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:	**2021/62/94692/W**
Site Address:	21, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX
Description:	Erection of extensions and alterations, fencing and detached gym/office
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: 14-Apr-2022

Officer Report

Site Description

2021/94692 – 21, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX

This application relates to a two storey, semi-detached dwellinghouse constructed of stone with tiled hipped roof. It has an original lobby side projection, set back 2.15m from the primary elevation and an original two storey side projection with hipped roof set back 3.4m and extending 2.15m from the side elevation; at its widest it is approximately 8.35m. It benefits from a rear outrigger projecting 4.5m and 2.1m width with a shared party wall to its paired neighbour.

To its front, there is soft landscaping and a driveway 6m depth by 5m width forward of its primary elevation. The driveway extends to the side of the host leading to a detached garage with internal dimensions of 3m by 5.9m approximately. It is part bounded by low cast stone walls and topped by black metal fencing to the front with black metal gates. It is fenced otherwise to the side and rear boundary of the plot.

The host benefits from a detached sun house which is to the rear boundary of its garden which sits on hardstanding. and the rear garden is predominantly hard surfaced. The rear garden has trees along its boundary and is adjacent to Urban Green Space designated land titled: Ashbrow J I & N Schools & Bradley Boulevard Allotment, Sheepridge.

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

Erection of extensions and alterations, fencing and detached gym/office

Two storey side extension
The proposal seeks to subsume the existing two storey side projection and the single storey lobby to have a two-storey side extension set back from the primary elevation by 0.5m and the host's hipped roof down by 0.1m.

The proposed dimensions are:

> 4.5m projection from the side x 7.35m depth with a bay window projection projecting 0.5m from the primary elevation and 1.6m width.

This would serve an extended lobby and a sitting room at the ground floor. To the first floor it would have an additional bedroom and a jack and jill ensuite. The attic is to be converted to provide accommodation to the roof with two additional bedrooms, ensuites and wardrobing room to each bedroom which

would render the dwellinghouse to be doubled to a 6-bed property from a 3 bed.

Openings proposed are to primary and rear elevations only for the side extension. A 0.6m gap would be retained to the side boundary.

Single storey rear extension
This is proposed to project 3m from the rear elevation and be 6.15m width. It would have a lean-to roof form, with a roof ridge height of 3.75m and eaves at 2.5m. The roof would extend over the current single-storey projection and leave the remainder of the projection's flat roof visible.

This would serve to extend the kitchen at ground floor.

Window openings proposed are to rear only with no side windows confirmed by floor plan and elevation plans. New partially glazed door openings would be on the southeast elevation.

Boundary treatment
The plot would be bounded by a 1.4m height timber fence with a new sliding gate to its driveway entrance around the front amenity space and to the southeast elevation.

Gym/Office detached single storey outbuilding
It is proposed to remove the existing sunroom to erect an outbuilding to the rear boundary of the garden which would be positioned 1.85m away from the closest northwest neighbouring boundary line and to be 8m width and 3.95m depth. Its hipped roof ridge height would be 3.6m and eaves would be 2.4m in height from ground level.

Openings proposed are to front only facing towards the host and none to side or rear elevations of the outbuilding. It would have two skylights to its front roof southwest elevation. The garden would lose almost all its soft landscaping with the insertion of a patio to the fore of the detached outbuilding 1.3m depth and 7.9m width and hard surfacing around the outbuilding.

Alterations to host
Outside of what has been covered internally, the external alterations include three roof lights to the front roof elevation and two to the rear roof elevation.

Parking and bins
This would leave 6m by 5m of driveway space to the fore and bins would be stored to the rear. This would have two off street parking spaces serving 6 bedrooms.

Materials
Materials proposed for the extensions and gym/office would be stone and tile to match the host building with uPVC windows. The boundary fence would be close boarded timber.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the two-storey rear extension, set back the side extension from the side elevation and to have new plans setting out boundary lines accurately with a reduced width outbuilding to meet 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: 10/02/2022.

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

- Incorrect boundary line
- Right to light linked to originally proposed wall
- Incorrect ownership of boundary fence

Officer Note: the Site boundary was correctly set out in the Location Plan, the larger plans had shown the wrong boundary line so this was redrawn and the fence/wall was removed from the plans. This would, in conjunction with the outbuilding being set away from the boundary line and reduced in width, be accepted as responding sensitively to the representation. Any disputes over the boundary line are a private matter and the installation of a boundary fence/wall, if under 2m in height would be permitted development outside of planning control. A footnote has been attached.

The amended plans were not readvertised as they substantially reduced massing and did not add any new detrimental planning material considerations through its re-design.

Consultation Responses

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

- Highways Development Management – Not received at the time of the report.
- Trees – No conditions or mitigation required to insignificant trees/shrubbery. No objections.
- Environmental Health – No objections, advised controls on noise however Officers are satisfied a footnote would be sufficient.

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 but it is bordering a Housing Allocation site (HS14) to the southwest and Urban Green Space (UG44) to the northeast. It is bordering a Bat Alert layer, bordering a Hazardous Material Site and is within a Low 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 33 – Trees**
- **LP 53 – Contaminated and unstable land**
- **LP 61 – Urban green space**

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) 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."

Further, considering the potential impacts on bordering Allocated land designations LP3 and LP61, the proposal would not impinge on those as it is regarded that the proposed development would be limited to the plot boundary of No. 21 and therefore no conflict with LP3 and LP61 would result.

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".

According to design guidance given in the adopted 'House Extension and Alterations SPD' two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- be set back at least 500mm from the front wall of the house.

While it is acknowledged the side extension would take up most space to the side, in this instance, this is mitigated by the set back position, sympathetic hipped roof design and the retained rear access pathway to the garden. The position of the adjacent No. 23 being forward of No. 21 creating a change of

depth in the streetscene, the side extension being of hipped roof form and the pathway would ensure no risk of terracing would result.
The advice given in the adopted 'House Extension and Alterations SPD' states that single storey extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The single-storey rear extension complies with all points and may be considered to deviate slightly with the roof and the retention of a 1m gap to property boundary given the extended lean-to roof form. Officers are satisfied the lean-to design would not add any overshadowing to the neighbouring flat roof projection and the lean-to roof would be considered subservient and not unduly out of keeping using matching roof tiles to form a cohesive design. Officers consider the retention of the flat roof projection a small scale design overhang not affecting the streetscene being to the rear.
Adopted 'House Extension and Alterations SPD' guidance on outbuildings sets out that they should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

Given that the outbuilding is approximately 8m width x 3.95m depth to the host dwelling's original 8.45m width x 7.35m depth and set to the rear being of single-storey construction and designed sympathetically, in this instance, given the reductions in design, the proposed would be viewed as subservient and appropriately scaled. It is clear it would not impact on the streetscene unduly and would retain sufficient space to the garden to avoid overdevelopment of the site.
On balance, 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'.

<u>3 – Impact on residential amenity</u>:

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 adopted 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light, Principle 6 – Preventing overbearing impact, and Principle 17 – Access for all users.

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. 19 (northwest) and No. 23 (southeast).

Considering the impacts on No. 19, the proposed bulk and massing of the extensions would be blocked by the host dwelling's design and the modest, additional massing of the lean-to roof would have restricted shadowing on No. 19's flat roofed rear projection only and not on rear elevation windows. The outbuilding would not have direct views of No. 19's rear elevation windows aided by the green screening to the boundary and set back from the neighbouring line. As such, Officers are satisfied no overlooking, overshadowing and overbearing impacts would result from the substantially reduced proposal.

No. 23 is considerably set forward of No. 21's primary elevation building line and has centred windows to its side elevation to ground and 1st floor and a solid door-way toward the rear of the building on the ground floor, given there are no proposed windows to the new side elevation of No. 21, no overlooking impacts would result. The increased closeness of the side extension would be mitigated by the retention of the rear access pathway, No. 23's windows being centred and forward of the proposed extension, the hipped roof form reducing mass and its position to the northwest would aid in the development of the side extension to be of no detrimental impact on overshadowing and restricted impact on overbearing. The single storey rear outbuilding would still have the shed in between the properties disrupting sightlines, be set back toward the rear boundary and being of no impact on overlooking, overshadowing and overbearing.

On balance the scheme is acceptable for residential amenity under LP24 and Principles 3, 5 and 6 of the adopted 'House Extension and Alterations SPD'.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been

considered along with the KC Highway Design guide. Considering the wider streetscene, there is Ashbrow School on the end of the close with parking, opposite No. 21 is a car park and in addition the road is not a classified road.

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 should have three off street parking spaces. Currently the driveway is single file and the proposed layout sets out a driveway space to the fore is approximately 6m width by 6m depth and would be considered to serve two off street parking spaces. This would be conditioned to ensure that there would be sufficient parking provision with two parking spaces side by side to the front. Considering the remaining landscaped amenity space to the front offering valuable visual amenity, Officers are satisfied that trying to retain this would comply with Principle 15 of the adopted 'House Extension and Alterations SPD' and avoid an already overly dominated hard surfaced streetscene. In addition, a footnote has been attached advising on s.184 arrangements should the kerb need to be dropped in order to protect the pipes below for public safety.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development with the condition applied therefore would not cause additional harm to highway safety.

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.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The extensions and conversion of the attic would serve to increase insulation to the host’s roof and elevations with higher energy efficiency gained through updated building regulations on a circa 1950’s dwellinghouse. The provision of the new parking space would be porous surfaced or designed to run off to soft ground thus avoiding undue impact on drainage and surface water run off.
Biodiversity

Whilst it is acknowledged that the site is located bordering an identified bat alert area, the proposals are relatively modest on a building with a well-sealed roof 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.

6 – Representations:

One representation had been received. Matters were resolved through Officer intervention to avoid impacts and to ensure the boundary lines of the floorplan were reflective of the true boundary shown on the location plan.

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: 2021/94692

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, & 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 extensions and outbuilding 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, principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The enlargement of the drive as set out on Dwg. No. 2133-01shall be provided before the hereby approved extension is first brought into use, the spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and to accord with Principle 14 of the adopted 'House Extension and Alterations SPD'.

FOOTNOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the

construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

FOOTNOTE: The site is located 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	Plans, Elevations and Views as Existing and Proposed. Drawing No. 2133-01.	-	05/04/2022

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 undertook negotiations with the applicant to secure significant amended plans and no

impacts on previously disputed boundaries with a set back from the line and removal of new northwest fence between neighbours.

Report Dated: 13/04/2022