

**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: 2021/62/93959/W

Site Address: 39, Hazel Grove, Cowlersley Lane, Linthwaite,
Huddersfield, HD7 5TQ

Description: Erection of single storey rear and side extension and
rear dormer 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: 15-Dec-2021

Officer Report

Site Description

2021/93959 – 39, Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ

No. 39 is an end-terraced, two storey dwellinghouse, mainly faced in cream render with a front porch in stone hip roofed in slate and red brick showing to base at rear elevation. The host property has a blue slate gable roof. To the front is a hardsurfaced area bounded by stone wall providing off street parking for one car and to the side, a Private Right of Way gated access to the rear. To the rear garden is a small, detached outbuilding/shed, flagged area and lawned outside amenity area. The ground level falls from northwest to southeast with the rear garden at a lower level.

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

Description of Proposal

Erection of single storey rear and side extension and rear dormer extension

Single storey side extension

The proposed erection of this extension would project 1.3m from the side by 3.35m depth and have a lean to roof ridge height of 3.05m and eaves at 2.4m. it would be set back from the primary elevation by 3.7m. Due to the ground level change the roof ridge height would be 3.8m and 3.2m at eaves approximately to meet the proposed roof ridge height of the single storey rear extension. This would have openings to primary elevation only finished with stone cill and lintel detail to similarly match host fenestration

Single storey rear extension

The proposed erection of this extension would project 3m from the rear and 6.25m width. Its lean-to roof would have a roof ridge height of 3.8m and 2.6m

eaves height from ground level. Openings are to rear only with two rooflights to the rear roof elevation.

The ground floor extension would serve a utility room at front and then towards the rear, a W.C and kitchen opening up the dining room.

Flat roofed dormer extension to the rear

The dimensions of this extension would be 2.15m projection from the roof plane, 3.6m width and 1.7m height. Openings are to rear elevation only. It would be set back 0.9m approximately from the eaves, set down 0.35m from the roof ridge height and set in both sides from the roof perimeter approximately 0.7m. The volume added would be 6.58 cubic metres. This would add a bedroom to the property rendering it to be a three-bed property.

Materials proposed are cream render to wall elevation, grey pvc board cladding to dormer cheeks and concrete tile to the extension roof.

History of negotiations/amendments received

The case officer considered the application on review and sought clarification on materials proposed.

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: 24/11/2021

One representation have been received; a summary of the comments received is set out below:

- No Objections raised

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Environmental Health – Site is on potentially contaminated land due to its proximity to a landfill site (site 415/9). Contaminated land conditions are recommended.

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. This site is bordering a Bat Alert layer, within a Historic Landfill zone and not in a Coal Risk area.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 53 – Contaminated and unstable land

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

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, and Principle 7 – Outdoor space of the 'House Extension and Alterations SPD' is relevant.

The single storey side extension is of minor, small scale projection from the side elevation of the host aiding in the extension’s scale appearing subservient to the two-storey main dwelling. Due to it being single storey and retaining a separation distance to boundary of 1m the proposal is considered to be subservient to the host property.

The single storey rear extension is having a 3m projection from the rear bis considered to be a small-scale addition to the host property which is subservient.

Both extensions would have a new lean-to roof joining with a hip roof finish which would also be considered to be a subservient and small scale alteration. The side extension would be viewed from the highway screening the single storey rear extension, faced in cream render which matches the host dwelling materials whilst retaining the original stone cladding to the porch similar to neighbouring properties in the terrace; existing examples of similar schemes demonstrate that the proposed would have an acceptable visual impact on the streetscene.

It is acknowledged that the roof material of the extension differs from the blue slate tile of the host however the visual impact of this would be mitigated by the minor projection of the side extension considerably set back from the primary elevation and have the main extension roof material to the rear screened by the host dwelling and on balance it is considered it would be unreasonable of the LPA to insist upon blue slate to the roof.

The proposed flat dormer would be to the rear, relatively small scale set in from the roof perimeter. The materials would similarly match the blue slate enough to harmonise with the existing roof form and it is considered this element of the scheme is subservient in its design and would not have a significant visual impact.

The proposal would also 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, principles 1 and 2 of the 'House Extensions and Alterations SPD' and policies within chapter 12 of the NPPF.

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 and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 38 (northwest), No. 41 (southwest), and No. 37 (northeast). To the rear of the property is a plot of undesignated public green land which appears linked to an informal pathway network connecting surrounding properties.

No. 38

This property is situated 35m distance northwest from the proposed side extension to its habitable windows, which would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 41

This property has a single storey side extension with no windows facing and both properties have a window to their first floor of the host dwelling set at different positions in relation to each other. The proposed single storey side and rear extension would not have any windows facing the property. Its lean to roof form on the single storey extensions with the retained boundary separation distance of 1m would aid in reducing its impact and it is considered it would not be significant in terms of being overbearing or leading to unacceptable levels of overshadowing

The dormer would only add a modest increase in the cubic volume of the roof and would not be regarded as having a significant impact on increasing the bulk and massing of the existing aided by its set in position from the boundaries of the rear roof elevation and its position to the northeast of No. 41. In addition the dormer would have its outlook from the new opening facing out to the garden and no direct views into the residence, given the current overlooking relationship of rear elevation windows this is not expected to significantly change the these properties existing relationship with regard to overlooking or privacy.

No. 37

The side extension would be screened by the bulk and massing of the host. The rear extension would project a modest 3m from the rear elevation and while set close to the boundary with a set back of 0.4m. The extension's position to the southwest of the property would have restricted impact on overshadowing bearing in mind the orientation of the surrounding two storey property No. 41 and the two-storey terraced row of houses in which the property sits between. No. 37 is set lower in the ground in relation to No. 39 and the rear extension however considering the projection, height and lean to roof design the proposal is not considered to lead to unacceptably overbearing development or unacceptable levels of overshadowing / overlooking.

In addition the dormer would have its outlook from the new opening facing out to the garden and no direct views into the residence, given the current overlooking relationship of rear elevation windows this is not expected to significantly change the properties existing relationship with regard to overlooking or privacy. The dormer would only add a modest increase in the cubic volume of the roof and would not be regarded as having a significant impact.

The proposal is therefore considered to be acceptable and would not lead to an unduly overbearing development and is not considered to lead to significant levels of overshadowing or overlooking. The proposal is therefore concluded to accord with policy LP24 of the Kirklees Local Plan, principles 3,

4, 5 and 6 of the House Extensions and Alterations SPD and policies within chapter 12 of the NPPF.

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 add one bedroom intensifying use and currently benefits from one off street parking space, given the site constraints, it would not be feasible to add any more off-street parking. Considering the street, it is wide enough to allow two cars to pass when two cars are parked either side and therefore on balance 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 bordering 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.

Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site falls within the outer boundary of a Historic Landfill area and therefore some increased risk of outgassing and contamination, a condition has been placed to enable this development to proceed with the proviso that should any contamination be found, this should be assessed appropriately being cleared by the Local Planning Authority before development recommences to ensure safety.

Strategic Green Infrastructure Network

The site is situated within the Network and given the limited nature of the development proposed, it is not considered that specific biodiversity mitigation measures are required to facilitate this development.

6 – Representations:

One representation had been received offering no objections.

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: 2021/93959

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, 12 & 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 of the extension hereby approved shall in all respects match those used in the construction of the external walls of the existing dwelling. The external tiles of the roof of the extension hereby approved shall be constructed from dark grey concrete tiles or slate to match the existing dwelling. The external materials use in the construction of the dormer cheeks and face shall be a dark grey colour finish. The materials and colour finishes approved by this condition shall be thereafter retained.

Reason: In the interests of visual amenity 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. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought

into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183, 184 and 185 of the National Planning Policy Framework.

FOOTNOTE:

All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.

NOTE: The site is bordering 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 - Grouped Plans and Elevations	Existing Layouts and Elevations. Job No. AC 21. Drawing No. 01. Revision: -.	-	18/10/2021
Plans - Grouped Plans and Elevations	Proposed Layouts and Elevations. Job No. AC 21. Drawing No. 02. Revision: -.	-	18/10/2021

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:

08/12/2021
