

**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: 2021/62/93489/W
Site Address: 37, Yew Street, Fartown, Huddersfield, HD2 2RN
Description: Erection of single storey rear extension
Recommending Officer: Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 03-Nov-2021

Officer Report.

Reference: 2021/93489

Location: 37, Yew Street, Fartown, Huddersfield, HD2 2RN

Proposal: Erection of single storey rear extension

Site Description.

37 Yew Street is a two-storey terrace property located in Fartown, Huddersfield. The property is faced in stone and has a dominant tiled gable roof form. To the rear, the property benefits from an original two-storey projection, as do the other terrace properties that adjoin the application site. In addition, within the wider curtilage, there is an area of hard surfacing to the front to facilitate on-site parking.

Within the wider streetscene there is a strong sense of similarity established, with all of the properties in the immediate vicinity sharing the same style of design and construction. To the rear of the row of terraces in which the application site is a part of, an unadopted highway runs adjacent, with several detached garages to the rear of properties within the terrace

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension.

The proposed single storey rear extension will project from the rear elevation of the original two-storey element at the rear of the property by 4.3 metres, it will have a width of 4 metres and a height of 3.8 metres, with an eaves height of 2.7 metres. The exterior walls of the extension will be constructed from artificial stone and the lean-to roof will be finished with matching tiles.

With regard to fenestration, glazing is proposed on the rear and eastern side elevation. On the rear elevation glazed bi-folding doors and on the side elevation a window, made up of four glazed panels are proposed. All of would be UPVC, to match the appearance of forms of fenestration on the host property.

Within the interior of the dwelling the extension will function as a kitchen.

History of Negotiations.

The case officer sought amended plans to reduce the proposed width of the rear extension for reasons of visual amenity and to increase the design value of the proposed scheme. In response, the applicant submitted amended plans that reduced the proposed width of the extension from 4.5 metres to 4 metres.

In addition, given that the scheme fails to comply with the design requirements as set out in the council's House Extensions and Alterations SPD, justifications were requested from the applicant to outline the reasons for permitting such a development in this instance. The applicant submitted three written justifications, these included:

- 1) As the rear elevation is the north elevation, the proposed development will be blocking no light to number 35 Yew Street
- 1) 35 Yew Street's main kitchen window is on the west elevation which is facing number 33 Yew Street
- 2) The existing garden is quite large so amenity space will not be significantly reduced.

As a result, the overall determination of this application is based on the amended plans and justifications as submitted by the applicant/agent.

Relevant Planning History.

At the application site:

- **2021/92992** – Prior notification for single storey rear extension. *Refused 19th August 2021 due to the fact the proposal would not constitute permitted development as the extension projected beyond a side elevation of a wall forming part of the original dwellinghouse.*

At neighbouring properties:

- **2016/91488** – Demolition of existing garage and erection of single storey rear extension. *Approved 2016.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which expired on 12th October – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

The application site is Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping

- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

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, together with Circulars, Parliamentary 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 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Legislation

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).

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of development
- 2) Impact on visual amenity and to designated heritage assets
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1. Principle of Development:

The site is without notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. Impact on Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality 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.”

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

LP24 states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...
'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Although the proposed rear extension to 37 Yew Street does not conform with every key design principle as set out above, the applicant/agent has submitted several written justifications as to why the proposed extension, and its dimensions, are acceptable for this specific scheme. These justifications included:

- 1) As the rear elevation is the north elevation, the proposed development will be blocking no light to number 35 Yew Street
- 1) 35 Yew Street's main kitchen window is on the west elevation which is facing number 33 Yew Street
- 2) The existing garden is quite large so amenity space will not be significantly impacted upon.

In addition to these written justifications, it should also be noted that, given that the host property already adjoins both immediately neighbouring properties, there is considered to be no significant design benefit in setting the extension in from the western side boundary by 1 metre.

The proposed single storey rear extension would be an overall subservient addition to the host property, given its size/scale when viewed in conjunction with the two-storey host property in its entirety. In addition, the harmonising design and matching exterior materials further supports this subservience,

with the lean-to roofing style working to naturally mitigate any undue bulking/massing as a result of its form. Furthermore, the proposed fenestration detailing is simple and in keeping with the existing architectural style of the host property, promoting further congruency between the original and new features.

Given the length of the rear garden amenity space at 37 Yew Street, the proposed extension will not result in detrimental loss to amenity space. It should also be noted that, the hard forms of boundary treatment around the rear garden, will also work to reduce any obtrusiveness from the proposed extension, reducing the extent to which the extension will be visible outside of the domestic curtilage of the site.

With regard to the wider streetscene, given the built-up and sporadic placement of detached garages and outbuildings along the Unadopted Highway to the rear of the terraces, the extension will not result in a disjunct appearance, with a strong built-up feel/appearance already established to the rear of the site and surrounding area. It should also be acknowledged that the rear extension is considered more in keeping with the streetscene compared with the appearance of existing garages/outbuildings.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1, 2 and 7 of the House Extension SPD.

2. Impact on Residential Amenity:

Section B and C of policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing

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.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 35 Yew Street and No. 39 Yew Street. It is considered that the proposed rear extension would be a sufficient distance away from any other properties to prevent undue harm to

residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 35 Yew Street – this property adjoins the application site to the west. Although the proposed extension will go up to the neighbouring boundary, given its single storey nature and the retained form of boundary treatment, the proposed extension is not considered to result in undue overbearing or overshadowing. In addition, given the relationship between the proposed extension at No. 37 and the placement of domestic windows to No. 35, the proposed extension appropriately complies with Key Design Principle 5 of the SPD and the '45-degree rule'.

The proposed rear extension to 35 Yew Street is not considered to be of detriment neighbouring privacy, posing no detriment to overlooking with no glazing proposed to face this neighbouring property.

No. 39 Yew Street – this property adjoins the application site to the east. Given the single storey nature of proposed development and the retained separation distance of 1.5 metres from the boundary, the extension is considered to not result in any undue overbearing or overshadowing for the occupiers of No. 39 Yew Street. In addition, although windows are proposed on the side elevation of the extension, these are not considered to cause any significant increase in terms of overlooking given the proposal is single storey and suitable screening is in place to this shared boundary to prevent overlooking from these windows occurring. For this reason, the proposed development is concluded to present no increased detriment to neighbouring privacy.

For the reasons outlined above, the proposed development at 37 Yew Street is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the House Extension SPD.

3. Impact on Highway Safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development will not increase domestic use of 37 Yew Street, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 37 Yew Street is considered to appropriately accord with Chapter 9 of the NPPF, policies LP21 and LP22

of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats

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.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. In addition, the proposed erection of a single storey rear extension poses no works or alterations to the existing roof over the dwelling. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations:

No representations were received.

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 the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93489

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 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6 and 7 of the Council's adopted House Extension Supplementary Planning Document and the policies contained within Chapters 2, 12 and 14 of the NPPF.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan Key Design Principles 1, 2 and the policies contained within Chapter 12 of the NPPF.

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: The application site is located in a high risk coal area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Local and Site Plan	01	-	2.9.21
Existing Floor Plans and Elevations	-	-	2.9.21
Proposed Floor Plans and Elevations	UD-417RevA	2	2.11.21

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. Amended plans were sought and submitted with regard to the proposed width of the extension, to increase the design value of the scheme.

Report Dated: 2.11.21