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:	**2022/62/90578/E**
Site Address:	48, Station Road, Skelmanthorpe, Huddersfield, HD8 9BA
Description:	Erection of two storey and single storey rear extension
Recommending Officer:	Lyle Robinson

DECISION – CONDITIONAL FULL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Sep-2022

Officer Report

Site Description

The application site relates to a detached two storey dwellinghouse in the settlement of Skelmanthorpe. Levels fall northwards with the lay of the land and to the east. The site forms a corner plot at the junction of Station Road and Boggart Lane. The application site is in a predominantly residential area and the site neighbours residential properties opposite and to the north. The neighbouring properties vary in house type including terraced housing, semi-detached and detached. The site is bounded by the south east by land allocated for housing within the Kirklees Local Plan (allocation ref. HS134). The land to the north east of the site is also allocated under the same housing allocation.



Description of Proposal

This is a householder application for planning permission for a 3.8m projecting two storey rear extension, 4.7m in eaves height and 6.7m in total height. Figures approximate. The proposed extension would serve a kitchen/diner, WC and entry at the ground floor and bedroom accommodation at the first floor. The proposed addition would have a lean to element to the right hand side of the rear elevation.

History of negotiations/amendments received

The plans as originally submitted are those referred to in the report and it is on this basis that the determination is made.

Relevant Planning History

2022/90932 Erection of 2 semi-detached dwellings and associated works *Approved 25/AUG/2022*

2021/90744 - Discharge of conditions 9 (cycle parking), 10 (electric vehicle charging), 11 (waste collection), 19 (noise), 21 (materials) and 22 (boundary treatments) of previous permission ref: 2019/90183 for erection of 14 dwellings and associated works.

2019/90183 – Erection of 14 dwellings and associated works. *Approved*

2019/91540 Erection of detached dwelling. *Approved*

2017/92217 Erection of 10 dwellings. *Refused*

2004/90817 Outline application for erection of one dwelling *Refused*

Representations

This application was originally publicised by neighbour letters which expired on 31-Mar-2022. Following this publicity 1no. letter of representation has been received.

Consultation Responses

KC Trees – no objection

KC Highways – no objection

Denby Dale Parish Council – no objection

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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** - Trees
- **LP 52** – Protection and improvement of environmental quality

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 6 – Building a strong competitive economy
- • Chapter 8 – Promoting healthy and safe communities
- • Chapter 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion/Planning Balance

Kirklees House Extensions and Alterations SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework.

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future

and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Housing allocation HS134 borders the site to the east and north east. This is currently being built out. The site itself though is unallocated in the Kirklees Local Plan. The application site is located within a settlement boundary and householder development such as this is generally considered acceptable subject to the satisfactory taking into account of material considerations.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The Kirklees Supplementary Planning Document (SPD) on house extensions states that two storey rear extensions should:

- be proportionate to the size of the original house and garden; *Would comply*
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings); *Would comply*
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties; *Would comply*
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary; *Would comply*
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; *1.2m – Would comply* and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary. *Would comply*

The SPD has a 'comply or justify' policy. Bearing in mind the first criterion it is noted that the extension would be significant in bulk and scale. However, the proposed rear addition would read as visually secondary when viewed from the rear and vantage points along Boggart Lane. This is due to the roof slope breaking up the rear façade together with the set down in height. Additionally, the rear extension is stepped in at first floor level towards the right hand side of the façade, with a lean-to element further breaking up the proposed rear elevation. It is therefore deemed that the criteria of the SPD would be fully complied with.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. It is considered that the SPD would be broadly complied with. The overall aims of local and national policy to secure good design would be clearly complied with by the proposed development.

The development would thus be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24c of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The retained space about the south facing and north facing side elevations and east facing rear elevation of the host building negates any loss of light to neighbouring property to the south, north or east. The extension would not visually or aurally affect the area about the front elevation of the building to the west at Station Road. There would be no south facing or north facing windows. There is well in excess of 21m retained at present from the proposed east facing first floor windows, in clear compliance with the SPD. It is noted that planning application 2022/90932 has been granted at the adjacent plot to the east/south east. Each application is determined on its own merits however it has been necessary to assess both schemes in tandem to ensure an acceptable level of amenity for both parties and a fair, transparent decision making process. Measuring from the non-habitable room openings at the elevation facing the application site of the approved residential building here some 15m would be retained, also in compliance with the SPD 12m minimum guideline for habitable rooms facing non-habitable rooms.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

No change to the access is proposed. Although the proposed number of bedrooms would be in the order of 4, there is off road parking in the form of a garage retained to the rear. Moreover, measuring 10m from the point of access on Boggart Lane there is space off the carriageway to allow 2no. further parking spaces. On balance this is considered acceptable.

The development therefore is considered to be acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

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.

The proposal is a domestic extension to a dwellinghouse, of a householder nature. Further conditions attendant to the climate change agenda are not necessary in this instance.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

The tree in the back garden of this house is a copper beech which can reach a significant size if allowed to mature. The proposal will bring the house and tree closer and therefore likely outcome is the loss of the tree in the medium to long term.

That said the tree is not protected and nor could it be based on its size and limited public amenity at the present time. Trees can be protected based on their future potential however although it is within close proximity to the existing dwelling and it is to the rear of the house.

So from this application's perspective the tree is not a significant tree in terms of public amenity and therefore the proposals are not contrary to policy LP33 on trees of the Kirklees Local Plan.

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: Approval

Decision Authorisation – Delegated Powers
Application Number: 2021/920537
Officer Recommendation: Approve
Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
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 with Policies LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims 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.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE Noisy construction related activities should not take place outside the hours of:
07.30 to 18.30 hours, Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

NOTE 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.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan	1790-D-20-001		18/FEB/2022
Proposed Elevations	1790-D-20-005		18/FEB/2022
Proposed Floor Plans	1790-D-20-004		18/FEB/2022
Proposed Site Plan	1790-D-20-002		18/FEB/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 has, 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. As the proposed development has been found acceptable a recommendation of approval has been made as soon as practicable.