# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

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| **Reference No:** | 2021/62/93878/W |
| **Site Address:** | 46, Kaye Lane, Almondbury, Huddersfield, HD5 8XP |
| **Description:** | Erection of hip to gable extension, rear dormer and exterior alterations |
| **Recommending Officer:** | Tom Hunt |

**DECISION -**

**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: 30-Nov-2021**

# Officer Report

## Site Description

2021/93878  46, Kaye Lane, Almondbury, Huddersfield, HD5 8XP

This relates to a semi-detached bungalow sitting on an elevated position in relation to the road. The highway itself falls from southwest to northeast. It benefits from a sharply sloping driveway with sufficient off street parking for 2-3 vehicles. There is a front garden bounded by a retaining stone wall and to the rear, another garden with a detached outbuilding. The property is constructed of stone with blue slate tile hipped roof. There is a secondary chimney to the approximate centre of the roof and accommodation is within the roof to render the property a 3 bed property.

The site itself sits within a residential ribbon development whereby houses have been extended with flat roof dormers and other extensions and to the rear beyond the garden, the site overlooks allocated Safeguarded Land (SLS1) in the Kirklees Local Plan.

## Description of Proposal

Erection of hip to gable extension, rear dormer and exterior alterations

## Hip to Gable extension

It is proposed to convert the hipped roof form to be a gable roof which would extend 2.1m aligning with the side elevation wall. Materials proposed are natural stone to the wall and blue slate to roof.

The middle chimney will be removed to accomodate this alteration to the roof.

## Rear Dormer

The proposal is for a flat roofed dormer to the rear elevation taking advantage of the increased roof area afforded by the hip to gable extension.

It would project 1.65m from the roof plane, 0.95m height and 5.1m width. It would be set down from the roof ridge by 0.1m, set back from the side by 0.3m and set back from eaves by 0.9m.

Materials proposed are natural stone to wall, grey uPVC cladding to cheeks and face and EPDM roof with uPVC windows to rear elevation. No side elevation windows are proposed.

**Rooflights to front roof elevation**

Three small rooflights are proposed set close to the roof ridge height

Overall the alterations would serve two bedrooms in the roof, and reconfiguration of the ground floor to have a study in place of the relocated bedroom.

**History of negotiations/amendments received**

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

**Relevant Planning History**

No previous planning applications for this site.

**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: 17/11/2021

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):*

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping

- LP21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity

*Supplementary Planning Documents*

- Kirklees Highways Design Guide SPD (2019)
- House Extensions and Alterations SPD (2021)

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.

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

**Assessment**

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

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 seeks 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".

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed hip to gable would tie into the existing roof ridge and eaves height. The alterations to the roof would alter the shape of the dwelling. It is noted that dwellings within the street scene have varying roof forms. Whilst the proposal would see a semi-detached property altered such that one had a gable roof and one had a hipped roof, the proposed hip to gable could, be undertaken under permitted development rights. As such this element of the proposal is considered to be acceptable.

The rear dormer extension's bulk and massing would not be easily visible from the highway given the elevated position of the site in relation to the highway and its position to the rear set in from the roof ridge.

The proposed construction materials would match the existing building's roof with the exception of the similarly colour matched grey boarded dormer cheeks / face and given the location to the rear is considered acceptable.

The proposed rooflights within the front roof elevation would be set close to eaves limiting its outlook over the highway and be of small scale visual alteration with minimal visual impact being in keeping with the area.

The proposal would not affect the garden space ensuring that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission on the basis of the conclusion that 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.

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. The closest properties to be affected by the development are No. 48 (paired neighbour west), No. 44 (northeast) and No. 39 and 37 (southeast).

**No. 48**
This property's roof ridge height is elevated above its neighbour due to the sloping site, it has no skylights to its rear roof. The proposed dormer within the rear elevation would be set in from the roof perimeter except to the neighbouring roof boundary, it is considered that this, with the raised roof ridge of the neighbouring property, would reduce the bulk and massing of the dormer. In addition, no windows face the property and for these reasons there would be no detrimental impact on overbearing, overshadowing or overlooking.

**No. 44**
This property has a hipped roof with a rear flat roofed dormer and a side elevation window facing No. 46. The window would have its outlook limited by its lowered position in relation to No. 46 and the hip to gable extension with the blank side elevation of the dormer extension to the rear would add a modest increase in bulk and massing however the existing properties are well spaced with 5.5m separation distance between the two and the dormer's set back position from the closest roof boundary would aid in mitigating any concerns on additional detrimental impact on overbearing, overshadowing or overlooking impact.

**No. 39 and 37**

Between the properties, there is a separation distance of 31.5m to habitable windows, there would be minimal increase on the bulk and massing of the roof form and the rear dormer would be screened from view. The visible alteration aside from the roof form would be three rooflights, which would be set close to the roof ridge limiting direct views and for these reasons, there is considered to be no detrimental level of overshadowing or overlooking created, and the proposal is not considered to be unduly oppressive / overbearing in this regard.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, would not intensify use and therefore would not cause additional harm to highway safety.

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*
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.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest following informal consultation with the Ecology Officer 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**: 2021/93878

**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 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 hip to gable 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.

4. The dormer extension hereby approved shall have grey uPVC cladding to similarly match the existing roof tile colour of the construction of the roof of the existing building which shall thereafter be 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. 21/682/01. | - | 08/10/2021 |
| Plans – Block Plan | Existing Block Plan. Drawing No. 21/682/02.. | - | 08/10/2021 |
| Plans - Grouped Plans and Elevations | Existing Plans and Elevations. Drawing No. 21/682/03. | - | 08/10/2021 |
| Plans - Grouped Plans and Elevations | Proposed Plans and Elevations. Drawing No. 21/682/04c. | - | 08/10/2021 |

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:** 30/11/2021