

**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:         | <b>2021/62/94203/W</b>                             |
| Site Address:         | 98, Waterloo Road, Waterloo, Huddersfield, HD5 0AE |
| Description:          | Erection of single storey side extension           |
| Recommending Officer: | Hubert Lam                                         |

**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: 26-Jan-2022**

## DELEGATED REPORT

|                             |                                                                                                                        |                    |             |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|
| <b>Application No:</b>      | 2021/62/94203/W                                                                                                        |                    |             |
| <b>Proposal:</b>            | Proposed erection of single-storey side extension                                                                      |                    |             |
| <b>Site Address</b>         | 98, Waterloo Road, Waterloo, Huddersfield, HD5 0AE                                                                     |                    |             |
| <b>Applicant/ Agent</b>     | Mr & Mrs M Walsh / Heneghan Architecture, 20 Huntsman's Close, Beaumont Park, Huddersfield, HD4 7BR                    |                    |             |
| <b>Valid Date</b>           | 10 Nov 2021                                                                                                            | <b>Expiry Date</b> | 02 Feb 2022 |
| <b>Case Officer Details</b> | Name: Mr Hubert Lam<br>Job Title:<br>Email: <a href="mailto:Hubert.Lam@kirklees.gov.uk">Hubert.Lam@kirklees.gov.uk</a> |                    |             |

### Introduction

The proposal relates to a two-storey semi-detached dwelling, the site of which is within a residential area and Flood Risk Zone 2 and a Hazard Sites Outer Zone as defined by the Health and Safety Executive.

### Description of the Proposals

The application seeks planning permission for the proposed erection of single-storey side extension, to 98 Waterloo Road.

### Planning History

**Reference Number:** 2004/62/90242/W2

**Description:** ERECTION OF DETACHED DOUBLE GARAGE

**Status:** CONDITIONAL FULL PERMISSION

**Reference Number:** 90/62/03444/B2

**Description:** ERECTION OF DETACHED GARAGE

**Status:** CONDITIONAL FULL PERMISSION

### Planning Policy & Legislation

The site falls within flood zone 2 as identified by the Environment Agency and also upon the Council's adopted Strategic Flood Risk Assessment. The site also falls within an area with a known presence of radon gas and also with a known presence of Bats and swift birds.

The site is in an area at low risk of ground movement as a result of former mining activity, and is within an outer zone as identified by the Health and Safety executive.

## National Planning Policy and Guidance

National Planning Policy Framework (revised 2021)  
National Planning Practice Guidance (2014)

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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change

## Kirklees Local Plan (2019)

- LP1 Achieving Sustainable development
- LP2 Place Shaping
- LP7 Efficient and effective use of land and buildings
- LP24 Design
- LP27 Flood Risk

## Relevant Supplementary Planning Documents and Guidance

Kirklees House Extensions & Alterations SPD (adopted June 2021)  
Kirklees Housebuilders Design Guide SPD (adopted June 2021)

## **Consultee Responses**

|                            |                                   |
|----------------------------|-----------------------------------|
| Lead Local Flood Authority | No comment                        |
| Health & Safety Executive  | No advice against / No objections |

## **Public Responses**

### Neighbour Notification

|                               |    |
|-------------------------------|----|
| Number of Neighbours Notified | 11 |
| Number of Objections          | 0  |
| Number of Support             | 0  |
| Number of General Comments    | 0  |

### Notices

Site Notice posted on 10 Nov 2021.

Press Notice not required.

Summary of Responses:

No responses received.

**Appraisal**

Principle

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 is acceptable and shall be assessed against the applicable material planning considerations within the following report.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained, while Principle 14 calls for proposals to ensure that flood risk would be appropriately addressed and mitigation measures be applied whenever necessary to secure a high degree of safety and sustainability.

The main considerations in assessing the proposal are the location of the site, the design quality and sustainability, the possible and likely impact on visual and residential amenity of the proposed extension and alterations upon the existing house, and that to its wider surroundings of the street scene, as well as the potential flood risk impact.

The applicable and relevant Development Plan Policies include Policies LP1, LP2, LP7, LP24, and LP27 of the Kirklees Local Plan. These provisions align closely with the National Planning Policy Framework (NPPF), which seeks for planning to secure sustainability through good quality design and a high standard of amenity. The Kirklees House Extensions & Alterations SPD also gives specific guidance on good quality design and sustainability which are assessed in the following report.

Subject to the proposal being considered an acceptable design, it is considered the proposal can be considered acceptable in principle.

### *Visual and Residential Amenity*

The application site is in the district of Waterloo and within a residential area; the host property is a two-storey semi-detached dwelling accessed by Waterloo Road to its southwest-facing front principal elevation. The proposed works would involve the removal of the existing side porch, and the erection of a side extension extending 3.3m from the existing side elevation, with a length of 6.9m, in-line with the rear (north-east) elevation, and slightly set back on the principal (south-west) elevation, with a lean-to roof section 3.7m at the ridge and 2.6m at the eaves. The proposed extension would be constructed with materials matching in external appearance to blend into its existing built fabric.

It is considered the proposal constitutes a subservient addition to the host property and would not be out of character with the dwelling or wider street scene given its design and siting.

Due to its location, layout, and separation from the nearest neighbouring properties, the proposed extension would not pose any significantly greater impact on the shading, privacy, and residential amenity, would not significantly detract from the character and the streetscape of Waterloo Road, and would not pose a significant detrimental impact on privacy and residential amenity in this respect.

It is recommended any grant of permission is subject to condition requiring the materials of construction to match those used in the construction of the original dwelling.

As such, the proposed extension would accord with Section 12 of the NPPF, Policies LP1, LP2, LP7, and LP24 of the Local Plan, and the specific guidance on sustainability and design as described by the Kirklees House Extensions & Alterations SPD.

### Access & 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 not reduce parking provision at the site and would provide further living accommodation rather than increase the number of bedrooms within the property. As such it is considered the proposal would not have a significant impact in terms of access and highway safety / parking provision.

### Flood Risk

Due to the location of the application site within a Flood Risk Zone 2, a Flood Risk Assessment has been submitted in conjunction with the application to further demonstrate that the development would be safe during its lifetime, and that the flood risk would be appropriately assessed and addressed. The proposed single-storey side extension would maintain a floor level at 300mm above ground, identical to the existing main house and sufficient in responding to the flood risk at the calculated levels, with a scale and configuration that would not significantly increase its flood risk when compared with that of the existing main house. As such, the proposed mitigation strategy and methods would be proportionate to the scale of the proposed development and would therefore accord with Policy LP27 of the Local Plan, and Chapter 2 of the NPPF, and Key Design Principle 14 of the Kirklees House Extensions and Alterations SPD.

### Hazard Site Development

Due to the location of the application site within a Hazard Site Outer Zone, the Health and Safety Executive has been duly consulted to further assess the potential and likely risks incidental to the proposed development. Having reviewed the proposal with regard on safety grounds, the HSE have not advised against the proposal, and have not raised any objections. As such, the proposed side extension would not significantly increase the safety risks at its location within a Hazard Site Outer Zone.

### Bats

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.

### Sustainability

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 predates 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.

Considering the scale and nature of the proposed development, especially that it is for private use, and requirements in terms of insulation of the extension in order to gain building regulations approval it is considered that the proposed development would not have an impact on climate change that needs further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

### Conclusion

Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposed works, in isolation and aggregate, would not bear any significant detrimental impact to the residential and public amenity of the house or its residential setting. Regarding all these elements, the proposal represents an appropriate form of development both upon the house and its associated structures and its surroundings, and therefore to withhold planning permission would be unreasonable.

### **Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions / Reasons

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

**Reason:** To comply with 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:** In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, LP7, LP24, and LP27 of the Kirklees Local Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the adopted SPD on House Extensions and Alterations and Policies within Chapters 2 and 12 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 LP1, LP2, and 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:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

### **Schedule of Plans and Specifications**

| <b>Plan Type</b>                    | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-------------------------------------|------------------|----------------|----------------------|
| Location Plan                       | 2021/94203       |                | 08 Nov 2021          |
| Proposed Elevations                 | 21112-04A        |                | 08 Nov 2021          |
| Proposed Floor Plans and Block Plan | 21112-03A        |                | 08 Nov 2021          |
| Flood Risk Appraisal                | 21112            |                | 08 Nov 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.

**Date of Report:** 25 January 2022