

**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: 2021/62/93835/W

Site Address: 11, Rafborn Grove, Salendine Nook, Huddersfield,
HD3 3UB

Description: Erection of single storey rear extension

Recommending Officer: Tom Hunt

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: 01-Dec-2021

Officer Report

Site Description

2021/93835 11, Rafborn Grove, Salendine Nook, Huddersfield, HD3 3UB

11 Rafborn Grove is a semi-detached, two storey, dwelling with a first floor side extension and a conservatory extension to the rear. It has a driveway to the front and garden to the rear. Construction materials are stone to the primary elevation and brick to side and rear elevation with a hipped tiled roof. The property is located on a residential street with properties of a similar style, age and design.

The site is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. Permitted Development Rights are retained.

Description of Proposal

Erection of single storey rear extension

It is proposed to erect a single storey extension with a lean to roof constructed of brick and concrete pantile tile materials to match the host dwelling at the rear elevation. It would be set away from the neighbouring boundary 0.2m. An existing conservatory is to be demolished.

The dimensions of the proposal would be:

3m from rear elevation x 8.3m width x roof ridge height of 3.6m and eaves of 2.5m.

Openings are to rear elevation only and the roof would have three skylights. The proposal would serve a kitchen/dining/living room.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments.

Relevant Planning History

2003/93356 – Erection of First Floor Extension. Approved.

2021/92759 – Certificate of proposed lawfulness for erection of single storey rear extension. Withdrawn.

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: 10/11/2021

No representations have been received.

Consultation Responses

No technical consultees required.

Policy

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

The site is unallocated on the Kirklees Local Plan. It is within a Low Coal Risk area and a Bat Alert Layer.

Kirklees Local Plan (LP):

1. LP 1 – Achieving sustainable development
2. LP 2 – Place shaping
3. LP21 – Highways and access
4. LP 22 – Parking
5. LP 24 – Design
6. LP 30 – Biodiversity

Supplementary Planning Document

1. House Extensions and Alterations SPD

Kirklees Council has adopted its supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this

SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

2. Chapter 2 – Achieving sustainable development
3. Chapter 12 – Achieving well-designed places
4. Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

5. Principle of development
6. Impact on visual amenity (including any heritage considerations)
7. Impact on residential amenity
8. Impact on highway safety
9. Other matters – e.g. trees/ecology (e.g. bats)
10. Representations
11. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal 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”.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space of the adopted 'House Extension and Alterations SPD' is relevant. Principles 1 and 2 seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The development would be single storey and to the rear appearing subservient to the main dwelling. The rear extension would not be easily visible from the highway, Given the proposal is intended to be constructed from materials which match the host dwelling's rear elevation materials it is considered that the proposed would have little visual impact on the streetscene.

The proposal would retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and principles 1, 2 and 7 of the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*”

In addition, the 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light and Principle 6 – Preventing overbearing impact. 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.

As such the proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual

amenities. The closest properties to be affected by the development are No. 11A (paired neighbour to southwest), No. 9 (northeast) and No. 23 and 25 (south).

No. 11A

The proposed would remove an existing conservatory which extends 3.5m from the rear elevation set close to No. 11A's own similarly extended conservatory. The proposal would seek to have a reduced single storey extension of 3m projection, set to the northeast of the property and it would not have any side elevation windows. Whilst it is acknowledged that the extension would be of brick wall, the existing conservatory is similarly set close to the neighbouring boundary with partial brick wall side elevations, the proposal does not have any side elevation windows and its orientation to the northeast of the property is considered to have no significant impact on overlooking or overshadowing. In addition, the projection of the extension is such that it is considered to not have an unduly oppressive / overbearing impact.

No. 9

This property is to the northeast of the development site and to the mutual boundary, there is hedging providing screening. There would be no side elevation windows facing the property and the single storey rear extension being a distance of 14m and single storey is not considered to have an detrimental impact with regard to overbearing, overshadowing or overlooking impact.

No. 23 and 25

With regard to the properties to the rear, the proposed would have a separation distance of 37m to habitable windows and has sizable green screening in the form of tree and hedges to the mutual boundary, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

4 – 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 proposal would see a garage which could be used to accommodate a car converted to a store (with a garage door) and a room to be used as a gym. No additional bedrooms would result from the proposal.

It is noted that the garage could be converted / not used for vehicular storage in any event and that two off street parking spaces are provided to the front of

the property already. As such it is considered that it would be unreasonable of the LPA to insist upon retention of the garage as part of this development.

The proposed development would intensify use and is therefore concluded to be acceptable in terms of highways safety / parking provision, having regard to the aforementioned policy.

5 – 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93835

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

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 thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan. Drawing No. 2139-D-20-001. Revision: -.	-	01/10/2021
Plans - Grouped Plans and Elevations	Existing Site and Ground Floor Plans. Drawing No. 2139-D-20-002 . Revision: -.	-	01/10/2021
Plans - Grouped Plans and Elevations	Existing and Proposed Elevations. Drawing No. 2139-D-20-004. Revision: -.	-	01/10/2021
Plans - Grouped Plans and Elevations	Proposed Site and Ground Floor Plans. Drawing No. 2139-D-20-003 . Revision: -.	-	01/10/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 29/11/2021