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:	**2022/62/90811/W**
Site Address:	46, Spaines Road, Fartown, Huddersfield, HD2 2SD
Description:	Erection of single storey rear extension
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 27-May-2022

Officer Report

Site Description

2022/90811 – 46, Spaines Road, Fartown, Huddersfield, HD2 2SD

The site relates to a two-storey, mid terraced property, built of natural stone under a grey slate roof. It has a small area of hardstanding to the front and hard surfaced rear amenity space within which is a small shed.

It is in a predominantly residential area with majority terraced housing and to the rear is Urban Greenspace designated land; Fartown Arena, York Ave Rec Ground & Scale Hill Allotments.

Description of Proposal

Planning permission is sought for the Erection of single storey rear extension

The proposed single storey rear extension with a pitched roof would have the dimensions of 4m projection from the rear x 6.45m in width and a roof ridge height of 3.3m and eaves of 2.1m measured from ground level.

It would have openings to the rear only and be built of materials to match the existing dwelling.

History of negotiations/amendments received

The case officer considered the application on review and sought to reduce the scheme to better meet KLP policies and adopted 'House Extension and Alterations SPD' Principles on visual and residential amenity.

Relevant Planning History

2021/94759 – Prior notification for erection of single storey rear extension. Refused.
Officer Note: Did not constitute permitted development.

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: 20/04/2022.

No representations have been received.

It was not considered necessary to reconsult on receipt of amended plans and these reduced the scale of the proposal.

Consultation Responses

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

- Sports England – No conflict with use of pitch due to 80m distance.

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 and Geodiversity**
- **LP 52 – Protection and Improvement of Environmental Quality**

Supplementary Planning Guidance:

- Highways Design Guide SPD
- 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 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

- **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
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, as well as other matters. These will be discussed below.

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.

Policy 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 House Extension and Alterations SPD sets out that single storey rear extensions should maintain the quality of the residential environment and should:

- respect the original house and garden in terms of its size and scale; not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- retain more than 50% of its rear amenity space and be half the depth of the host;
- use appropriate materials which match or are similar in appearance to the original house; and be in keeping with the scale and style of the original house;
- 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 terraced house;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

It would not exceed 4m in height and would be under 2.5m eaves height. The projection would not comply with the SPD guidelines in that it would project 4m from the rear elevation of a terraced property. However, No.44's off-shoot extension projects 5.8m. In addition, No. 48 has erected a full span 3m rear extension without planning permission and where it appears that it once had an original 5.8m outrigger also present in 1955 survey maps. in this instance, while it would be recommended that the proposed project 3m in normal circumstances, the impact of the rear extension being 4m would be minimal considering that it would be abutting a larger single-storey projection and that this would not be on the principal elevation of the dwelling. In the context of the rear amenity spaces, it would appear to relate reasonably well to the 5.8m outrigger and to the 3m rear extension seeking to project mid-way between the two.
Its single-storey design would aid in the proposal to be subservient to the two-storey host property. Materials match the host to fulfil the requirements to preserve visual amenity.
While it would not retain a gap to the abutting rear extension of No. 44, this would appear in keeping with its historic outrigger and how the two structures have related to each other. A gap would be retained to the neighbour at No. 48 with their shared passageway remaining in use which is approximately 1.2m width, as such it would comply and further, its low eaves of 2.1m would assist in reducing its visual impact.
On balance considering these reasons set out, it is considered that the proposal would not significantly harm the visual amenities of the area and accords with Policy LP24 (a) and (c) of the Local Plan, Chapter 12 of the NPPF and Principles 1 and 2 of the 'House Extensions and Alterations SPD'.
<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict

between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

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 adjoining properties are the most likely to be affected by the development, these being No. 48 (northeast) and No. 46 (southeast).

No. 44
The extension would not protrude beyond the rear wall of No.44's off-shoot on the shared boundary, and this would screen the majority of this proposed extension from No.44. This off-shoot has now side windows facing towards the site. No windows are proposed on the side wall of the proposed extension. Officers are satisfied that the proposed development would not cause undue harm to No.44 in terms of loss of light, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect.

No. 48

There is an extension to the rear of this property (under construction). Whilst the extension would exceed the depth the extension at No.48, it would be set off from the shared boundary and would not breach the informal 45 degree line when measure from the nearest rear facing window within No.48. There is a window on this extension facing towards the site, and whilst the proposal would result in a loss of light for this window, the existing property benefits from permitted development rights and a single storey extension which could be constructed under permitted development could have a similar impact on this window. This window is also likely to serve a secondary source of light for the room it is to serve (the main window being to the rear). No windows are proposed in the side wall of the proposed extension. Officers are satisfied that the proposed development would not cause undue harm to No.48 in terms of loss of light, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect.

<u>4 – Impact on highway safety</u>:

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 policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and adequate bin storage. The proposed development would not intensify use adding a kitchen,

would retain its current bin arrangements 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, the House Extension and Alterations SPD 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. It is noted that the improved modern Building Regulations standards would assist in providing greater thermal efficiency to a traditional stone-built host building and reduced carbon emissions.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and would not disturb the existing eaves of the host property and therefore is 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: 2022/90811

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 LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles
1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, & 17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 4, 9, 12, 14 and 15 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 Chapter 12 of the National Planning Policy Framework.

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 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 Layout and Elevations. Drawing No. 2145/01. Revision: -.	-	08/03/2022
Plans - Grouped Plans and Elevations	Proposed Layout and Elevations. Drawing No. 2145/02A	A	12/05/2022

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 neighbouring properties to achieve good design.

Report Dated: 27/05/2022