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:	2021/62/92796/W
Site Address:	12, Le Marchant Avenue, Lindley, Huddersfield, HD3 3DF
Description:	Erection of single storey extensions
Recommending Officer:	Ellie Worth

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 03-Sep-2021

Officer report

Site description
12 Le Marchant Avenue, Lindley is a two storey semi-detached dwelling, constructed from brick with a tiled roof. The property benefits from a two storey side and a single storey rear element, in which appear to be original. To the front is a small garden and a drive, along with private amenity space to the rear. Vehicular and pedestrian access can be taken from the front boundary onto Le Marchant Avenue. Boundary treatment consists of brick walling, timber fencing and hedging.

The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form. However, it is notable that the dwellings in which line Le Marchant Avenue appear to be relatively large in size and scale. The site is also unallocated on the Kirklees Local Plan however, the rear boundary is adjacent to Edgerton Conservation Area.

Description of development
The proposal is seeking permission for the erection of single storey extensions. The measurements of the scheme are as follows:

Single storey side extension:
- 4.5m in projection
- 14m in length
- 2.5-2.8m in height to the eaves; 3.7m – 4m in overall height (given the slight change in levels)

Single storey rear extension:
- 3m in projection
- 4.7m in width
- 2.8m in height to the eaves; 3.8m in overall height

The extensions would be constructed from red brick with concrete tiles to the roof to match the existing dwelling. The windows would also be UPVC to match. Internally, the works would provide a garage, family room, kitchen/utility and a dining room.

History of negotiations/amendments received
No negotiations or amendments have been sought as part of this proposal.

Relevant Planning History
2020/94399 Erection of single storey extensions – Refused.

Representations
The application has been advertised via site notice, neighbour notification letters and the press.
Final publicity expires: 27th August 2021.
As a result of the above publicity, one representation has been received. A summary of the concerns raised are as follows:

- The property has now begun to erect a dormer window which overlooks neighbouring properties.
- All the trees and shrubs have now been chopped so there is nothing blocking the view onto the adjacent properties.

Consultation Responses
KC Trees: No objection to the proposal.

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 however, the rear boundary is adjacent to Edgerton Conservation Area.

Kirklees Local Plan (LP):
• LP 1 – Achieving Sustainable Development
• LP 2 – Place Shaping
• LP 21 – Highway Safety
• LP22 – Parking
• LP 24 – Design
• LP 30 - Biodiversity
• LP 35 – Historic Environment

Supplementary Planning Documents (SPD)
• Highways design guide
• House extensions and alterations.

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 place
• 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
3. Impact on residential amenity

4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development
The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district". In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Background
The previous application 2020/94399 is a material consideration and will be addressed as part of this application. The application was refused on the following grounds:

1. The proposed single storey extensions, by virtue of their siting, form, scale and massing, would appear as an incongruous and discordant feature to the host building, street scene and character of the area, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The single storey rear extension, by virtue of its siting along the shared boundary of no.14 Le Marchant Avenue combined with it scale and massing would lead to a detrimental overshadowing and overbearing impact of this property. Therefore, the proposal would fail to provide a high standard of amenity for occupants of the adjoining dwelling, contrary to Policy LP24 (b) of the Kirklees Local Plan Chapter 12 of the National Planning Policy Framework.

As such, this application is seeking to address the concerns of the refused application by proposing a reduced more simplistic scheme, that protects both visual and residential amenity.

2. Impact on visual amenity
Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that ‘’the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’’.

It has been considered that the proposed extensions would significantly intensify the bulk and massing at the application site, however, this would not result in the overdevelopment of the site. This is due to the dwellinghouse occupying a relatively large plot. Officers have also noted that the proposed built form has significantly been reduced as part of this application, in order to create more subservient single storey side and rear extensions.

Single storey side extension
The design of the side extension has been considered acceptable from a visual perspective, as it would follow the simple form of the original property and would not project beyond the principal elevation.

Within the front elevation, a garage door is proposed. This aspect would not be dissimilar to other neighbouring properties and therefore can be supported. Three large rectangular windows and small roof lights would also be inserted into the side elevation and roof pitch of the extension.

Whilst the scale of the extension is quite significant, it is considered that the building can withstand the proposed extension, given that the surrounding development is characterised by large buildings extending to the side boundaries in many cases. Whilst the extensions proposed would increase the overall mass, it is considered that the scale will not be harmful to visual amenity and can, be supported in this case.

Single storey rear extension
The single storey rear extension would benefit from a lean to roof in order to tie in with the existing and proposed extensions. This aspect would be relatively small in size and scale and would provide a link to the existing built form. Materials would be brickwork to match the host property.

With regards to fenestration, bi-folding doors are proposed. This would allow for natural light penetration whilst also providing a flexible space for the occupants. As such, no concern is raised.

Alongside the above, the application has been assessed by the impact it would have on the character and setting of Edgerton Conservation Area. In this case, it has been noted that the additional development would not interrupt the largely linear form of Le Marchant Avenue, as viewed from the Conservation Area. The design and materials of the extensions have also been carefully considered and would match and respect those that exist on the host property. As such, officers are satisfied that there would be no harm to the setting of the Conservation Area.

Conclusion on visual amenity
In summary the proposed extensions would be of a satisfactory design and would be in keeping with the character of the area in accordance with Policies LP24 and LP35 of the KLP, the Council's House Extensions and Alterations (SPD) and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity
Section B and C of LP24 states that alterations to existing buildings should: "…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

As such, the properties most likely to be impacted by this proposal are no. s 10, 14 and 15 Le Marchant Avenue and 22 Thornhill Road.

14 Le Marchant Avenue is the attached property to the north of the application site. It has been assessed that there would be some additional bulk and massing upon these neighbours ground floor openings, as a result of the single storey rear extension proposed. However, the submitted plans now show the projection to be retained at 3m, with an inset from the shared boundary of 0.4. As such, any additional overbearing and overshadowing would not be undue. There is also well established boundary treatment between these neighbours and the application site in which would also help mitigate some of the impact.

With regards to overlooking, the submitted plans show no additional windows to be inserted into the northern facing side elevation. This will protect these neighbours' privacy and therefore future permitted development rights for new openings will be removed.

There would also be no further impact upon these neighbours' amenity as a result of the side extension, as it would sit flush with the existing projecting element.

10 Le Marchant Avenue is the neighbouring property to the south of the application site. It has been noted that the works would have some additional impact upon these neighbours' amenity, given the length and the close proximity of the side extension to the shared boundary. However, the submitted plans show the side extension to sit flush with the existing built form.

For this reason, it has been noted that any overbearing from the single storey extension would on balance not be detrimental, as the main impact would be adjacent to these neighbours attached garage. More specifically, these neighbours are situated to the south and therefore any overshadowing would be limited. High levelled windows are also proposed within the side elevation

to restrict any overlooking. For these reasons, it has been considered that any impact upon these neighbours' amenity can be supported. Nonetheless, future permitted development rights for new side openings, will be removed given the close relationship with these neighbour's outdoor amenity space.

15 Le Marchant Avenue and 22 Thornhill Road are the neighbouring properties adjacent to the front and rear elevations of the host property. In this case, it has been noted that sufficient separation distances would be retained, in excess of 20m and therefore there would be no material overbearing, overshadow or overlooking upon these neighbours' amenity.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with LP24 of the KLP and the aims of Paragraph 4.7 of the Council's House Extensions and Alterations SPD.

4. Impact on highway safety
Whilst the application would provide additional ground floor accommodation at the site, it is unlikely to intensify the properties domestic use, as the number of bedrooms would be retained.

More specifically, officers have noted that the driveway to the side of the property would be lost as part of the proposal. However, a compensatory car parking space would be provided within the integral garage. As such, no concerns are raised from a highways perspective, in accordance with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the submitted plans show the extensions to be constructed from brick in which is considered to be durable and energy efficient material. The use of additional openings to habitable room windows, will help improve passive solar gain and reduce the use of artificial lighting.

Bats
The application site lies within the bat alert layer on the Council's GIS system. In this instance, it has been noted that the works would not affect the eaves or

roof area in which appear to be well sealed. As such, the development is unlikely to have any impact on roosting bats, in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF.

6. Representations

As a result of the above publicity, one representation has been received. A summary of the concerns raised, along with officer correspondence are as follows:

- The property has now begun to erect a dormer window which overlooks my property.
  Comment: The application does not seek planning permission for a rear dormer and therefore such works cannot be assessed as part of the proposal. It is therefore likely that the applicant is building the rear dormer under permitted development.

  All the trees and shrubs have now been chopped so there is nothing blocking the view onto the adjacent properties.
  Comment: This has been noted, however, such works does not require planning permission as trees at the site are not protected.

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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2021/92796
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 Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations SPD and the National Planning Policy Framework.

3. The brickwork and roofing materials used on the single storey extensions hereby approved, shall in all respects match those used in the construction of the host property, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the side elevations of the extensions hereby approved.
Reason: So as not to detract from the amenities of adjoining/neighbouring properties by reason of loss of privacy 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 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: 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed floor plans and proposed site plan	PAD.895.360	B	21st July 2021
Existing and proposed elevations	PAD.895.359	B	21st July 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 Planning 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. In this instance, the application has been considered acceptable within its submitted form and therefore, no amendments have been sought.

Report Dated: 2nd September 2021