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:	**2021/62/93223/W**
Site Address:	15, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Partial demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Katie Chew

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.

Stuart Howden

AUTHORISED OFFICER

Date: 9th September 2022

Officer Report

Site Description

15, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS

The application relates to a medium sized two-storey dwelling constructed from a mix of brick, stone and timber cladding. The property benefits from an attached single storey double garage, with driveway to the front. Garden/amenity areas are provided to the front, sides and rear of the dwelling.

The site is located adjacent to Edgerton Conservation Area but is not in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the partial demolition of existing dwelling and erection of a replacement dwelling.

The proposals include the demolition of an existing conservatory and single storey extension to the rear of the host dwelling. These elements are to be replaced with a two-storey rear extension which is to sit on the footprint of the previous single storey extension. From there a single storey ground floor extension is to extend out to the rear from the new two-storey extension. These elements will see a change to both the massing of the host dwelling and design, whereby the roof will be amended to provide a dual pitched roof design, rather than a mono-pitch. Given this change, living accommodation will be provided within the roof space allowing for an office, master suite and 4th bedroom with en-suite.

The two-storey rear extension will measure approximately 10.6m x 3m, with an eave's height of ~5.6m, and a ridge height of approximately 8.7m. The single storey extension to the rear will measure ~10.6m x ~4.9m, with a height of ~2.5m.

A single storey extension is also proposed to the west to provide a snug area. This extension will measure approximately 3.3m x 6.9m, with a ridge height of ~4.9m.

To the front a new porch area is to replace the existing and will measure approximately 6.2m x 3m, with a ridge height of ~3.4m.

A bin store is also proposed to the front of the dwelling adjacent to the car parking area, it will be enclosed on 3 sides with a 1.2m high stone wall.

A new 1.8m high stone wall is also proposed along the southern boundary.

Dormer windows are also proposed to both the front and rear and will measure as below:

Front Dormer -

- Depth 2.8m, height 2m, width 3.4m.

Rear Dormer –

- Depth 3.5m, height 2.5m, width 9.3m.

The existing double garage is also to be demolished and replaced with a larger single storey extension which will provide a gym, guest room and office. This extension will measure approximately 9.1m x 11.6m, with a ridge height of ~5.1m. 8 rooflights are also proposed within the roof of this extension. Finally, the extension will also include a link extension measuring around 8.4 sqm, this extension will include a W.C.

Timber decking is also proposed to the rear of the snug extension, this decking area is to be around 21.5sqm and will be at the same level of the adjoining patio area which is to be 0.15m above finished floor level.

History of negotiations/amendments received

Numerous amendments have been sought over the lifetime of this planning application, these include the submission of bat surveys, an arboricultural report, and alterations to the submitted scale, design and massing of the proposed dwelling. This is in the interests of both residential and visual amenity. The originally submitted raised driveway has been removed, the snug made smaller in size, a reduction in the overall size of the proposed dormer window to the front, a reduction in size and height of the proposed single storey side extension, alongside an alteration to its design. A new decking area has also been proposed to the rear.

Relevant Planning History

86/00674 – Extension to kitchen, dining room & lounge. Approved 21st March 1986.

11 Inglewood Avenue

2018/93435 – Variation of condition 2 (plans) of previous permission 2016/94120 for erection of extensions. Approved 14th November 2019.

2017/92720 – Certificate of lawfulness for proposed erection of two storey side extension. Withdrawn 3rd October 2017.

2016/94120 – Erection of extensions. Approved 30th June 2017.

Representations

Final publicity date expires:

Neighbour Letters – Expired 8th August 2022.

Site Notice – Expired 12th November 2021.

Press Notice – Expired 22nd October 2021.

1 comment has been received; details are summarised below.

- Happy to see this development although the extension proposed to where the garage currently stands should be at the same height to avoid overlooking and having an overbearing roof.

Officer note: Noted. Amended plans have been provided since the original submission, these new plans are assessed in more detail within the residential amenity section of this report.

Officer note: Whilst it is acknowledged that amended plans have been received, these amendments sought to reduce down the overall scale and size of the scheme as originally submitted. Nonetheless, neighbours were reconsulted for 7 additional days on receipt of this revised information with no responses received to this additional consultation period. However, new site and press notices were not considered necessary given that the amended scheme was not considered to 'affect' the adjacent conservation area.

Consultation Responses

KC Highways Development Management – Comments received 1st October 2021. No objections subject to conditions.

KC Highway Structures – Comments received 17th September 2021. No objections to the proposals subject to a condition.

Officer note: Following receipt of amended plans which sought to remove the originally proposed raised driveway, the condition requested by Highway Structures is now no longer considered necessary and therefore will no longer be attached should planning permission be granted.

KC Trees – Comments received 12th April 2022. No objections subject to the submission of a Tree Protection Plan which details the tree protection measures outlined within the submitted Arboricultural Report & Arboricultural Impact Assessment.

KC Ecology Unit – Comments received 26th April 2022. The submitted hibernating bat survey found no evidence of hibernating bats within the building however, the report is not suitable to determine if the building holds evidence of roosting bats outside of the hibernation period. It is therefore recommended that an additional check of the property is undertaken immediately in order to determine if the building is of suitability for roosting

bats outside of the hibernation period. These findings should be provided prior to determination of the application.

Following on from the above comments an updated bat survey report has been submitted. The report details that the building showed no evidence of roosting bats however, it was considered that the site provided an important commuting and foraging resource for bats and as such the Council's Ecology officer recommended a condition which restricted the use of external lighting and required a lighting design strategy to be submitted should external lighting be erected.

Officer note: On this occasion officers are of the opinion that requesting such details in this existing residential location would not be reasonable or necessary. External lighting could be erected at present at the host dwelling and within neighbouring properties without the need for planning permission. As a dwelling already exists on the site it is not considered that the proposals would change the context of the site significantly enough to warrant this condition.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within a bat alert area and adjacent to the Edgerton Conservation Area (to the south and west). It is also important to note that there is a TPO to the north-east of the site and a group of protected trees to the south west side of the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Transport**
- **LP21 – Highways and Access**
- **LP22 – Parking**

- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 – Trees**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP53 – Contaminated and Unstable Land**

Other Guidance Documents:

- Nationally Described Space Standards
- Housebuilders Design Guide SPD (2021)
- National Design Guide
- Highways Design Guide SPD (2019)
- Edgerton Conservation Area Appraisal

Kirklees Council's Edgerton Conservation Area Appraisal:

Edgerton was designated as a Conservation Area in 1976 as it was recognised as an 'area of special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance' now and for future generations'. An area with Conservation Area status imposes a duty on Kirklees Council to preserve and enhance the quality and character of a conservation area. The application site falls adjacent to Character Area 1 of the Edgerton Conservation Area, considered to be the core of the Conservation Area. In Character Area 1, the predominant design features are: low density large, detached properties set in generous landscaped grounds, generally set back from the road, often partially screened from view by mature vegetation, with gardens defined by boundary walls.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places

- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development
1) Impact upon visual amenity (including impact on historic environment)
2) Impact upon residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

1 – Principle of Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".*

Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However, the provision of housing needs to be balanced against all policies and material planning considerations considered below.

In this case, the application site is on land without notation within the Kirklees Local Plan. Given the existing use of the site for a residential dwelling, it is considered that the principle of a residential dwelling in this location could be acceptable, subject to the assessment of impacts on visual and residential amenity, the historic environment, highway safety and other matters. This will be discussed below

2 – Impact on Visual Amenity (Including Impact upon the Historic Environment)

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principle concerning design which states:

"The creation of high-quality, beautiful and sustainable buildings and places is 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".

Paragraph 130 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decision should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond which the scale of the development in the local area, thus retaining a sense of local identity.

Policy LP24 states that all proposals should promote good design by ensuring the following:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: "*development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.".*

Paragraph 199 of the NPPF 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*…". This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

The application site is located adjacent to Edgerton Conservation Area, as the proposals seek to demolish the majority of an existing dwelling and replace it with a new property, within an already established housing estate, it is not considered that the proposal, in principle, would have a detrimental impact on the adjacent heritage asset. A more detailed assessment of the design, scale and massing of the proposal, and its impact upon conservation area is provided below

As this proposal seeks to effectively demolish a large portion of the host dwelling and provide a replacement dwelling, it is also important to look at requirements outlined within the Council's Housebuilders Design Guide.

Principle 2 of the Housebuilders Design Guide SPD states that: "*New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality;*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details;*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and be designed to front onto the street.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In this instance the proposed dwelling is to replace an existing property and will in majority sit on the existing footprint. As this is the case, the property will follow the existing building line and is proposed to front onto the street. The roof line of the existing dwelling is somewhat alien as it is mono-pitched up to two-storey level, the majority of roof designs in the area are either pitched or hipped, although some dwellings do have flat roofs and there are examples of dwellings of modernist design. The proposed dwelling will provide a pitched roof, with some mono-pitched and flat roof elements within the extensions and additions proposed.

In respect to the height of the proposed dwelling, there is to be an increase in height of around 1.9m, taking the existing two storey dwelling up to a 2.5 storey property. Whilst this change will increase the scale and massing of the existing property by a large amount, generously sized 2.5/3 storey properties are not uncommon within the immediate area. Examples can be found to the rear of the site at no. 9 & 11 Inglewood Avenue of which the proposed dwelling would be viewed against. Whilst it is acknowledged that no. 15 is located in a prominent location opposite the T junction to the north, the proposed dwelling is set down from the highway and would be viewed within the cluster of development that has recently been undertaken in this part of Inglewood Avenue. It is also important to note that the property would be viewed against no. 19 Inglewood Avenue which although a single storey dwelling, this property is stepped up from the application site due to the sloped topography of Inglewood Avenue. It is therefore in officers' opinion that the proposals would not appear overbearing or overly dominant when viewed within this section of the streetscene. Furthermore, the dwelling at present does appear to be dominated by recently extended properties to the rear, so whilst the proposals are considered to add a sufficient amount of bulk and massing to the site, on balance officers consider that the proposed extensions and additions would actually help the dwelling retain some prominence within the street scene. In addition, whilst the dwelling would cover nearly the entire width of the plot, only single storey elements would be located at the site to prevent the development appearing overly cramped on the site.

Dormer windows are proposed to both the front and rear of the property. Multiple amendments have been made to the proposals to try and reduce the dormers in scale and size to ensure that these additions were in keeping with the area and did not appear as alien additions to the host dwelling.

Notwithstanding the above, officers do note that there are several properties that benefit from front, side or rear dormer windows, these dormer windows vary in size, design and location and therefore there is no consistency when it comes to dormers throughout Inglewood Avenue. Although the front and rear dormer windows would be visible from the public highway, and most specifically to the rear, would add additional bulk to the property, the dormer windows are to be stepped down from the ridge and back from the eaves of the host dwelling and therefore officers considered that they would appear somewhat proportionate in this instance.

It is noted that there would be a main body, with a few protrusions from this, but it is considered on the whole that the form of the building would not be overly complicated when taking into account surrounding development.

In respect to windows and doors, whilst large amounts of glazing are proposed within the property there are numerous examples of large expanses of glazing throughout Inglewood Avenue, whereby there is not a uniform design, size or location for windows within this area. The host dwelling as constructed also already benefits from windows to the front, side and rear which are random in location and large in size. It is therefore considered that the proposals would not appear out of character with the area, or overly dominant in their surroundings given the present mismatched nature of the streetscene.

The proposals in this instance seek to utilise stone to match the existing dwelling, with flat grey roof tiles and stone coping added to the gable elevations. Grey soffits and fascias are to be installed alongside grey windows and doors. To the rear, parts of the dwelling are to be white rendered. The use of stone and render is not uncommon within the street and grey windows and doors can be found utilised within no. 11 Inglewood Avenue. It is therefore considered that on balance, the proposed materials and finishes are appropriate in this location.

Dwellings on Inglewood Avenue do vary in relation to the size and location of their garden/amenity spaces, with some dwellings having both large front and rear gardens, with others having more smaller front gardens with larger rear gardens. The proposals in this instance would retain the majority of the existing rear garden area but would lose some amenity space to the front where the proposed porch is to be erected. Nonetheless, the amount of garden space to be provided is deemed to be acceptable in relation to the scale and size of the proposed dwelling and is not considered to appear incongruous given the varied nature of amenity areas throughout Inglewood Avenue. Thus, it is considered that the proposed dwelling would not appear cramped on the site.

In conclusion, the proposal is considered on balance, to be appropriate in size and scale in this location, and that they would not appear out of character or overly dominant in the general context of this site, and thereby prevent harm to the significance of the Edgerton Conservation Area. On this basis, the proposal is considered to accord with the requirements of Policies LP24 and

LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 6 of the Housebuilders Design Guide SPD highlights that 'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings…normally new build development should seek appropriate separation distances for servicing, accommodating future adaptions and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'.

The text supporting Principle 6 of this SPD outlines that: *"For two storey houses typical minimum separation distances are advised:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and*
- *for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary."*

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 11 Inglewood Avenue

This neighbouring property is located to the south-east (rear) of the application site, with the dwelling approximately 9m away (from the first floor

of no. 15 to the nearest elevation of no. 11 (the gym element)). Despite this close separation distance, the principal elevation of the main body of this neighbouring dwelling is slightly orientated away from what would be the main body of the remodelled dwelling (mostly facing onto the single storey gym element of the building). Given this and the dwellings northern siting to No.15 it is considered that the proposal would not cause undue harm to No.15 in terms of overshadowing.

In respect of outlook and the development being overbearing, the proposal would move two storey development closer to No.15, but due to the properties being stepped away from one another and the angle of no. 11 the front elevation of No.15 would face towards the proposed gym, office and guest room which is to be single storey in height, but with a pitched roof instead of a flat roof. Whilst it is considered there would be some additional harm to No.15's outlook and it would have a greater overbearing impact, on balance, the situation is not considered to be materially worse than existing, especially given the single storey nature of the gym aspect.

With regards to overlooking and loss of privacy, at ground floor level there is a high timber fence which runs along the boundary between no. 11 and 15 and therefore there are no significant concerns at this level. At first floor/attic level whilst windows would not meet the recommended minimum 21m separation distance as advised in the SPD, due to the orientation of the properties to one another views into the no 11 would be somewhat oblique, and the views are considered not to be wholly different to the current relationship between the dwellings too. Therefore, on balance, it is considered hat the proposal would not cause undue harm to No.15 in terms of loss of privacy or overlooking.

Impact on no. 17 Inglewood Avenue

This neighbouring property is located to the north-west approximately 17m away (across the road). Whilst a significant amount of glazing is proposed within the north-western elevation of the dwelling, alongside a dormer window in the roof, given that the south-eastern elevation of no. 17 is blank at first floor level and has sufficient screening at ground floor level, there are no significant concerns in respect to overlooking or loss of privacy in this instance. In addition, given the large separation distances there are no significant concerns with regards to overshadowing or the proposals appearing overbearing as they would be viewed within the context of the site, whereby there are a number of large detached dwellings.

Impact on no. 19 Inglewood Avenue

This neighbouring property is located to the south-west of the application site, approximately 15m away. This dwelling is most likely to be impacted by the proposed snug which would be a minimum of 1.7 metres off the shared boundary, falling short of the recommended 2 metres set off from a boundary advised in the SPD. However, given the separation distance between the dwellings, and that the snug is to be single storey in height and set at a lower ground level to no. 19, there are no significant concerns in respect to

overshadowing or the proposals appearing overbearing in nature. In addition, no windows are proposed within the south-western elevation of the snug, and the first floor window serving the WC in the SW elevation can be conditioned as obscurely glazed, therefore there are also no significant concerns with regards to overlooking or the loss of privacy.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposal is considered to be in compliance with the minimum space standards for such sized dwellings as set out in the NDSS.

It is considered that the proposed dwelling would be served by an adequately sized garden. In addition, given the orientation of the dwelling and its amenity areas, it will benefit from direct sunlight throughout the day and therefore it is considered that the proposed amenity space would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

In conclusion, taking the above into account it is considered that on balance, the proposals would not result in significant or detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with Principles 6, 16 and 17 of the Council's adopted Housebuilders Design Guide SPD.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Given the nature of the proposals it was considered reasonable to consult highways. Whilst the original submission contained a raised driveway, this element of the scheme has now been removed and therefore conditions requested by Highways Structures are no longer deemed to be necessary.

In respect to the number and location of the proposed car parking spaces, space for at 3 vehicles could be provided to the front of the property on the existing tarmacadam drive. This would be sufficient given the number of bedrooms proposed with reference to guidance within the Highways Design Guide SPD. As a small piece of the existing landscaped area to the front of the dwelling will need to be removed and laid with hardstanding, a condition has been attached regarding surfacing.

Whilst principle 12 of the above SPD seeks to ensure that parking does not dominate a street, the proposed expanded parking would mostly be located on a hard surfaced area and therefore it is considered reasonable in this instance for the parking to be located to the front of the new property.

Finally, a bin store is shown to the front of the property adjacent to the driveway. The store is to be enclosed on 3 sides by a 1.2m high stone wall, and set down from the road so as not to appear overly prominent. This location is deemed to be appropriate and therefore the condition relating to bin storage locations requested by highways is no longer required.

Given the above, it is considered that the proposed development is acceptable from a highways safety perspective and is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other Matters

Biodiversity/Trees

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with the Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

The application site is located within a Bat Alert Area, adjacent to a TPO tree to the north-east of the site and additional mature trees to the west. Whilst a hibernating bat survey was submitted and found no evidence of hibernating bats within the building, the Council's Ecology officer requested that an additional check of the property was undertaken in the form of an updated bat survey. The applicant's agent provided this information which showed no

evidence of roosting bats but did consider the site to provide an important commuting and foraging resource for bats. As such the Council's Ecology officer recommended a condition which restricted the use of external lighting and required a lighting design strategy to be submitted should external lighting be erected. On this occasion officers are of the opinion that requesting such details in this existing residential location would not be reasonable or necessary. External lighting could be erected at present at the host dwelling and within neighbouring properties without the need for planning permission. As a dwelling already exists on the site it is not considered that the proposals would change the context of the site significantly enough to warrant this condition.

In accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide SPD, a condition is recommended requesting that 1 bat roosting feature be incorporated into the new walling on the south-western elevation at least 6 metres above ground and not directly above windows or doors. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

Moving on to trees, Local Plan Policy LP33 states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity. Given the nature of the proposals and its close relationship to mature trees to the west and TPO ref 19/08/t3 to the north-east, the Council's tree officer was consulted. From looking at the information submitted, the Tree officer is satisfied that there would be no impact on trees offsite to the west, and that they will not suffer a notable increase in pressure to prune or fell these trees in future, so long as a Tree Protection Plan is submitted and approved prior to works commencing on site. This will be requested via a pre-commencement condition.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on

sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Due to the nature of the scheme, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change. Furthermore, 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.

Permitted Development

It is considered necessary to remove permitted development rights for extensions and outbuildings given concerns that further development under permitted development could lead to an overdevelopment of this plot and result in close and cramped relationships with other neighbouring properties thereby unduly harming their amenity.

6 – 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, subject to conditions, the proposed development on balance, would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve with conditions.

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 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 accord with Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP35, LP51 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 12, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Council's adopted Housebuilders Design Guide SPD.

3. Notwithstanding the submitted plans and information, a Tree Protection Plan, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The plans shall detail the type and location of tree protection fencing required on the site during demolition and construction work to prevent damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the submitted Tree Protection Plan until the development is completed.
Reason: So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policies LP24 and LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework. This is a pre-commencement condition as measures to protect adjacent trees need to be approved and in place before construction works commence (including demolition) to protect the viability of the trees.

4. Before the hereby approved dwelling is brought into use one electric vehicle recharging point shall be provided within the dedicated parking area to serve the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with the Policy LP51 of the Kirklees Local Plan, Policies within Chapters 9 and 15 of the National Planning Policy Framework, Principle 18 of the Housebuilders Design Guide and the West Yorkshire Low Emissions Strategy.

5. The new dwelling will include an integral bat roosting feature (1FR Schwegler Bat Tube or similar alternative) installed on the south-western elevation at a height of at least 6 meters and not directly above doors or windows. This roosting feature shall be installed prior to the first occupation of the dwelling hereby approved and thereafter retained as such.

Reason: To provide ecological enhancements in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

6. Unless otherwise agreed in writing, prior to the development being brought into use, the vehicle parking areas displayed on the drive outlined within the hereby approved submitted drawings 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 highways safety and to achieve a satisfactory layout, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted Housebuilders Design Guide SPD, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework.

7. The balustrades for the Juliet balconies on the rear elevation as displayed on the approved plans shall be fitted prior to first the use of the hereby approved dwelling. The balustrades shall be retained in a fixed non opening position and thereafter retained as such.
Reason: In the interests of safety for future occupiers and to prevent the use of the hereby approved single storey rear extension being used as a balcony area, to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

8. 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 development included within Class A, B, D, and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the approved Block Plans without the prior written consent of the Local Planning Authority.
Reason: To prevent overdevelopment of the site, in the interests of visual and residential amenity, and to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework

9. Prior to the first occupation of the dwelling hereby approved, the south west side facing first floor window (serving the WC) in the approved building shall be fixed shut, unless parts of the window which can be opened are more than 1.7 metres above the floor level of the room the window is to serve, and obscure glazed (Level 5 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking so as to preserve the amenity of neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

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 to intentionally 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 found, then Natural England should be contacted.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan – Full Site	-	-	13th August 2021
Existing and Proposed Site Plans	ST21.208-P-1002	E	5th August 2022
Proposed Wider Context Site Plan	ST21.208-P-1003	E	26th August 2022
Existing Plans and Elevations	ST21.208-P1101	A	13th August 2021
Proposed Plans	ST21.208-P-1102	E	21st July 2022
Proposed Elevations	ST21.208-P-1301	E	5th August 2022
Bat Hibernation Survey Report by JCA Limited dated 24/03/2022	18183/AWe	-	25th March 2022
Bat Emergence and Re-Entry Survey Report by JCA Limited dated 27/05/2022	18183a/AuB	-	6th June 2022
Arboricultural Report and Arboricultural Impact by JCA Limited dated	18175/AJB	-	5th April 2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Numerous amendments have been made to the scheme following a number of discussions between officers and the applicant's agent. Numerous amendments have been sought over the

lifetime of this planning application, these include the submission of bat surveys, an arboricultural report, and alterations to the submitted scale, design and massing of the proposed dwelling. This is in the interests of both residential and visual amenity as well as the protection of trees and protected species. The originally submitted raised driveway has been removed, the snug made smaller in size, a reduction in the overall size of the proposed dormer window to the front, a reduction in size and height of the proposed single storey side extension, alongside an alteration to its design. A new decking area has also been proposed to the rear. The changes were deemed acceptable.

Report Dated: 07/09/2022