

**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:** 2021/62/94151/W

**Site Address:** 5, Acorn Croft, Fenay Bridge, Huddersfield, HD8 0GE

**Description:** Erection of single storey rear extension and attached garage

**Recommending Officer:** John Holmes

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 07-Jan-2022**

## **THE SITE**

The site relates to a recently constructed dwelling which is located in a residential area with properties of a similar type and design located to the south and west of the site. To the north and east of the site are properties which are older and of varying type and design.

Access is taken from Acorn Croft which is a private road that takes access from Station Road which rises from west to east. The site is level.

## **THE PROPOSAL**

The applicant is seeking planning permission for the erection of a single storey rear extension and attached garage

The proposal would see a single storey extension to rear which is 3m to the eaves and 3.65m to the topmost part of the roof. The single storey rear extension is of a lean to roof design with a projection from the rear elevation of the host property of 1.4m.

The garage to side has a height of 2.6m to the eaves and 4.4m in height to the topmost part of the roof. The garage is of a gable roof design.

## **PLANNING HISTORY**

Relevant planning history for this site is summarised as follows:-

- 2021/92674 – Work to TPOs 44/76 – Granted 17<sup>th</sup> August 2021
- 2020/90529 – Work to tree TP 44/76 – Part granted / Part refused 11<sup>th</sup> May 2020
- 2012/91694 – Erection of one detached dwelling – Approved 16<sup>th</sup> August 2012

This consent is subject to two conditions (conditions 11 and 12) which restrict permitted development rights for the construction of structures / buildings within an area which may affect protected trees and also restricting the insertion of openings be inserted within side elevations of the dwelling.

- 2008/91859 - Demolition of existing dwelling and erection of 5.no dwellings with garages – Approved 11<sup>th</sup> July 2008

This consent is subject to condition (no.13) removing permitted development rights for the construction of buildings / structures.

- 2007/91064 – Demolition of existing dwelling and erection of 6.no dwellings with garages – Approved 16<sup>th</sup> May 2007

## **PUBLICITY & REPRESENTATIONS**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. No third party representations have been received.

## **CONSULTATIONS**

Arboricultural Team (Kirklees Council) – No objection

Kirkburton Parish Council – States they have no comment to make

## **ALLOCATION & POLICIES**

The site is unallocated in the adopted Kirklees Local Plan the site does fall, within an area known to be at risk of ground movement as a result of former mining activity as identified by the Coal Authority, an area with a known presence of Radon Gas and an area with a known presence of Bats.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Ecology
- LP33 Trees

### *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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

-

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change  
Chapter 16 – Conserving and enhancing the historic environment

### *Supplementary Planning Guidance*

House Extensions and Alterations SPD (June 2021)  
Kirklees Highway Design Guide (November 2019)

### **Legislation**

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

The Conservation of Habitats and Species Regulations 2017

### **ASSESSMENT**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Impact upon Trees / Ecology
7. Impact upon Land Stability
8. 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, the principle of extending the existing dwelling to the rear and side is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

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.

The host property is a large detached dwelling, the proposals are to the rear and side and are single storey, as such it is considered the proposed extensions constitute subservient additions in relation to the host property.

The garage is over 1m from the side boundary with Station Road, and pedestrian access to the rear of the property is already in place to the other side boundary (with no.4).

The design and siting of the proposed extensions is considered to be such that the extensions would be in keeping with the character and visual amenities of the host property and wider street. It is recommended that any grant of permission be subject to condition requiring the materials of construction to match those used in the construction of the existing dwelling.

It is therefore considered that, subject to condition, in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and policies contained within chapter 12 of the National Planning Policy Framework.

## **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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.

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The proposal would not significantly reduce outdoor space associated with the dwelling, and is therefore not considered to constitute overdevelopment of the site.

The extensions are to the side and rear and both beyond the northern side elevation of the host property, the proposed additions would not lead to overshadowing of neighbouring occupiers by cutting a 45 degree line when taken from the centre of the eill of neighbouring properties.

Furthermore, the proposals are single storey and the host property is set down from Station Road and the dwelling to the east of the site. As such it is considered it would have a minimal impact to neighbouring occupiers in terms of being oppressive / overbearing.

The proposal would not introduce openings to the northern elevations and would not protrude beyond the front and rear plane of the host property where openings are proposed within the extensions, as such it is considered that the proposal would have a small-scale impact in terms of overlooking and is therefore considered to be acceptable in this regard.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

#### **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 may not be able to accommodate larger vehicles, notwithstanding this point it is noted that space for in excess of three cars is already in place to the front of the site, as such it is considered that the parking provision at the site would not be reduced significantly. As such the proposal is considered to be acceptable in terms of parking provision which would remain in place.

Given the scale of the development it is considered there would not be a significant impact upon highway safety as a result of the development.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan and Principle 15 of the Council's Highway Design Guide.

## **5 – 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 12<sup>th</sup> 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. The extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change.

## **6. Impact upon Trees / Ecology**

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, Policy LP33 seeks to protect mature trees.

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 Council’s Arboricultural Officer advises that protected trees adjacent to the property are far enough from the proposals as to be unlikely to be affected. They confirm they therefore have no objection to the development.

Whilst the site is within an area with a known presence of bats, given the distance of the proposal from trees which may be used for foraging, and the modern construction of the host property, as well as the fact the roof of the host property would be unaffected, it is considered the proposal would not have a significant impact upon protected species’.

The proposal is therefore concluded to accord with the aforementioned policies / legislation.

## **7 – Impact upon Land Stability**

LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at risk of ground movement as a result of past mining activities as determined by the Coal Authority. Notwithstanding this point, given the scale / nature of the proposal it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

## **8 – 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:** 2021/94151

**Officer Recommendation:** Approve

### Conditions

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 (as amended).

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, adopted Highway Design Guide and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained for the lifetime of the development.

**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.

Plans and specifications schedule:-

| Plan / Document Type                                 | Reference | Version | Date Received                 |
|------------------------------------------------------|-----------|---------|-------------------------------|
| Application form                                     |           | -       | 1 <sup>st</sup> November 2021 |
| Site Layout as Proposed                              | SL02      | -       | 1 <sup>st</sup> November 2021 |
| Ground Floor Plan<br>Single Storey Rear<br>Extension | PD03      | -       | 1 <sup>st</sup> November 2021 |
| Ground Floor Plan<br>Garage                          | PD04      | -       | 1 <sup>st</sup> November 2021 |
| Rear Elevation                                       | PD05      | -       | 1 <sup>st</sup> November 2021 |
| Gable Elevation                                      | PD06      | -       | 1 <sup>st</sup> November 2021 |
| Front Elevation                                      | PD07      | -       | 1 <sup>st</sup> November 2021 |

| <b>Plan / Document Type</b> | <b>Reference</b> | <b>Version</b> | <b>Date Received</b>          |
|-----------------------------|------------------|----------------|-------------------------------|
| Location Plan               | LP01             | -              | 1 <sup>st</sup> November 2021 |
| Existing Site Layout        | SL01             | -              | 1 <sup>st</sup> November 2021 |
| Existing Ground Floor Plan  | PD01             | -              | 1 <sup>st</sup> November 2021 |
| Existing Elevations         | PD02             | -              | 1 <sup>st</sup> November 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 5<sup>th</sup> January 2022

Coal – high