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:	**2022/62/90193/W**
Site Address:	20 , Oak Tree Terrace, Fenay Bridge, Huddersfield, HD8 0DA
Description:	Erection of two storey side extension and front porch
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: 16-Mar-2022

Officer Report

Site Description

2022/90193 – 20, Oak Tree Terrace, Fenay Bridge, Huddersfield, HD8 0DA

The application site relates to a two-storey end terraced dwelling, constructed of stone, finished with render to the first floor with slate tile hipped roof. The site is within sloping ground sharply falling from east to west with No. 20 at a lower ground level to Oak Tree Road and 'level' with Oak Tree Terrace. It has a driveway providing off street parking for two vehicles with a thin strip of landscaped amenity space bounded by a low brick wall. The property has a main doorway entrance on the western elevation which would be viewed as the primary elevation of the property. To the east /'rear' there is a landscaped amenity space with a pedestrian path leading to its side entrance and a hard surfaced area to its north; this faces out to a row of detached garages/outbuildings.

It is in a residential area of similarly constructed dwellings in material palette and style with minimal evidence of extensions.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW. It borders Allocated land for Housing (HS2) which is to the west of the site and currently lawned/wooded sloping ground. Permitted Development Rights are retained.

Description of Proposal

Erection of two storey side extension and front porch

Two Storey Side Extension
The ground floor would be flush with the primary elevation of the host and would have a first floor element set back from the primary elevation by 0.5m roofed with a hipped roof set down 0.2m from the roof ridge height of the host dwelling.

The proposed ground floor extension would have the dimensions of:
3.2m projection from the north/side elevation x 7.4m depth x height of 3.2m from ground level at the primary elevation and 2.9m from ground level at the rear elevation.

The proposed first floor extension would have the dimensions of:
3.2m projection from the north/side elevation x 6.9m depth and height of 2.3m from first floor level to eaves.

Overall the two-storey side extension would have a roof ridge height of 7.7m and eaves of 5.6m measured from ground level at the primary elevation and a

roof ridge height of 7.4m and eaves of 5.25m measured from ground level at the rear elevation.

Both storeys would be flush with the rear elevation. Openings proposed are a window to front and rear first floor level and sliding patio doors to the ground floor rear elevation with steps. Both would have stone lintel and cill detailing to integrate with the host's existing stone detailing.

This would have a retained front to rear access route of 1.3m width to the boundary.

Front Porch Extension
The porch would be forward of both the proposed side extension by 1.6m and the host dwelling by 0.9m to finish flush with each section and those sections would be 5.15m width overall. It would have a lean-to roof of 3.9m roof ridge height and 3.2m eaves height.

Openings proposed are partially glazed door with sidelights and a narrow vertical window finished with stone lintel and cill to match the existing fenestration's stone detailing. The door would have steps to the lower ground.

Overall the extensions would serve a living room/kitchen at the ground floor and a new bedroom/office and extend the bathroom to first floor.

Materials
The ground floor extensions would be faced with natural stone with render to first floor and natural slate tile to both roofs to match the host dwelling with uPVC window frames and composite framed doors.

Other alterations
A new dining room and snug would be formed within the ground floor and a new ensuite would be formed within the first floor. The property would be a newly three bedroom property.

Parking and Bins
Two parking spaces have been set out on plans with bin arrangements unaltered.

History of negotiations/amendments received

The case officer considered the application on review and sought to have parking set out to demonstrate that the proposal could support two parking spaces for Highway Safety.

Relevant Planning History

No 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: 08/04/2022

No representations have been received.

Kirkburton Parish Council – no comments received.

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 Bat Alert layer and a High Risk Coal 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**

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". The adopted 'House Extension and Alterations SPD' sets out that the design should reflect the design of the original building in terms of roof style, pitch materials and detailing. In addition, that 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.

and that front extensions should have its impacts limited subject to being:

- set well back from the pavement or is well screened;
- small, subservient to the original building,
- well-designed and would not harm the character of the original house or the area; and
- materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The two storey side extension would be set down from the host dwelling's roof ridge and set back 0.5m on the first floor primary elevation whilst being under 2/3rds the width of the host aiding subservience. The proposed small single-storey front extension would be forward of the primary elevation by 0.9m and be of limited width. On balance, its design would provide a primary elevation of varying depths creating visual interest with much of the host primary elevation remaining revealed aiding subservience. It would be set back from the pavement, maintain a 1.3m boundary gap minimum to neighbouring properties exceeding the SPD and to have a roof harmonising with the host's roof in pitch and form with a lean-to roof to the porch aiding subservience. The proposed materials would be to match the host with existing examples on the streetscene being matched with porch extensions having lean-to roofs to be in keeping with the evolving street design features.
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 by the development are No. 22 (north) and No. 18 (south).

No. 22
The design sets out to have reduced impact on overbearing to the neighbour with a set down roof ridge, a set back at first floor level and the retained 1.3m path to the shared neighbouring boundary compliant with the adopted 'House Extension and Alterations SPD'. It would have no windows facing the No. 22 and Officers are satisfied the proposed would have no overlooking or loss of privacy to the neighbour. This property has a partially glazed door to ground and a secondary obscured window to first floor facing the proposed which is positioned to it south, Officers are satisfied that the additional impacts to overshadowing is restricted aided by the separation distance and minimal glazing.

No.18
The proposed side extension would be screened by the host dwelling's mass and bulk. The front extension would add a mass of 0.9m forward of the host elevation and have a separation distance to boundary of 3.3m with no facing windows and therefore Officers are satisfied that the proposal would ensure that there be no detrimental impact on overlooking, overshadowing and overbearing.

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 plans set out indicate that the parking demand would be met by provision of two off street parking spaces (approximately 5.7m width x 5.5m depth) and bin arrangements as existing 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 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 proposed would add improved thermal insulation to the host through the requirements of the Building Regulations and be partially faced in coursed natural stone to use low carbon embodied materials which would sufficiently meet principles 8 and 9 of the adopted 'House Extension and Alterations SPD'.
Biodiversity
Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.
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.
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: 2022/90193

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 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.

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 that the works carried out is lawful.

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	Proposed Site Location and Block Plan. Drawing No. WAAP 50 - 04A. Revision: A.	A	02/02/2022
Plans - Grouped Plans and Elevations	Existing Plans and Elevations. Drawing No. WAAP 50 - 01. Revision: -.	-	20/01/2022
Plans - Grouped Plans and Elevations	Proposed Plans and Elevations. Drawing No. WAAP 50 - 02A. Option 1. Revision: A.	A	20/01/2022

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 requested car parking to be set out to consider the application and sought no amendments as it met Local Plan policies on visual and residential amenity and on highway safety.

Report Dated: 15/03/2022