacement timber cladding on existing wall directly below. The new roof would also be in stone slates to match the existing.

It is also noted that the current proposal includes changing the exterior walls of extant permission 2019/93888 from render to natural stone and this is considered more in keeping with the host building and surrounding area, and so is acceptable in terms of visual amenity.

Turning to the impact upon the street-scene, it is considered that the proposed extension would have very limited impact as it would be screened to a significant degree by the existing parts of the house which are larger in scale. The other alterations such as replacement porch and different fenestration on the north and west facing elevation, would be more visible from the road, but it is considered that they would have an acceptable impact which would not be detrimental to the street-scene or the original house.

As such it is considered that the proposals would be compliant with policy LP24 of the KLP and key design principles 1 and 2 of the Kirklees house extensions and alterations SPD.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers.*

Key design principles 3 (privacy), 5 (overshadowing/loss of light), 6 (preventing overbearing impact) and 7 (outdoor space) of the Kirklees householder extensions SPD expand upon LP24 and are discussed below.

In this instance, there would be three households potentially affected by the proposals; these are addressed as follows:

111, Hartshead Lane – this is a detached 2-storey house located to the north of the application site and on the opposite side of the road. Given that there would be a gap of at least 21.0m between the nearest part of the application site and the facing front elevation of this neighbouring house, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.

118, Hartshead Lane – this is a 2-storey semi-detached house with detached garage and single storey extensions at the back. It is located to the south west of the applications site.

In terms of privacy, the current proposal is for a small extension on the opposite side of the original part of the house at 114, Hartshead Lane. As such, it and the external alterations on the east facing elevation would have no impact upon this neighbouring property because they would be screened by the massing of the host dwellinghouse.

Proposed exterior alterations on the west facing elevation of the existing house and the first floor extension with extant planning permission (ref: 2019/93888) would amount to two new velux windows in roof slope. One upper floor window in original part of house repositioned approximately 1.0m to the south and same to one window below, another window at ground level modified and made smaller. The existing porch would also have a new dual pitched canopy.

In this instance there would be no direct relationship between repositioned windows in the west elevation of the original part of the house and those at 118, Hartshead Lane and so no increased overlooking impact. The proposed new velux windows would also be too high to look out of, and the Juliet balcony in the rear elevation has already been approved with extant permission 2019/93888.

As such it is considered that the proposal would cause no further overlooking, overbearing or invasion of privacy issues.

120, Hartshead Lane – the proposed first floor extension would be attached to and subordinate to other parts of the existing house and as such it would have no overbearing, overshadowing or overlooking impacts.

New and altered window openings in the east facing side elevation would be restricted to one at first floor level to an en-suite. This would be in the element that has extant planning permission for first floor extension (ref: 19/93888) and would have less overlooking impact than the extant permission as it replaces a bedroom window and two further windows (to a bedroom and an en-suite) would be removed.

The new altered window at first floor level would also be at right angles to those in the rear elevation of 120, Hartshead Lane, with a distance to the boundary of at least 5.5m where there are two tall hedges. In these circumstances it is considered that there would be no further overlooking impact.

With regards to Key Design Principle 7 - Outdoor space. Extensions and alterations should ensure an appropriately size and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. In this proposal, the garden area would be reduced by significantly less than $\frac{1}{4}$ of the existing garden and as such there would be no adverse impact upon usable outdoor amenity space at the property.

Overall, it is considered that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP and guidance given in key design principles 3, 5, 6 and 7 of the Kirklees House extensions SPD.

4 – Impact on highway safety:

The site is accessed from Hunsworth Lane, an adopted, but unclassified road and the application site has a detached double garage and further off street parking and turning area within the curtilage. The proposed extension and alterations would not amount to an intensification of the existing use that would require further parking provision.

With regards to Key Design Principle 15 - Provision for parking. Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking.

It is considered that the proposal would comply with this guidance in the circumstances described above.

With regards to Key Design Principle 16 - Provision for waste storage. Extensions and alterations should maintain appropriate storage arrangements for waste.

The current proposal would retain the existing provision for the storage and collection of household waste. This is compliant with key design principle 16 of the Kirklees house extensions SPD.

Other matters:

Impact upon the setting of a Listed Building:

The application site is adjacent a Grade II listed building at 120, Hartshead Lane. It is described as a detached cottage of early to mid 19th century, 2-storeys with stone walls and stone slate roof.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building. The main issue here is whether the proposed first floor extension and other exterior alterations affect the setting of the listed building.

In this instance, the Council's Conservation and Design officers have been consulted and commented that there would be minimal harm to the setting of the listed building and therefore have no concerns on heritage grounds. As such there would be less than substantial harm to the setting of the adjacent listed building. The proposed development would also be in keeping with the host dwellinghouse and the intended external materials would match those already insitu. The proposals also include using natural stone for the already approved first floor extension (19/9388) which would also be acceptable in terms of impact upon the setting of the Listed building.

The application is therefore considered acceptable in relation to Policy LP35 of the KLP and the aims of chapter 16 of the NPPF

Carbon Budget

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.

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards

Biodiversity

Protected species (bats):

The site is in an area recorded as a bat alert area. Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of Policy LP30 of the KLP and chapter 15 of the NPPF.

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

In this instance, given that the proposed extension is small scale, it is considered unnecessary to request biodiversity enhancement.

Trees

With regards to Key Design Principle 13 - Vegetation and tree planting. Extensions and alterations should seek to retain existing vegetation and trees and enhance this provision through landscaping where possible.

There are no trees affected by the proposed development and given the very modest scale of the proposed development, it is considered inappropriate to require additional tree planting or landscaping.

Flood Risk

With regards to Key Design Principle 14 - Drainage and flood risk. Extensions and alterations should ensure that all new developments are resilient and resistant to flood risk.

In this instance the site is in flood zone 1 and there is no flooding data at the site or surrounding land. As such the risk of flooding is very low and in officers' opinion no resilient or resistance measures are currently required.

Procedural matters:

The scale of the location plan was altered during assessment of the application and the numbering of some properties corrected. This effectively reduced the red line boundary, and was not considered to have a prejudicial impact upon anyone, therefore the alterations were not re-advertised.

6 – Representations:

One representation received.

- Loss of privacy to drive, garage and garden at 118, Hartshead Lane from Juliet balcony.

Response: this element is part of extant planning permission 2019/93888.

- Loss of privacy from roof windows in existing roof and two new ones proposed in first floor extension

Response: as there would be no direct relationship between the windows and the lowest level of the proposed velux windows would be approximately 2.5m above the floor level, it is considered that it would not be possible to look out of them on a frequent basis, and as such there would be minimal overlooking impact

- They will create a precedence making it difficult to object to similar proposals overlooking 118.

Response: Each application is assessed on its own merits.

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: 2021/92471

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, Key Design Principles of the House Extension SPD and the aims of 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Due to its location, 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 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.

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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. (EX)002	Rev B	08.12.2021
Block plans as existing and as proposed	Dwg no. (20)002	Rev A	08.12.2021
Plans and elevations as existing	Dwg no. (EX)001		16.06.2021
Plans and elevations as proposed	Dwg no. (SK)003	Rev A	16.06.2021

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 scale of a plan was altered and some house numbering corrected to ensure accuracy.

Report Dated: 08.12.2021