

**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: 2021/62/92658/E

Site Address: The Abbey, 171, Abbey Road, Shepley, Huddersfield,
HD8 8DY

Description: Erection of single storey rear extension, formation of
extended access driveway, erection of railings and
associated alterations

Recommending Officer: Alice Downham

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.**

Paul Dowd

AUTHORISED OFFICER

Date: 23-Aug-2021

Officer Report

Site Description

The Abbey, 171 Abbey Road, is a two-storey, semi-detached dwelling located in Shepley, Huddersfield, which occupies a corner plot between Abbey Road and The Knowle. It is constructed of natural coursed stone, with a hipped roof finished in stone slates. The dwelling is set within a generous plot, with lawned gardens to the side and rear. There is a detached garage to the rear, accessed via Abbey Farm Drive. The property is bounded by stone walls, which are between 1.2m and 1.3m high to all sides. There are several protected trees, close to the boundary of the site.

The applicant property is within a residential area. The surrounding properties are varied in terms of their sizes, ages, characters, and construction materials.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey extension, formation of an extended access driveway, erection of railings, and associated alterations.

The proposed single-storey extension would be constructed to the rear of the dwelling and would accommodate a kitchen. The approximate dimensions of the proposal are as follows:

4.8m deep x 4.7m wide x 3.0m high (3.8m including roof lantern).

The proposed extension would be constructed of natural coursed stone to plinth level, with painted timber-framed glazing above in an "orangery" style. The roof would be a flat roof, with a large roof lantern.

The extended access driveway would involve widening the existing entrance by 2m. A driveway would be created to the side of the dwelling, accommodating parking for four vehicles, with internal turning. The driveway would be surfaced in loose chippings, except for the first 5m from Abbey Farm Drive, which would be hard surfaced.

The proposed railings would be erected on top of the existing stone boundary wall. These would be fabricated in wrought iron, and they would measure 450mm in height.

History of negotiations/amendments received

The KC Highways Development Management team asked that the first five metres of the access driveway be hard surfaced, so that loose chippings are not transferred onto the highway. The agent submitted amended plans demonstrating this, which are considered acceptable.

Relevant Planning History

At the application site:

2017/91070 – Dead or Dangerous Tree. Noted

At neighbouring properties:

86/03916 – Erection of porch. Granted conditionally. (1 Bank Hall Grove).

99/90130 – Erection of single-storey extension. Conditional full permission. (173 Abbey Road).

2012/90460 – Erection of single storey side extension. Conditional full permission. (1 Bank Hall Grove).

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.

Following the above publicity, no representations were received.

Kirkburton Parish Council were consulted and had no comment on the application.

Consultation Responses

KC Highways Development Management – no objections, subject to a condition relating to areas to be surfaced and drained. This will be discussed further in the “Impact on Highway Safety” section of the report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 proposals map.

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. The National Planning Policy Framework (NPPF) 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 under other matters.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Guidance / Documents:

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. 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 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 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 9** – Promoting sustainable transport
- **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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the KLP, policy LP1 of which 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 NPPF. KLP policy LP2 sets out that, to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, policy LP24 of the KLP is relevant, in conjunction with chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The applicant property is sited in a residential area. The surrounding properties are varied in terms of size, age, character, and construction materials. It is important to note that several properties in the surrounding area have been extended or altered in some way and it is, therefore, considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

The proposed single-storey extension would be small in terms of its scale, and it is considered subservient to the host dwelling, which would remain the dominant feature following development. The development would be in keeping with the existing property in terms of materials, being constructed of natural stone with painted timber glazing. Due to its location, to the rear of the property, it would be least visible within the street scene. The small scale of the proposed extension, and the matching materials, means it would not cause any significant harm to visual amenity.

The proposed extended access driveway is considered acceptable in terms of visual amenity, as there is already hardstanding parking at the application

site. Furthermore, many of the surrounding properties benefit from access driveways and off-street parking and, therefore, this element of the proposal would not look out of place within the street scene.

The proposed erection of railings is considered acceptable, as it would be a relatively small-scale alteration to the existing stone boundary wall.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on Abbey Farm, 173 Abbey Road

This is the adjoining property to the south-west of the application site. There would be windows to the south-western side elevation of the proposed extension. However, given the separation distance and the existing boundary treatments, it is considered that there would be no significant overlooking impact to this neighbouring house. The proposed extension would be set off from the shared boundary with this house by approximately 2.6m. Given that the proposed extension would be single-storey and located to the north, it is considered that there would be no significant overbearing or overshadowing impacts. The proposed extended access driveway and erection of railings would have no significant impacts on the amenities of Abbey Farm, 173 Abbey Road, due to their small scale.

Impact on Stag House, 169 Abbey Road

This is the neighbouring dwelling to the north-east of the application site, to the opposite side of The Knowle. The proposed extension would be screened from view of this neighbouring house by the existing dwellinghouse and, as such, would have no impacts on the amenities of Stag House, 169 Abbey Road. The proposed extended access driveway and erection of railings would have no significant impact on the amenities of this house, due to their small scale.

Impact on 1 & 3 Bank Hall Grove

These are the neighbouring dwellings to the front elevation of the application site, on the opposite side of Abbey Road. These properties are dormer bungalows at a lower elevation to the applicant property, and the rear elevations of these neighbours face the front elevation of the applicant property. The proposed extension would be screened from view of these neighbours by the existing dwellinghouse and, as such, it would have no impact on the amenities of 1 & 3 Bank Hall Grove. The proposed extended

access driveway and erection of railings would have no significant impact on the amenities of these houses, due to their small scale.

Impact on Sudamar, 2 Abbey Farm Drive & Roche House, 4 Abbey Farm Drive

These are the neighbouring dwellings to the rear elevation of the application site. There would be no significant impact upon the amenities of the occupiers of these houses, given the significant separation distance provided by the rear gardens of the dwellings (at least 30m). Furthermore, the existing windows in the rear elevation already face these houses. Therefore, the new windows would have no further impact over and above the existing arrangements on site. The proposed extended access driveway and erection of railings would have no significant impact on the amenities of these houses, due to their small scale.

Having assessed the above, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policy LP24 of the KLP and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposed single-storey extension would be constructed to the rear of the dwelling and would accommodate a kitchen. The extended access driveway would involve widening the existing entrance by 2m. A driveway would be created to the side of the dwelling, accommodating parking for four vehicles with internal turning. The KC Highways Development Management team were consulted and asked that the first five metres of the access driveway be hard surfaced, so that loose chippings would not be transferred onto the highway. The agent submitted amended plans demonstrating this, which are considered acceptable. The proposed development is considered unlikely to cause an increase in the domestic use of the dwelling, yet it would result in an increase in the parking provision at the site, which is considered sufficient. A condition will be attached to the decision notice specifying the standards for resurfacing the off-street parking area. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with policies LP21 and LP22 of the KLP and chapter 9 of the NPPF.

5 – Other matters:

Protected Trees

There are two protected trees located adjacent to the north-eastern boundary of the applicant property. Given the distance that would be retained between the proposed extension and the area of protected trees, it is considered that the protected trees would not be affected by the proposed extension. A condition has been added requiring approval of any additional tree works required during the construction process. The proposal is, therefore, considered to comply with policy LP33 of the KLP.

Ecology

The site is located within a bat alert layer. In this instance, as the proposed works to the dwellinghouse are single storey and include no works to the main roof, it is considered unlikely to have an impact on the bat population. A footnote has been added to the decision notice to provide the applicant with advice should bats, or evidence of bats, be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with policy LP51 of the KLP and chapter 14 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.
- Matching materials, to ensure that the proposed development harmonises with the host dwelling.
- Accordance with government guidance for surfacing of the vehicle parking area, to ensure highway safety and a satisfactory layout.
- Approval of any additional tree works required during the construction process, to protect trees.

Notes will also be added regarding bats, permission to carry out works within the highway, the recommended hours of work, and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for erection of single storey rear extension, formation of extended access driveway, erection of railings and associated alterations at The Abbey, 171, Abbey Road, Shepley, Huddersfield, has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the

acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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.

As set out above, 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92658

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP33, and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls of the single-storey rear 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout.

5. Details of any additional tree works required during the construction process, that are not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity, and to accord with the requirements of policies LP24 and LP33 of the Kirklees Local Plan.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). 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.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000), to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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.

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, and 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
Grouped Plans and Elevations	042-21-PL02 Rev E - Proposed Floor Plan, Elevations & Site Plan	-	12/08/2021
Grouped Plans and Elevations	042-21-PL01- Existing Floor Plan, Elevations & Site Plan	-	29/06/2021
Location Plan	042-21-PL03 - Location Plan	-	29/06/2021

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 has, 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 KC Highways Development Management team requested that the first five metres of the access driveway be hard surfaced so that loose chippings would not be transferred onto the highway. The agent submitted amended plans demonstrating this, which are considered acceptable.

Report Dated: 23.08.2021