

**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: 2021/62/92998/E

Site Address: 1, Swincliffe Gardens, Birkenshaw, BD19 4BR

Description: Erection of single storey rear extension, increase in roof height and exterior alterations

Recommending Officer: Lyle Robinson

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: 29-Sep-2021

Officer Report

Site Description

The site is that of a large detached two storey dwelling in the settlement of Birkenshaw. The site is a corner plot with access to Swincliffe Gardens to the south. The house itself faces south west diagonally to the junction of Swincliffe Gardens and Bradford Road.



Description of Proposal

This is a householder application for planning permission for an increase in the roof ridge height of 1m to 8.7m, and a 4m projecting single storey rear extension, to absorb the existing conservatory. The raised roof ridge height would serve a loft conversion, with roof lights and new window openings at the north facing side elevation and the gable of the south east facing elevation behind the attached garage.

History of negotiations/amendments received

The original plans were superseded by the agent. It is these drawings to which the determination of the planning application relates.

Relevant Planning History

2007/92291 DEMOLITION OF 2 EXISTING BUNGALOWS AND ERECTION OF 9 NO. DWELLINGS WITH GARAGES *Approved 18/JUL/2007*

2005/92827 DEMOLITION OF 2 EXISTING BUNGALOWS AND ERECTION OF 10 NO. DWELLINGS WITH GARAGES *Approved 23/FEB/2006*

Representations

This application was publicised by neighbour letter which expired on 09-Sep-2021. Following this publicity no letters of representation were received from neighbours/members of the public.

Consultation Responses

None were necessary.

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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- **LP 21** – Highways and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality

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 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 SPG 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 19th February 2019, 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 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- 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
- 3) Impact on residential amenity
- 4) Other matters
- 5) Representations
- 6) Conclusion/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The proposal is raising of the roof ridge and extension to a dwelling in a settlement. The application site is within a settlement boundary where development such as this is acceptable subject to the satisfactory taking into account of material considerations such as design and amenity.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The house is sited at an angle in comparison with the housing development further west at Swincliffe Gardens and sufficient space would exist about the plot to visually absorb the increase in massing, such that the increase in height would

not appear incongruous. Similarly, the building line is broken by the angle of the front elevation and the roof ridge would not appear out of keeping in terms of the street scene when viewed from Bradford Road. The proposed rear extension would replace the conservatory element and would accord with the guidelines for such additions as set out in the SPD on house extensions.

The proposed palette of materials such as stone facing materials would clearly assimilate the proposed rear extension into the host dwelling.

The development therefore would be acceptable in terms of visual amenity and would comply with policy LP24 of the KLP as well as chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The proposed increase in roof ridge height would not cause overshadowing to any neighbouring properties over and above that of the existing situation thanks to the space about the house in the plot. Likewise the single storey rear extension would not breach 45 degree lines of sight from any neighbouring habitable room windows.

The proposed north facing gable en suite window would be conditioned to be obscure glazed.

Some 16m would be retained from the south east facing side elevation window, shown serving the bedroom to the nearest property, itself a side elevation. This is acceptable in regard to the SPD on house extensions.

All told therefore, policy LP24c in terms of residential amenity would be complied with.

4 – 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.

The proposal is a domestic alteration. In this instance given the householder nature of the proposal it is not considered necessary to attach any specific conditions to the Decision Notice in light of the above.

Highways/Parking

Although increasing the number for bedrooms, the proposed site plan indicates space for 5no. off road parking spaces, taking into account the retained internal garaging. No change in the access is proposed.

The proposed development would therefore comply with policies LP21 or LP22 of the Kirklees Local Plan on parking and highway safety.

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: Approval

Decision Authorisation – Delegated Powers

Application Number: 2021/92998

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 LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The second floor (shown as 'roof plan') shall not be occupied until the second floor window at the north facing side elevation, shown serving the en suite, is glazed to a minimum of level 3 on the Pilkington scale of obscuration or

industry equivalent. Note that the application of translucent film to transparent glass fails to satisfy the requirements of this condition. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: Having regard to the residential amenity of no. 548 Bradford Road and to comply with policy LP24 of the Kirklees Local Plan.

Plans and Specifications Schedule

Plan Type	Reference	Version	Date Received
Location Plan			30/JUL/2021
Proposed Floor Plans	21/150		08/SEP/2021
Proposed Elevations	21/150/2		08/SEP/2021
Proposed Site Plan	21/150		30/JUL/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 plans as submitted have been found acceptable and as such a recommendation of approval has been made as soon as practicable.