

**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: 2021/62/94121/W

Site Address: Plains Cottage, 63, Marsden Lane, Marsden,
Huddersfield, HD7 6AF

Description: Demolition of existing conservatory and erection of
single storey front and side extensions and exterior
alterations

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: 21-Dec-2021

Officer Report

Site Description

2021/94121 Plains Cottage, 63, Marsden Lane, Marsden, Huddersfield, HD7 6AF

The application site relates to a detached bungalow on an elevated position to the highway within a large garden corner plot with a shared driveway access with its neighbouring property No. 65 to the northwest. It is faced with artificial stone (brick coursing) and concrete tile. Solar panels are to the southeast roof elevation. Gardens are to front, side and rear. The property benefits from a conservatory to its side elevation (southwest) and a detached garage. It is within a residential area of a mix of architectural styles and materials and to the northeast is an active railway line.

It 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

Demolition of existing conservatory and erection of single storey front and side extensions and exterior alterations

Single storey side extension

It is proposed to demolish the conservatory to the southwest and to replace it with a single storey side extension with a pitched roof set back 0.8m from the primary elevation of its front projection. It would have the dimensions of:

4.055m projection from the side elevation x 4m depth and a roof ridge height of 3.95m and eaves of 2.6m measured from ground level.

Openings proposed would be to the front, rear and southwest side elevation with three rooflights to the southwest roof elevation. New windows would have a stone cill to harmonise with the existing. This would be constructed with

matching stone and concrete tile to the host dwelling's materials and would serve a living room. It would be set back 3.35m from the rear elevation.

Single storey front extension

It is proposed to have a flat roofed front extension to its south east elevation and projecting 1.8m from the primary elevation x 1.5m width x 2.65m height to eaves. Openings proposed are to front only at its southeast elevation and would serve an ensuite. The roof would have a rooflight.

Other alterations

Three rooflights would be inserted to the northwest roof elevation of the host.

To the northwest elevation, a door and large window will be infilled to have two small windows spaced apart and a new doorway would be created where a window is with some infill using artificial stone. New windows would have a stone cill to harmonise with the existing. This would serve a kitchen/dining room with utility and a bathroom.

Internally the room layout would be reconfigured to add an additional bedroom rendering the property a three bed.

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: 10/12/2021

No written representations have been received.

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 – Potential for contamination due to a former landfill site 250m at Manchester Road (site ref: 104/14). Condition recommended to protect public safety if contamination found.

- Network Rail Infrastructure – Confirms no observations to make.

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 bat alert layer and not within a Coal risk area.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity

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

Supplementary Planning Documents

- House Extensions and Alterations SPD

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, Principle 7 – Outdoor space and Principle 8 – Energy efficiency, of the 'House Extension and Alterations SPD' are relevant. The single storey side extension would be set back from the front projection of the host, have a roof design that would harmonise well with the existing roof matching in height with the front projection but still be set down from the host roof ridge height aiding in the extension’s scale appearing subservient to the

main dwelling. The width of the side extension would be 0.5m less than the width of the original front projection and compared to the width of the host would appear to aid in subservience of the host.

The extension to side would replace an existing conservatory, and is considered to be of a higher standard of design than the structure which it would replace.

The small-scale front extension would have a new flat roof set at the same eaves of the host dwelling and be of minor width and depth which would also be considered to be a subservient and small scale alteration. The rear elevation alterations would not be viewed from the highway at certain angles and would be considered minor alterations aided by the harmonised design cill detail to the existing window stone cills.

Existing examples of similar schemes demonstrate that the proposal would have little visual impact on the streetscene aided by its set back position and elevation to the highway. 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 and it is concluded 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, 2 and 7 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. 65 (northeast), No. 42 (southwest) and No. 70, 72 and 74 (southeast).

No. 65

The proposed side extension's bulk and massing would be screened by the host dwelling. The alterations to the rear elevation would overlook the railway and not No. 65. The single storey front extension would have no windows facing this neighbour and No. 65 has no windows facing either; the size and scale of the front extension set at the eaves level of the host aided by the

16.5m separation distance south west of the property would ensure no detrimental overbearing, overshadowing or overlooking impact to this property would occur.

No. 42 Grange Avenue

The proposed single storey side extension would have windows facing this property separated by 19.5m approximately which would be a reduction in glazing compared to the conservatory to be demolished and also would face a boundary wall, green screening and No. 42's windowless side elevation. The front extension would be screened from view by the bulk and massing of the host dwelling. The alterations to the rear would not be viewed by the property and for these reasons the proposal would ensure no detrimental overbearing, overshadowing or overlooking impact to this property would occur.

No. 70, 72 and 74

The proposed front and side single storey extensions would face those properties with windows however the separation distance of 45m approximately would ensure that no detrimental overbearing, overshadowing or overlooking impact to this property would occur.

It is therefore concluded that the proposal is acceptable in terms of impact upon the residential amenity of neighbouring occupiers, in accordance with policy LP24 of the Kirklees Local Plan, principles 3, 4, 5 and 6 of the House Extension and Alterations Supplementary Planning Document 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 not adversely affect the existing parking spaces within the site. It would intensify use however as 3 off street parking spaces would remain it is considered that the proposal would be acceptable in this regard.

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 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.

It is acknowledged that the site is within proximity to a former landfill and considered of low risk, the recommended condition upon any discovery of unforeseen contamination should satisfy any issues with public safety to allow the scheme to proceed.

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: 2021/94121

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 and 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 single storey southwest side extension and the external walls of the single storey front extension and southwest elevation with the infill sections to the northwest rear elevation 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 to accord with Policy LP24 of the Kirklees Local Plan, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within chapters 2 and 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they

ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

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: 036-21-PL03. Revision: A.	A	28/10/2021
Plans - Grouped Plans and Elevations	Existing Floor Plans, Elevations and Site Plan. Drawing No. 036-21-PL01. Revision: -.	-	28/10/2021
Plans - Grouped Plans and Elevations	Proposed Floor Plans, Elevations and Site Plan. Drawing No. 036-21-PL02. Revision: A.	A	28/10/2021

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: 13/12/2021