

**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: 2021/62/92867/E

Site Address: Church View, 50, Church Street, Emley, Huddersfield,
HD8 9RP

Description: Erection of single storey rear and side extensions and
front porch and installation of first floor side window

Recommending Officer: Katie Wilson

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Sep-2021

Officer Report – 2021/92867

Site Description

The application site is Church View, 50, Church Street, Emley. It is a relatively recently built 2-storey, link-detached house. The walls are clad in stone and it has a dual pitched roof surfaced in grey / blue tiles. There is a small enclosed garden at the front with single garage to the side (linked to adjoining neighbour's garage) and garden at the back enclosed by others to all sides.

The land is quite level and the wider area is largely residential with a variety of other house types in various materials nearby.

Description of Proposal

Planning permission is sought for erection of single storey rear and side extensions and front porch, and installation of first floor side window.

Single storey rear extension:

- Rectangular footprint projecting approximately 1.2m x 5.5m wide
- Mono-pitched roof with 2.2m high eaves level and 3.5m overall height.
- bi-folding doors in rear elevation, one window to either side, and 4 roof lights.
- Providing space for enlarged dining and snug.

Single storey side extension:

- Rectangular footprint projecting 0.5m x 2.0m wide.
- Mono-pitched roof, 1.6m high eaves level and 2.0m overall height.
- No window or door openings.
- Providing space for an inglenook

Porch:

- Rectangular footprint projecting around 1.8m to front x 3.5m wide
- Dual pitched roof – 2.0m eaves level and 3.4m overall height
- Door to front and small windows to either side. One velux roof on either roof plane.
- Entrance porch with wc

All external wall and roof materials to match the existing.

First floor side window in south west facing gable end to roof cavity.

New patio doors and escape window in rear elevation, both to replace existing doors and windows

History of negotiations/amendments received

The application was acceptable as submitted.

Relevant Planning History

2002/94377 – outline approval for demolition of 3no dwellings and garages and outline for residential development.

[Planning application details | Kirklees Council](#)

2005/94834 – reserved matters approval for demolition of 3no dwellings and garages and erection of 5 no dwellings with garages and formation of new access road.

[Planning application details | Kirklees Council](#)

Representations

Final publicity date Expires: 7th September 2021. No representations received.

Denby Dale Parish Council comments: No objections.

Consultation Responses

None carried out.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

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 53** – Contaminated and unstable land

Kirklees Council has recently produced supplementary planning guidance for house extensions and alterations. This is an adopted document although it is still in the period after adoption where it is open to legal challenge. However, it needs to be considered in the assessment of planning applications with appropriate weight attached. Generally, the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring

development to be considerate in terms of the character the host property and the wider street scene.

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

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 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”. This should be assessed in conjunction with the House Extension SPD and chapter 12 of the NPPF.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

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 instance, the proposed rear extension would be very similar in terms of footprint, roof design and height to the existing single storey element at the back of the property which is an original feature. The main alterations would be that all the sides would be enclosed with a combination of stonework to match the existing and bi-folding doors and windows, and these are considered in keeping with the appearance of the host dwelling house.

The proposed side extension is also small scale and in officers’ opinion would have very limited impact upon the visual amenity of the existing house or character of the surrounding area.

The proposed porch, although fairly large is considered to be in proportion with the scale of the existing house and sits quite comfortably in a central position on the front façade, where it would be built of materials to match those already insitu. It would also be set back from the road side and retain a reasonable amount of the front garden. Whilst it would be clearly visible within the street-scene, given that porches are a feature of other houses in the area (albeit in various designs), it is considered that this would be in-keeping with the character of the area.

The replacement patio doors and escape window on the rear elevation are also considered to be acceptable in terms of visual amenity.

Overall, the proposed extensions would, in officers’ opinion be subservient to the original building and compliant with part c of policy LP24 and guidance given in the Kirklees house extensions 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 four households potentially affected by the proposals; these are addressed as follows:

48, Church Street - This is a detached chalet style bungalow to the south west of the application site. Its footprint is set back from the roadside, so that its front elevation is roughly in line with the rear elevation of the house at the application site, and on slightly higher ground.

It is considered that given all the proposed extensions are single storey and on lower ground, with the porch and rear extension set in from the mutual boundary, there would be minimal, if any, overshadowing or overbearing impact.

Regarding invasion of privacy, windows in the facing elevation of the proposed porch and rear extensions would be effectively screened by wall and fencing along the mutual boundary.

It is also noted that there would be a proposed new window at roof level in the south west facing gable end and permitted development rights were removed with the approval of planning permission 2005/94834.

Although no floor plans for the roof area of the house have been submitted, from the approved drawings for the original house (ref: 2005/94834) it appears that it would be to a playroom, although it could be changed to a bedroom or study or other habitable room without requiring planning permission.

The outlook from this proposed window would overlook the front garden of 48, Church Street. Whilst this could have potential to cause an invasion of privacy, the front garden is partly used as a parking / turning area and is already clearly visible from the main road. This neighbouring property also has more private amenity space to the rear which faces south and east and is not affected by the proposed window.

The dormer on the front elevation of 48, Church Street would also be at approximately right angles to the proposed new window in the side elevation of 50, Church Street, and so there would be no direct relationship between these windows.

The proposed new window would also look directly across to the blank gable end of 46, Church Street, but there would be a separation distance of around 19.5m.

To conclude, given the circumstances described above it is considered that the proposal would have very limited overlooking impact upon the occupants of these neighbouring properties.

52, Church Street - This is the adjoining link detached house, attached to the north eastern side of the garage at the application site.

The main impacts would be from the proposed rear extension and porch. However, as they are single storey structures and set in from the mutual boundary at least 2.5m it is considered that they would have negligible overshadowing or overbearing impact.

In terms of overlooking, both would have small windows in the facing side elevations and would be effectively screened by fencing along the boundary. In the case of the proposed rear extension the existing structure (that would be replaced), already has a small habitable room window in the same position so the proposed structure would have no further impact.

1, Chapel Royd – This is a 2-storey semi-detached house located to the south east of the application site. Its blank side elevation faces the rear of the application site.

The main impact would be from the proposed rear extension, but as it is of very similar proportions and in the same location as the existing structure it is considered that it would have no further overshadowing, overbearing or overlooking impacts.

31, Church Street – This is a 2-storey end terraced house to the north west of the application site and on the opposite side of the road.

This property would be mainly affected by the proposed porch, but as there would also be a separation distance of at least 18.0m between the nearest part of proposed porch and the facing elevation it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.

In terms of outdoor space, key design principle 7 - Outdoor space advises that 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.

With this proposal, the garden area would remain the same at the rear and be reduced slightly at the front and side. This would retain at least half the garden area and in officer's opinion provide an appropriately sized area of usable private outdoor space.

The proposed replacement patio doors and escape window in the rear elevation would be very similar to those already in situ, and are considered to have no greater impact in terms of residential amenity.

In summary, the proposed extensions, porch and alterations would minimise the impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP and advice given in the Kirklees house extensions and alterations SPD.

4 – Impact on highway safety:

The proposed development would not affect the existing off street parking provision at the site, nor would it amount to an intensification of the existing use, and so would not require further parking spaces.

It is also noted that the proposed scheme would retain the existing arrangements for storage and collection of waste bins.

Overall, the proposal would not harm highway safety and is compliant with policy LP21 of the KLP and advice given in the Kirklees house extensions SPD.

5 – Other matters:

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

Contaminated land:

The site has been identified on our mapping system as potentially contaminated without further detail. Contaminated land conditions are therefore necessary and it is recommended that a standard condition for reporting unexpected contamination should be applied.

This would ensure the safe occupation of the site in accordance with policy LP53 of the Kirklees Local Plan guidance given in the NPPF.

Heritage considerations:

It has been noted that the application site is relatively close to St Michael the Archangels Church which is a listed building. However, Officers consider that is not necessary to advertise this proposal as affecting the setting of the listed building given the substantial separation distance of approximately 53m between the dwelling and the church together with the very limited dimensions of the proposals..

There are no other matters relevant for consideration in the determination of this application.

6 – Representations:

No representations received during the course of this application.

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: 2021/92867

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. In accordance with Policies LP1, LP2, LP21, LP24 and LP53 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 extensions and porch 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.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's advice for Development documents or any subsequent revision of those documents.

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. EX04		22.07.2021
Ground and first floor plans as existing	Dwg no. EX01		22.07.2021
Elevations as existing	Dwg no EX03		22.07.2021
Site layout	Dwg no. SK04		22.07.2021
Site plan as proposed	Dwg no SK04		22.07.2021
Ground and first floor plans as proposed	Dwg no. SK01_C		22.07.2021
Elevations as proposed	Dwg no. SK03_B		22.07.2021

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 application was acceptable as submitted.

Report Dated:

21.09.2021