

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:	2022/62/90121/W
Site Address:	74, Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR
Description:	Erection of two storey rear extension
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: 08-Mar-2022

Officer Report

Site Description

2022/90121 – 74, Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR

The application site relates to a two storey, end-terraced property, faced in pebbledash render and has its side gable roof tiled in Welsh slate. To the front, amenity space is used for off street parking sufficient for two vehicles. It enjoys a side access path along its west elevation. To the rear is a conservatory extension within a mainly hard surfaced garden with a detached 'double' garage served by a driveway sufficient for two vehicles. The garage was previously given permission with approximately 4m by 9m internal dimensions which now would be sufficient for one vehicle parked in there according to the Highways Design Guide. The rear access route is via a shared unadopted route off Yew Tree Road recorded as "Access to Rear of 74-80 Yew Tree Road".

Locally it is within a residential area of similarly terraced and semi-detached dwellings with a predominant material palette of stone with some pebbledash render and no examples of k-render style finishes.

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 two storey rear extension

Two Storey Rear Extension

The ground storey would be set back from the neighbouring boundary to the east by 0.4m and be set back from the neighbouring boundary to the west by 1.15m. Its dimensions would be 2.914m projection from the rear and to have a 5.51m width protruding past the flank elevation of the host dwelling by 0.834m. It would have a height of 3m from ground level with a lean-to roof joining the first storey with a roof ridge height of 3.8m.

The first storey would have an asymmetric gable end roof design and be set to the west of the ground storey. It would project 2.914m from the rear elevation and on its west side extend around the corner of the host to have a depth of 3.214m. The roof ridge height would be 7.2m and its eaves would be at differing heights: 5.4m west and 6m east to match with the host property.

Openings are to rear elevation only confirmed through elevation and floor plan. This would serve a dining room area for an open plan kitchen at ground floor and a bedroom to the first floor.

Materials

Materials proposed would be to have the brickwork facings to match with K-render through coat application for the extension, Siga Spanish slates to closely match Welsh slate with white uPVC opening frames and aluminium sliding folding door system.

Other alterations

Two new first floor windows would be added to the west elevation which would serve a bathroom and a landing; both are non-habitable rooms and the bathroom window is to be obscurely glazed.

There would be a platform 0.4m height extending approximately 2m from the new rear elevation of the rear extension to be 4.7m width in brick material.

Internally the property would be re-configured and to have one additional bedroom to be a 3 bed property.

Bins and Parking

Both would remain as existing, the site has sufficient off street parking for 5 cars.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the impact of the first storey to the neighbouring property's windows to the east.

Relevant Planning History

2006/93228 – ERECTION OF DETACHED DOUBLE GARAGE. Conditional Full Permission.

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: 25/02/2022

No representations have been received.

The scheme was not re-advertised as it had reduced the bulk and massing of the original proposal and reduced the impact to the neighbouring window to comply with the 45° rule set out in the adopted 'House Extension and Alterations SPD'. Whilst slightly closer to no.72 it would remain set off the boundary and the adjacent built form at no..72 is an attached single storey garage and not a sensitive part of the property in terms of amenity.

Consultation Responses

No technical consultees required.

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 Buffer zone for a Historic Landfill, a High Risk Coal Area and a Bat Alert layer.

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

The SPD provides design guidance for two storey rear extensions setting out that there should be a back garden of reasonable size with half of the garden area retained, it should not project from the sides and still maintain external access to the rear. Additionally, it should not project further than 3m from the rear wall, not exceed 3m of eaves height when within 1.5m of the property boundary, be separated from the property boundary by 1.5m and not adversely affect adjacent neighbouring habitable room windows.

The back garden would be unaffected as the proposal would be within the footprint of the existing single-storey rear conservatory retaining a reasonably sized garden area. It would project from the sides however this is to achieve a set back from the east neighbouring boundary in order to meet the 45° rule for the habitable first floor window of the east neighbour, on balance considering that it would appear to be a slight protrusion beyond the side elevation of the host, Officers are satisfied that this would be acceptable to accommodate the reduced impact of the originally proposed first storey. It would be under 3m in

projection from the rear elevation and would have an eaves height of 3m to the east at the ground floor and an eaves height of 5.4m to the west at first storey both within 1.5m of the property boundary. It is acknowledged that conservatory would be replaced by the two-storey rear extension and has an existing eaves height of 3.1m at ground floor so there would be a slight reduction in existing height proposed. The impact to neighbouring windows will be assessed in residential amenity. Given the plot constraints, a rear extension of under 4m in width may be possible but would offer an undersized bedroom and a smaller footprint than existing at ground floor, on balance, the proposal sets out to reduce its impacts and to comply with the adopted 'House Extension and Alterations SPD' sufficiently to be acceptable in Officers opinion.

In addition, the two-storey rear extension overall would be set down from the host dwelling's roof ridge, be of modest projection and reduced width at first storey to the ground storey aiding in the extension's scale appearing subservient to the main dwelling. It would have an asymmetric gable end roof which would be screened from view at the highway and be finished in brick coursing to base to match the host and k-render finish to the extension which would assist in appearing to be a complementary, modern addition in its design while echoing the material design of the host.

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 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 within 21m of the development are No. 72 (west) and No. 76 (east).

Given that the host property has a pre-existing conservatory which already impacts on no.76, Officers consider that the reduced height at eaves of the proposed extension nearest to No. 76 would be of some benefit. The

amended design would avoid further impacts on the first floor habitable window as demonstrated by plans setting out accordance with the 45° rule. Given this design it is considered that the proposal would not have a detrimental overbearing, or overshadowing impact on no.76. There are no windows in the side elevation which would ensure there is no overlooking. No. 72 has no side elevation windows facing the proposed development, would benefit from a retained 1m separation distance to the boundary providing access to the rear garden and the closest part of no.72 is an attached garage. In addition, the proposed extension does not seek to have windows to the flank elevations. For these reasons, the proposal would ensure that there would be no additional detrimental overbearing, overshadowing or overlooking impact to both neighbours.

To the host dwelling, new side elevation windows at first floor would be added to the west elevation and one of those new windows serving the bathroom would be obscurely glazed; a site visit confirmed that No. 72 has no side elevation windows which could be affected in terms of overlooking and potential loss of privacy and therefore Officers are satisfied with the conditioning of the bathroom window to be obscurely glazed that the proposed would not have detrimental impact on overlooking or loss of privacy in accordance with LP24 of the Kirklees Local Plan and Principle 3 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.

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 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development's intensified use will adequately be supported given its abundance of off street parking and 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.

In addition, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 10 – Renewable energy, Principle 11 – Water retention, Principle 14 – Drainage and flood risk 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. It is acknowledged that the modern standards of building control would serve to increase the thermal efficiency and insulation from the extension to the host dwelling and that the glazing facing south would provide a benefit in reduced energy usage for lighting.

Biodiversity

Whilst considering Biodiversity, Principle 12 – Natural environment of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, it is set within an established residential area with the closest tree coverage approximately 155m distance south and 160m north and that the host building's roof benefits from being well sealed reducing impacts. The proposal is relatively modest seeking to disrupt a section of an existing 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.

Contaminated Land

The site lies within a Historic Landfill, and as such a precautionary approach has been adopted with a condition triggered on discovery of contamination during development to be reported and assessed for public safety.

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: 2022/90121

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 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, 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 first floor bathroom window on the western side elevation of the host property as shown on Dwg. No. 02 Rev A, shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the extension is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan, the requirements of the House Extensions and Alterations SPD and advice in the National Planning Policy Framework.

5. 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, due to the site being within proximity to an historic landfill site and to accord with LP 53 of the Kirklees Local Plan.

NOTE: 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 the works carried out is lawful.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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 - Grouped Plans and Elevations	Existing Plans and Elevations. Project No. DL739. Drawing No. 01. Revision: -.	-	14/01/2022
Plans - Grouped Plans and Elevations	Plans and Elevations as Proposed. Project No. DL739. Drawing No. 02. Revision: A.	A	01/03/2022

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 amended plans to ensure the scheme minimised the impact on residential amenity to comply with the adopted 'House Extension and Alterations SPD'.

Report Dated: 02/03/2022