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:	**2021/62/94746/W**
Site Address:	57, Moorlands Crescent, Mount, Huddersfield, HD3 3UF
Description:	Erection of single storey rear extension and rear dormer with external steps and alterations
Recommending Officer:	Hubert Lam

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: 22-Apr-2022

Officer Report

2021/62/94746/W – 57 Moorlands Crescent, Mount, Huddersfield, HD3 3UF

Site Description

The application site is within the suburb of Mount, accessed by Moorlands Crescent and set within a predominantly residential area. The host property is a single-storey semi-detached dwelling constructed in brick and slate, with its principal (north) elevation fronting Moorlands Crescent, front and rear yard/garden areas and a rear outbuilding within its curtilage, the site of which is within a Bat Alert Area and a Groundwater Source Protection Zone.

Description of the Proposals

The application seeks planning permission for the proposed erection of a single-storey rear extension with external steps leading into the rear yard, a proposed rear dormer on the rear (south) elevation, and various associated external and internal alterations, to create a dining room on the ground level and a new en-suite bedroom on the first-floor level respectively.

History of Negotiations

The case officer sought amended plans to reduce the scale of the projection of the proposed development.

Planning History

None.

Representations

The application has been advertised by neighbour notification letters, with amended plans also readvertised. Final publicity expired 02 April 2022. No representations were received.

Consultee Responses

None received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

The most relevant Policies for consideration in this case are:

- LP1 Achieving Sustainable development
- LP2 Place Shaping
- LP21 Highway Safety
- LP24 Design

Relevant Supplementary Planning Documents and Guidance

- House Extension and Alterations SPD

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 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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.

Visual Amenity

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.

The proposed single-storey rear extension as amended would project 3.0m in length from the existing rear (south) elevation, aligning with the existing party wall along the boundary of the semi-detached house with 59 Moorlands Crescent and set away from the boundary at 0.65m, and would utilise the full width of 9.1m of the existing house and a height of 3.0m at the highest point and 2.8m at the eaves, with a flat roof section and 1no rear fully glazed patio doors with external steps leading onto the rear yard, 1no tripartite full height sliding door to its rear (south) elevation, and 1no uPVC window to its side (east) elevation. The proposed construction materials would be matching that of the existing house.

The proposed rear dormer would be of a box design and would be set back from the existing rear roof plane by 0.3m, projecting 2.2m in height, 3.4m in length, and 5.0m in width respectively; it would be stepped down from the existing rear roof ridge by 0.6m, and would be set away from the adjoining semi-detached property by 0.65m at its nearest point, with a resultant cubic capacity of 18.8m^3, proposed 2no uPVC windows to its south (rear) elevation, and materials including grey cladding to match that of the existing front dormer, and roofing materials matching that of the existing house.

It is considered that all these elements of the proposed works as described were designed to either utilise or respect the existing dimensions and configuration of the house and its associated outbuildings and structures within its residential curtilage, the aggregate effect of which would be proportionate and subservient to the main house in terms of their scale and massing, and would be well-related in terms of their design in layout and orientation, and would be of a matching architectural style that could be clearly interpreted as the typical vernacular in its context and surroundings. The proposed extensions and alterations would also maintain ample distance from the boundaries with third party land and any public vantage points and would not materially impact on the character and setting, and in turn the public

visual amenity of its surroundings. As such, subject to condition requiring matching materials of construction, the proposal would be considered acceptable in terms of visual amenity and design according to LP7 and LP24 of the KLP, and KDP1 of the SPD.

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.

It was initially considered that the single-storey rear extension element of the proposal projecting from the existing rear (south) elevation by 4.0m along the curtilage boundary with the adjoining semi-detached dwelling 59 Moorlands Crescent aligning with the existing party wall and at a height of 3.6m, might cause a significant impact on in terms of overshadowing the immediately adjoining neighbours. The case officer has liaised with the agent and revised the proposal, resulting in a height reduction from 3.6m to 3.0m overall for this rear extension element of the amended proposal. The proposed built footprint of this element as amended would be 3.0m in length and 9.1m in width, utilising the full width of the existing house, with no window openings to its side (west) elevation. As amended, the proposed rear extension would pose a limited impact on the shading and privacy of the adjoining neighbour, would fall within the acceptable dimensions and specifications for a rear extension to a residential dwelling, and would likely be deemed as Permitted Development were that to be the case.

Due to its location, layout, orientation, and separation from the nearest neighbouring properties, the proposed extensions and alterations would not pose any significant detrimental impact on the shading, privacy, and residential amenity than that of the existing dwelling, and would not detract from the character and the setting of its surroundings as seen in outlook from neighbouring properties. As such, the proposed extension would accord with Section 12 of the NPPF, Policy LP24b of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD KDPs 3-6.

Highways Safety

The dwelling benefits from substantial on-site parking with a provision of at least 2no parking spaces on its private drive within the residential curtilage, and at least 2no on-street parking. The proposal will not materially intensify the site so as to the point where the provision off additional parking provision is critical. Therefore, the proposed development will not materially impact on matters of highway safety and would accord with policies LP21 and LP22 of the KLP.

Ecology and 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. Whilst it is acknowledged that the site is located within an identified Bat Alert Area, the proposals are relatively modest and the proposed extensions and alterations would not be considered likely to host roosting bats. As such, subject to informative requiring works to cease and Natural England contacted in the event bats are discovered, the proposal would be considered acceptable in light of the aforementioned policy / legislation.

Other Matters

Carbon Budget

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.

As the scope of the works proposed are relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered reasonable to add any carbon budget / climate emergency related condition. The scheme therefore complies with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future. KDP8-10 promote energy efficiency and renewable energy.

Representations
No representations were received.

Conclusion

Having assessed the application against the relevant local planning policies, SPD and the National Planning Policy Framework, it is considered that the proposed works as amended, 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, as amended, represents a sustainable and appropriate form of development both upon the house and its surroundings.

Recommendation

That this application be GRANTED permission subject to the following conditions:

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, and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

3. 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 be retained as such thereafter.
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 of the Council's adopted House Extensions and Alterations SPD 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

Plan Type	**Reference**	**Version**	**Date Received**
Proposed Plans	TR-A21-1202-010	Rev B	15 March 2022
Existing Floor Plans and Location Plan	TR-A21-1202-001		09 March 2022
Existing Elevations	TR-A21-1202-002		09 March 2022

Plan Type	Reference	Version	Date Received
Proposed Elevations / Location Plan	TR-A21-1202-011	Rev B	15 March 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 Agent submitted amended plans to slightly amend the proposal. No further amendments were sought.

Date of Report: 15 March 2022