

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:	2021/62/94396/W
Site Address:	109, Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR
Description:	Erection of two storey rear extension and increase in roof height
Recommending Officer:	Tom Hunt

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: 28-Jan-2022

Officer Report

Site Description

2021/94396 – 109, Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR

This application relates to a two storey mid-terraced property faced with natural coursed stone and blue slate tile roof. The site is on sloping ground falling from west to east and its neighbouring property to the west has a higher roof ridge height, the second east property has its roof ridge height dropped to follow the topography of the road.

There is a driveway to the front sufficient to park two cars off street, a shared covered passageway to the rear and a rear garden with small, detached sheds. There is a shared underpass to the rear garden shared between No.s 109 and 111.

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. To its north is undesignated green space.

Description of Proposal

Erection of two storey rear extension and increase in roof height

Two storey extension

It is proposed to erect a two-storey rear extension which would have a gable roof. It would be faced in natural local stone coursing and blue slate tile. This would be set down from the new roof ridge height by 0.7m

Dimensions:

3m from rear elevation x 5.15m width x roof ridge height of 6.9m and eaves at 5.1m from ground level

The eaves of this would be set lower than the raised eaves of the roof at the rear elevation. This would be to serve an expanded kitchen/dining/family space at ground floor and two bedrooms to the first floor. Openings are to rear only.

Roof ridge height increase

This would have an increase of approximately 0.4m in height which would match with the roof ridge at 7.8m and eaves height at 5.75m of the neighbouring property No. 107 at the primary elevation. From the rear, the eaves height would be increased to match No. 107's eaves at 5.5m.

Blue slate tiles would be relaid from the existing roof and natural stone will be used to face the increase in wall height. At the front, the guttering would be aligned with No. 107 and would run through to No. 111. At the rear, the

guttering at the raised eaves height would have the runoff falling to the guttering of the extension and to No. 111; the water from the guttering would fall from No. 107 to the two storey rear extension and fall to No. 107.

Other Alterations

To the front roof elevation, two velux rooflights would be fitted. To the rear outside amenity space, a flagged area is set out on plans which is existing and would be unchanged with steps to the garden.

Internally the property would add a new bedroom rendering it a 4 bed property and rearrange layout.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

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: 05/01/2022

No 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 – No objections, precautionary condition applied trigger by discovery of unexpected contamination during works.

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 High Coal Risk Area, a Historic Landfill Buffer 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**
- **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 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.”

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' is relevant. The proposed raised roof ridge height would be modest and viewed as a small scale alteration/alignment with its neighbouring property's own roof ridge height being set higher than the site on sloping ground. The alteration would be situated within a terraced row of which others on the same street have a declining stepped roof design as the highway falls and would not appear out of keeping in the streetscene.

The two storey rear extension would be set down from the host dwelling's own increased roof ridge and be full span width and projection in line with advice provided by the adopted 'House Extension and Alterations SPD' aiding in the extension's scale appearing subservient to the main dwelling and of appropriate design. The rear extension would not be viewed from the highway, would be constructed from materials which match the host dwelling materials and existing examples of similar schemes demonstrate that the proposed would have little visual impact on the streetscene. The design of the roof would harmonise well with the existing roof.

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 and 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 and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 107 (west), No. 111 (east) and No.s 70 and 72 (south).

No. 107

This property is located to the west of the proposal. It has no rooflights to the rear or front roof elevations to be overshadowed. It has a higher position to No. 109 and so its rear elevation windows are staggered in relation to No. 109's windows at the rear. It is acknowledged that as the proposal would be constructed up to the boundary of no.107 where windows are located in the rear elevation. It is acknowledged that the proposal would not meet the 45° guideline set out in the adopted 'House Extension and Alterations SPD'. However given that the extension is to the north the proposal would not lead to a detrimental overshadowing impact. In terms of overbearing whilst slightly short of the 45° rule it is considered that the proposal would not be significant detrimental to the amenity of no.107. There would be no windows to the side elevations overlooking.

The rear patio area is an existing feature and would not change the pre-existing relationship between neighbours with regards to privacy and overlooking. It is also noted that no representations have been received. The change in eaves height and guttering arrangements may potentially have a minimal amount of surface water run off to No. 107, a footnote has been included to ensure that guttering should not overhang third party land to mitigate the impact.

On balance the proposal would ensure that it would have acceptable impacts towards overshadowing and overbearing to the neighbour and no impact on overlooking.

No. 111

This property is located to the east of the extension. The property itself has no rooflights to the rear or front roof elevations to be overshadowed to the roof. It benefits from a rear conservatory extension, it has some additional separation distance between properties at ground floor level from the shared passageway to the boundary and a shared timber boundary fence that is approximately 1.8m height. It has a lower position to No. 109 and its rear elevation windows is aligned with No. 109's windows at the rear.

It is acknowledged that the proposal would not meet the 45° guideline set out in the adopted 'House Extension and Alterations SPD'. However from visiting site there is the likely probability that the adjacent window at the first floor serves bathroom with the ground floor occupied by a conservatory. The bathroom window is not habitable and any impact would not be detrimental. In

addition given that the extension is to the north the proposal would not lead to a detrimental overshadowing impact. There would be no windows to the side elevations overlooking.

The rear patio area is an existing feature and would not change the pre-existing relationship between neighbours with regards to privacy and overlooking. It is also noted that no representations have been received.

On balance the proposal would ensure that it would have restricted impacts towards overshadowing and overbearing to the neighbour and no impact on overlooking.

No.s 70 and 72

With regard to both properties to the south, the only visible element of the proposal would be the raised roof ridge height and the rooflights to the front roof elevation. However given the 29m separation distance achieved the proposal would not be detrimental.

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 to be a 4 bed property. The Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 4 plus bedroom dwelling, it is advised that it should have three off street parking spaces.

The site already benefits from a paved front garden which can provide two off street parking spaces and whilst 3 is ideal it is considered to be sufficient for the scheme proposed in addition for potential on street parking for visitors.

5 – Other matters:

Climate Change

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.

In addition, Principle 8 – Energy efficiency and Principle 9 – Construction materials, of the adopted 'House Extension and Alterations SPD' is relevant.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The re-use of roofing materials will serve to reduce impacts on sustainability, the use of natural stone and blue slate to the extension and to the property itself would have low embodied carbon materials and those would suitably comply with Principle 9. The addition of roof lights to the south roof elevation of the property would aid in increasing solar gain and daylighting which would aid in reducing energy bills and comply with Principle 8.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area and would disturb existing eaves, the proposals are relatively modest on a well-sealed roof and separated from woodlands. 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: 2021/94396

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan and guidance in the House Extensions and Alterations SPD.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the House Extensions and Alterations SPD.

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: In the interests of public safety and to comply with LP 53 of the Kirklees Local Plan.

NOTE:

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 applicant is reminded that all guttering should ensure that it does not overhang third party land in order to avoid potential adverse impacts of rainfall/guttering run off into the neighbouring land.

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.	-	23/11/2021
Plans - Grouped Plans and Elevations	Planning Drawing. Drawing Number: 2021/048/02. Revision: -.	-	23/11/2021

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, the flagged area was clarified as existing.

Report Dated: 19/01/2022