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:	2021/62/92611/W
Site Address:	63, Macaulay Road, Birkby, Huddersfield, HD2 2US
Description:	Erection of single storey rear extension (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 21-Sep-2021

Officer Report

Site Description

2021/92611 – 63, Macaulay Road, Birkby, Huddersfield, HD2 2US

No. 63 is a three storey end terraced property within a new build estate within Birkby Conservation Area. It is faced with stone to ground and second storey and a cream render to the third storey on the front, stone faced on side and rear and grey tile roof. It benefits from two parking spaces and integral garage to the front elevation and a rear garden. There is a common pedestrian path to its south boundary which is not a PROW and it is bounded by close slatted brown fencing. The dwelling retains its Permitted Development Rights.

The new build estate is uniform and designed to reflect the local characteristic housing form of the Birkby Conservation Area, along with the former works building on the east boundary of the site, with simple elevations and repetitive elements. It does not affect a Listed Building or the setting of.

Description of Proposal

Erection of single storey rear extension (within a Conservation Area)

It is proposed to have a single storey rear extension set away from the neighbouring boundary by 0.15m and flush with the side elevation of No. 63 retaining a separation to the boundary fence of 1.2m.

Its dimensions would be:

> 3m from rear x 5.3m width and with a lean to roof ridge height measured at 3.35m and eaves at 2.7m from ground level.

There would be openings to the rear only consisting of bifold or patio doors finished with stone lintel detail. Materials would be to match existing. It would serve to expand the kitchen to have a combined living/kitchen room.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the scheme in scale following consideration of its impact on residential

amenity. Originally the proposal was for a three storey rear extension with Juliet balcony to first floor.

Relevant Planning History

2005/95145 – Erection of 247 no. dwellings with garages, 44 no. apartments, change of use and alterations to convert existing building to 24 no. apartments, with associated parking, access, public open space, play areas and pedestrian routes (within a Conservation Area). Approved.

2005/95151 – Conservation Area Consent for Demolition of Industrial Engineering Works. Approved.

2006/95034 – Modified proposal for erection of residential development of 278 dwelling units (substitution of house types) and revised layout, conversion and extension of office block to 37 no. 1-2 bed apartments (within a Conservation Area). Approved.

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: 19/08/2021
Site Notice Expired: 20/08/2021
Publicity expired: 20/08/2021

One representation has been received; a summary of the comments received is set out below:

- Residential amenity – concern over size and scale of extension over three storeys on neighbouring light levels due to overshadowing
- Building noise/disruption
- No objections to it being a single storey extension

Officer Note: This proposal has been reduced to a single storey rear extension following Officer intervention. In regard to Building noise and disruption, a footnote has been placed in the Decision Notice to mitigate impact.

Consultation Responses

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

- Conservation & Design – No objections to the design and materials but to the size of the originally proposed three storey rear extension. Recommended reduction. Informally consulted Conservation & Design Officer following reduced plans and Officer is more supportive.

- Ecology – Consulted following three storey proposal but single storey rear extension would not disturb eaves and unlikely to have an impact on Bats.

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 in the Birkby Conservation Area on the Kirklees Local Plan. It is within a Bat Alert Layer and in a Low Coal Risk area.

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**
- **LP 35 – Historic Environment**

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
- Chapter 16 – Conserving and enhancing 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 site is designated within Birkby Conservation Area. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP24 requires that the form, scale, layout and details of all development "respects and enhances the character of the townscape, heritage assets and landscape…"

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…". Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

Impact on significance:
Paragraph 194 of the NPPF 2021 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting with a level of detail proportionate to the asset's importance by consulting the historic environment record, using appropriate expertise where necessary and where there is known or potential archaeological interest, to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a Design & Access Statement, which meets some of the tests set out in Paragraph 194. It identifies that the site is located within the Birkby Conservation Area and considers any potential impacts the works pose to the heritage sensitivity of the area concluding a three storey rear extension to be of no detrimental impact upon the Birkby Conservation Area. Following the Officer's advice to reduce substantially the proposal, the applicants resubmitted amended plans for a single storey rear extension. No assessment of its impact on the heritage setting or the HER was supplied

other than it would be of residential appearance in an existing residential housing estate

In this case, it is considered that there may be potential to extend the property, but this would depend on its scale and impact on the Birkby Conservation Area, visual and residential amenity and all other material planning considerations. These will be considered next.

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 seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. It also requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.
With respect to heritage, Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states “development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. The amended proposal has been assessed by the Conservation Officer to now be of acceptable impact on the Conservation Area.
The proposed single storey rear extension are considered to harmonise visually with the existing architectural style of the dwellinghouse and are of a size, scale and form that will be subservient when viewed in conjunction with the host dwelling. In addition, the proposed roofing styles are also considered acceptable, with a lean to roof proposed to the rear, of a design and pitch which prevents undue bulking and massing from increased development to the host dwelling. Finally, the fenestration detailing of plain glazing and stone lintel is considered to be visually acceptable, drawing on forms of fenestration previously established on the host dwelling and the new forms considered to be appropriate contemporary additions to the dwellinghouse.
It is noted that the Conservation & Design Officer advised that simple elevations and repetitive elements of the modern estate were reflective characteristics of the Conservation Area and that its setting has no direct impact on the heritage assets of the Conservation Area. There are examples of conservatory rear extensions nearby demonstrating that the proposed would not be an incongruous addition to the simple elevations of the area as long as it is of single storey construction. The site retains its Permitted Development Rights and as such, a 3m rear extension would be permissible and broadly in line with the 'House Extension and Alterations SPD' in terms of projection from the rear and retention of its rear garden access path. A minimal separation distance to its neighbouring property boundary to the north, height restrictions and projection would be in line with its Permitted Development Rights retained and on balance considering the 'House Extension and Alterations SPD', Permitted Development Rights and sited within a new build development with no adjacent Listed Buildings/heritage assets, the proposed would be of acceptable and limited impact on the Conservation Area. It would be viewed from a footpath along the south boundary which in turn is partially screened by the boundary fencing but

would have no direct visual impact on the streetscene by way of its position to the rear.
In conclusion, the proposed extension will harmonise with the dwellinghouse and existing features within its curtilage and be of a simple form that will not compete with the principle dwelling. Therefore, the proposed works at No. 63 would adhere to the aesthetic appearance of the surrounding area both spatially and visually and resultantly, adhering to the appearance of the Birkby Conservation Area. In turn, appropriately according with Policies LP35 and LP24 of the Local Plan, 'House Extension and Alterations SPD' and Chapters 15 and 16 of the NPPF.
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. 61 (north) and No. 28 Platnam Grove (west).

Considering impact to No. 61, the single storey rear extension would be to the rear and south of the property with no facing windows, modest projection from the rear, set away from the mutual boundary and be set down from the host dwelling roof ridge line; presently there is a 1.8m boundary fence which would have an increase of 0.9m in height provided by the single storey rear extension with restricted overshadowing impact midday on the ground storey but not on the other two storeys. In addition, when considering the 45° rule of loss of light to habitable windows, the reduced scheme would be of significantly lower impact than originally proposed to three storeys with regard to the 'House Extension and Alterations SPD' Principle 5, the current height of the boundary fence reduces the light levels to ground floor of No. 61, it is regarded that the 0.9m increase in height would not have a significant loss of light to its neighbour compared to the existing, on balance for these reasons the proposal would be acceptable offering no significant detrimental overbearing, overshadowing or overlooking impact.

Turning to No. 28, the proposed would be separated by 13.7m to the side elevation of No. 28 and the property is on a high elevation in relation to No. 63, currently its side elevation windows at ground floor are partially screened by a rising close slatted brown fence leaving the bottom halves of the windows fully obscured. It would have two windows at first floor level overlooking No. 63's garden and subsequently the proposed rear extension and no windows are obscured. Turning to the 'House Extension and Alterations SPD' and Key Principle 3, whilst it is considered that the windows facing are potentially habitable rooms to face onto habitable rooms and

therefore necessitating a separation of 21m, the SPD does allow for appropriate screening at ground floor level to be an adequate substitute to protect the privacy of neighbouring properties. Considering the pre-existing relationship between neighbouring properties, on balance the impact on No.28 with regards to overlooking would be acceptable due to its screening at the shared boundary and their pre-existing relationship with privacy. The proposed would be single storey and sited to the east of the property orientated as such that there would be no additional detrimental impact on overshadowing and overbearing to this neighbour.

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, 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:

One representations had been received. It was noted that it would be supportive of a single storey rear extension.

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: 2021/92611

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 and roofing materials used in the construction of the extension hereby approved shall in all respects match those used in the

construction of the existing building. The materials of construction shall thereafter be retained and maintained for the lifetime of the development. **Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

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: 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	Location Plan	-	13/07/2021
Plans – Block Plan	Block Plan. Drawing No: 21/127. Revision: -.	-	13/07/2021
Plans - Grouped Plans and Elevations	Existing Plans. Drawing No: 21/127. Revision: -.	-	13/07/2021
Plans - Grouped Plans and Elevations	Proposed Extension. Drawing No: 21/127. Revision: A.	A	18/09/2021
Supp Info – Design and Access Statement	Design & Access Statement	-	13/07/2021

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 with

the applicant to secure amended plans to ensure the scheme minimised the impact on the Conservation Area and its neighbouring properties.

Report Dated: 20/09/2021