

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: 2021/62/93700/W

Site Address: 92-94, Halifax Old Road, Birkby, Huddersfield, HD2 2RP

Description: Erection of single and two storey rear and single storey side extensions with external alterations, erection of canopy over outdoor gym and play area [within a Conservation Area]

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: 22-Dec-2021

Officer Report.

Reference: 2021/93700

Location: 92-94, Halifax Old Road, Birkby, Huddersfield, HD2 2RP

Proposal: Erection of single storey and two storey rear and single storey side extensions with external alterations, erection of canopy over outdoor gym and play area

Site Description.

92-94 Halifax Old Road is a two-storey terrace property located in Birkby, Huddersfield. The property is faced in stone and has a gable roofing form, infilled with grey roof tiles. Within the wider curtilage of the site, the property benefits from substantial areas of driveway amenity space and garden amenity space to the northern side elevation and rear. At present, a raised platform/canopy style feature is erected to the rear of the dwelling.

92-94 Halifax Old Road shares a sense of similarity with the other properties/buildings located within the wider streetscene, creating a strong sense of similarity visually. This is a result of the buildings been faced in stone and having similar styles of design and construction.

The application itself is Unallocated in the Kirklees Local Plan, however it is located within the Birkby Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of single and two-storey rear extensions and a single storey side extension, as well as the erection of a canopy over the outdoor gym and play area.

Single and Two Storey Rear Extensions:

The proposed two storey rear extension will project from the rear elevation of the host dwelling by 3 metres, have a width of 5.7 metres and a height of 7.7 metres. The single storey extension will project from the rear elevation of this two-storey extension by 1.5 metres, with the same width and a maximum height of 3.6 metres.

The two extensions will be faced in matching stone, with a gable roof to be erected above the two-storey extension and a lean-to above the single storey, both infilled with matching grey tiles.

Fenestration detailing is proposed only to the rear elevation of both extensions. This is in the form of four regular windows, two at ground floor level and two at first floor level. The windows will have UPVC frames to match existing forms of fenestration on the host dwelling.

Within the interior of the dwellinghouse, the extensions will create a new kitchen area to the ground floor and two additional bedrooms to the first floor.

Single Storey Side Extension:

The proposed single storey side extension will project from the northern side of the property by 3.15 metres, it will have a length of 4.8 metres and a height of 3.8 metres.

The exterior walls of the side extension will be faced in matching stone and a lean-to roof will be erected above, infilled with matching grey roof tiles.

The extension proposes fenestration to the northern side elevation of the extension in the form of a window and to the rear elevation in the form of glazed doors. Both of these forms of fenestration will be constructed from UPVC to match existing forms of fenestration on the host dwelling.

Within the interior of the dwellinghouse the extension will provide space for a children's play area.

Canopy:

The canopy has previously been constructed to the rear of 92-94 Halifax Old Road however, this application proposes a modification to its design removing railings and an access to it.

Currently the canopy has an accessible platform area above including balustrade however, this application proposes a canopy structure with an inaccessible flat roof. It will have a height of 2.4 metres, a width of 6 metres and a length of 4 metres. The canopy is held up by four beams (the walls will not be enclosed).

History of Negotiations.

The case officer sought amended plans to reduce the width of the proposed rear extensions, so that a gap be retained between the extensions and southern joint boundary with No. 90 Halifax Old Road. This was so the extension would comply with the requirements of the Council's House Extensions and Alterations SPD, as well as for reasons of residential amenity.

The applicant/agent submitted amended plans, setting the rear extensions in from the southern shared boundary by 1.3 metres. This adjustment meant that the extensions appropriately complied with the requirements of the SPD and that the scheme was much appropriate from a residential amenity perspective (discussed in greater detail in the 'Assessment' section of this report).

Following this, the case officer once again sought amendments to the proposed scheme, in this instance regarding the canopy. The canopy as originally applied for and which has been previously constructed at the property was accessible with balustrade meaning it is used as a balcony / raised terraced area. Amendments were sought to make this structure serve as a canopy only, with an inaccessible flat roof above. Therefore, the overall determination of this application is based on the latest plans as submitted on 10th December 2021.

Relevant Planning History.

2014/90840 – Erection of single and two storey extension and dormer window. Refused 2015 for the following reasons:-

The proposed extensions by reason of their design, fenestration detailing, scale, massing and roof form would have a detrimental impact upon the host building and the wider Birkby Conservation Area. The proposal would fail to preserve or enhance the setting of the Conservation Area and would fail to respect the intrinsic value of the host building which would be consumed by the proposed extensions. The application would therefore fail to comply with Policies BE5 and BE13 of the Unitary Development plan and guidance contained within the NPPF – National Planning Policy Framework.

The proposed rear extension by reason of its scale and projection combined with the setting of the original building would result in a form of development which would have an overbearing impact upon the amenities of the neighbouring property at 90 Old Halifax Road. The application would therefore fail to comply with Policies BE13 and BE14 of the Unitary Development Plan

Application 2014/90840 differs from the proposal insofar as it had a greater projection than the proposal, spanning the full width of the property being sited adjacent to the shared boundary.

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 a site notice, neighbour notification letters and within the newspaper, collectively expiring on 23rd November 2021 – three representations were received.

The representations raised the following objections:

- Concerned regarding the extensions being close neighbouring boundary wall.
- The extensions will cause reduced sunlight and daylight.
- Impacts of overlooking from the proposed scheme.

- Concerns with regard to noise from the children's play canopy and it being close to neighbouring boundary wall.

Although amendments were submitted by the applicant/agent the scheme was not re-advertised. The amendments submitted sought to address the concerns raised through representations and reduce the impact upon neighbouring occupiers, as such it is considered the scheme as advertised adequately alerted the public to the nature of the proposal.

Consultation Responses.

No consultations were deemed necessary.

Policy/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).

The application site is not specifically allocated in the Kirklees Local Plan however, it is located within the Birkby Conservation Area.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design
- **LP35** – Historic Environment

Supplementary Planning Documents

- House Extension and Alterations SPD:

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.

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
- **Chapter 16** – Protecting and Enhancing the Historic Environment

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
- 1) Impact on Visual Amenity and to Designated Heritage Assets
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) Conclusion

1. Principle of Development

Policy LP1 required 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. 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.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district.”

Due to the sites location within the Conservation Area, Paragraph 195 of the NPPF is relevant which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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". This harm, if any is concluded to occur, will be assessed and discussed later in the report.

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.

Information Submitted with Regards to Significance:

Paragraph 194 of the NPPF requires that applications describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which meets the tests set out in Paragraph 194. It identifies that the site is located within the Birkby Conservation Area, outlining its origins as a 19th residential suburb of Huddersfield. Concluding that the proposal is to be sympathetic to the conservation status of the area.

1. Impact on Visual Amenity and to Designated Heritage Assets

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 195 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

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...”*

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

The Kirklees Council House Extension and Alterations SPD states that two-storey rear extensions should:

- be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary
- be separated from the property boundary, such as a wall, fence or hedge by at least 1.5 metres
- not adversely affect habitable room windows where they adjoin a neighbour’s boundary

The proposed two-storey rear extension to 92-94 Halifax Old Road is considered to appropriately comply with the design requirements of the SPD as set out above. Although the extension is separated from the southern Boundary by 1.3 metres rather than 1.5 metres, this is considered sufficient in protecting an appropriate level of residential amenity with regards to overbearing/overshadowing.

The Kirklees Council House Extension and Alterations SPD 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 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 terraced houses or by 4 metres for detached properties
- where they exceed 3m in length the eaves height should generally not exceed 2.5 metres
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

The proposed single storey rear extension is considered to appropriately comply with the design requirements of the SPD as set out above.

The Kirklees Council House Extension and Alterations SPD states that single storey side extensions should:

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back 500mm from the original building line to allow for a visual break

The proposed single storey side extension is considered to appropriately comply with the design requirements of the SPD as set out above.

Although the proposed two-storey rear extension to 92-94 Halifax Old Road will increase the extent of bulk and massing to the rear of the host dwelling, it's design and form are considered to be subservient given the siting to the rear and size of the extension not being significantly greater than that of the host property.

The two-storey extension will have a matching roof form which is to be set down slightly from the height of the roof to which it adjoins (by 0.06 metres) and the entire built form will be faced in matching exterior construction materials. For these reasons, the proposed two-storey rear extension will not be an overtly obtrusive feature and in turn, poses no significant impact to visual amenity in conjunction with both the host dwelling and wider vicinity.

In addition, the proposed single storey rear extension and single storey side extension are also considered to be subservient additions, due to their heights and harmonising appearance with regard to architectural form and the use of matching exterior construction materials. The erection of lean-to roofing styles above these features also naturally reduces their extent of bulk and massing which in turn, prevents any impacts to visual amenity of overdevelopment.

The proposed forms of fenestration to all of the proposed extensions are considered acceptable visually, simple in form including only regular windows and one set of glazed access doors to the rear elevation of the single storey side extension. In turn, considered to be in keeping with the existing architectural style of the dwellinghouse, whilst further enhancing the contemporary design of the property through the use of glazed access doors.

Furthermore, the extensions are not considered to have a significant impact upon the wider visual amenities of the streetscene, all set back from the principal elevation of the host dwelling and not visible from the highway of Halifax Old Road due to been set behind existing solid elevations. For this reason, and for all of the reasons set out above, the extensions are not considered to be harmful visually to the Birkby Conservation Area.

Whilst the canopy can be viewed from the street, albeit its view is limited, it is considered that this structure has a small scale impact given it is open sided. Furthermore its removal and replacement with a similar structure which does not include a balcony could likely be undertaken under pd rights. As such it is considered that it would be unreasonable of the LPA to refuse this element of the scheme in this case.

In conclusion it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapters 12 and 16 of the National Planning Policy Framework, LP24 and LP35 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extension and Alterations SPD as well as Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “*maintain* appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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

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.

The proposals to 92-94 Halifax Old Road would see the retention of a functional amenity space and are not therefore considered to be overdevelopment.

The properties most likely to be affected by the proposed developments are those which directly neighbour the site, these being No. 90 Halifax Old Road, No. 1 Wasp Nest Road, No.’s 96 and 96a and No.’s 1, 2 and 3 Buckrose Terrace. It is considered that the proposed extensions and canopy 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. 90 Halifax Old Road – this property adjoins the application site to the south.

Given that the two-storey rear extension has a projection of 3 metres and is to be set away from the shared boundary by 1.3 metres, it is not considered to pose significant harm to residential amenity with regard to being overbearing or overshadowing.

The host property already has an impact upon this dwelling given the siting of a two storey element of the host property right up to the boundary, as such it is considered that the impact of the proposal would not significantly increase in terms of overshadowing / being overbearing given the siting away from the boundary.

The proposed single storey rear extension is also considered acceptable from a residential amenity perspective, also causing no significant impacts of overbearing or overshadowing for the occupiers of No. 90 Halifax Old Road. It should also be noted that a tall solid wall is already erected between these two neighbouring properties, further mitigating any potential impacts from the development of a single storey rear extension.

Neither the two-story or single storey rear extensions have openings to the side elevation facing this neighbouring property and therefore, they pose no detriment to neighbouring privacy.

The proposed canopy and single storey side extension pose no significant impacts for the occupiers of No. 90 Halifax Old Road, with the side extension set significantly away from the shared boundary to the opposite side of the host dwelling and the canopy also set away from the shared boundary and of a simple form which presents no detriment of overbearing or overshadowing.

No. 1 Wasp Nest Road – this property is located to the south east of the application site.

The proposed extensions to the rear of 92-94 Halifax Old Road will not significantly impact upon the residential amenities of this neighbouring property with regard to overbearing, overshadowing or neighbouring privacy. This conclusion is drawn on the basis they are set away from the shared boundary, with no glazing proposed on the southern side elevation and a solid wall erected as boundary treatment.

The proposed canopy and single storey side extension pose no significant impacts for the occupiers of No. 90 Halifax Old Road, with the side extension set away from the shared boundary to the opposite side of the host dwelling and the canopy also set away from the shared boundary and of a single storey flat roof / open sided design which is not considered to be significant in terms of being overbearing or leading to overshadowing.

No.'s 96 and 96a Halifax Old Road – these properties are located to the north of the application site.

The proposed rear extensions are considered to pose no significant impacts to the residential amenities of these neighbouring properties, set significantly away from the shared boundary and therefore, posing no significant impact in terms of being overbearing or creating additional overshadowing. No glazing is proposed on the northern side elevation of these rear extensions and therefore, they pose no impact to neighbouring privacy.

With regard to the proposed single storey side extension, this is also considered to pose no significant impact to the residential amenities of No.'s 96 and 96a Halifax Old Road. This is concluded on the basis of the proposals size/scale and because the proposed glazing to the side elevation presents the same outlook as existing glazing on the side elevation of the host dwelling in turn, presenting no significant increase in overlooking

The proposed canopy is concluded to pose no significant impacts for the occupiers of these neighbouring properties, set away from the shared boundary and of a single storey flat roof / open sided design which is not considered to be significant in terms of being overbearing or leading to overshadowing.

No.'s 1, 2 and 3 Buckrose Terrace – these properties are located to the east and overlook the rear of the application site.

Given the distance of the proposal from these properties the proposed rear extensions to 92-94 Halifax Old Road are considered to have no significant impact to the residential amenities of these neighbouring properties, set significantly way from the shared boundary and therefore, posing no detrimental overbearing impact. In addition, they will not lead to significant levels of overshadowing.

The distance, and fact the host property is off set from this properties leads to the conclusion the proposed extensions would not negatively impact upon neighbouring privacy, with the glazing proposed to the rear elevations not considered to have a significant impact in this regard.

The proposed canopy will improve upon current residential amenities, removing the potential for accessing the roof as extra amenity space and instead having only an inaccessible flat roof. In turn, this will diminish impacts of overlooking or to impediment of neighbouring privacy. In addition, given the simple and open form of the proposed canopy, it poses no significant impacts of overshadowing or been overbearing.

It is recommended that any grant of permission is subject to condition requiring the canopy building to be amended within three months from the date of any consent and to then be thereafter used as a flat roof only.

For these reasons, the proposed development at 92-94 Halifax Old Road is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees

Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations 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 and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Although the proposed developments will increase the domestic function of No. 92-94 Halifax Old Road, the existing parking arrangements are considered sufficient and will remain unaltered. In addition, access to and from the property in conjunction with the adjoining highway will also remain unaltered. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed developments at 92-94 Halifax Old Road would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4. Other Matters

Climate Change

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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, Policy LP51 of the Kirklees Local Plan and principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD.

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

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. 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

Three representations were received, Insofar as the points raised are not addressed elsewhere within this report, they are addressed within this section as follows:

- Concerned regarding the extensions being close neighbouring boundary wall.

Response: this concern was addressed through negotiation whereby amended plans were submitted which set the proposed rear extensions in from the shared neighbouring boundary by 1.3m.

- Concerns with regard to noise from the children's play canopy and it being close to neighbouring boundary wall.

Response: A condition is recommended to be included which ensures the canopy roof is not used as a balcony / terrace and is used as a roof only which would address this matter to a certain degree. Noise from child's play from the existing use is a matter which can be afforded little weight in the consideration of this application given it can take place in any event.

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: 2021/93700
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 12 and 16 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 and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF.

4. Within three months of the date of this permission the railings upon the roof, and means of access to the roof, of the canopy annotated 'outdoor gym and play area with flat roof' upon submitted drawing 2132/03RevB shall be removed and the roof shall not be used as a balcony or terrace at any time throughout the lifetime of the development.

Reason: In the interests of residential amenity and to accord with Policies LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD and policies 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 Layout and Elevations	2132 Existing-01	-	21.9.21
Proposed Layout and Elevations	2132 PLANNING-02A	-	10.12.21
Proposed Layout and Elevations	2132 PLANNING-03B	-	10.12.21

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 for reasons of residential amenity.

Report Dated: 13.12.21