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:	**2022/62/90896/W**
Site Address:	2, Priory Court, Lindley, Huddersfield, HD3 3NU
Description:	Demolition of existing conservatory and erection of single storey rear extensions
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 23-Jun-2022

Officer Report

Site Description

2022/90896 – 2, Priory Court, Lindley, Huddersfield, HD3 3NU

The application site relates to a large, detached, two-storey property with an attached garage and a rear conservatory. It is constructed of stone and concrete tile roof. It is on a quiet private close with off street parking on a driveway and landscaping to the front with a large garden to the rear.

It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not adjacent to a PROW.

Description of Proposal

Demolition of existing conservatory and erection of single storey rear extensions

It is proposed to remove the existing single-storey conservatory formed of stone base with glazing sections and to glazed roof.

Rear Extension to main dwellinghouse

The proposed single storey rear extension with a lean-to roof would have the dimensions of:

3.9m projection from the rear x 9.8m width and a roof ridge height of 3.75m and eaves of 2.6m measured from ground level.

It would be finished in stone and concrete interlocking tile roof with glazed openings to rear only and 5 skylights. Internal alterations would be to open up the kitchen to form a living kitchen dining room.

A narrow strip of patio would be formed 1.9m forward of the extension at approx. 0.4m similarly the height of the existing patio to ensure access to the garden.

Rear extension to the garage

The proposed single storey rear extension to the garage with a lean-to roof, against the southeast side elevation of the host building, would have the dimensions of:

2.5m projection from the rear x 2.8m width and a roof ridge height of 3.75m and eaves of 2.6m measured from ground level.

This would have a mostly solid door with steps to its southeast elevation and window to rear elevation. It would be similar constructed of stone and concrete tile. This would serve a utility room.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

No previous 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: 20/04/2022

No representations have been received.

Consultation Responses

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

- Environmental Health – precautionary conditions applied on discovery of contamination.
- Ecology – informally consulted, no objections.

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 Low Coal Risk Area. It is within a Historic Landfill Site (Hopkinson's Tip) and a buffer zone for Landfill Gas.

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**

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 6 – Building a strong, competitive economy
- 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 House Extension and Alterations SPD sets out guidance on single-storey rear extension designs to ensure that they should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed rear extensions would be under all limits in projection, height and eaves with a minimum retention of 1m gap to the property boundaries:

Main rear extension: 1m to northwest boundary and 7m to southeast boundary.

Garage rear extension: 3.8m to adjacent neighbouring boundary to southeast, otherwise screened by the main dwellinghouse.

They would both be of single-storey design to a two-storey dwellinghouse, styled and faced/roofed in materials in-keeping with the host property and be of no impact on the streetscene being screened by the host dwelling and its garage from the highway.

The proposal would also retain considerable garden space to ensure that the scheme does not represent an overdevelopment of the site. The rear glazed patio doors would have two steps 0.4m in height each on sloping ground level extending out overall 0.9m from the rear elevation to the lower garden. This would be approximately akin to the existing elevation of the rear patio from ground level and a minor addition to the proposal of low visual impact accordingly.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area or the host property 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 the

Principles in the House Extension and Alterations SPD and 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.*"

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. 1 (northwest), and No.s 53 and 55 East Street (southeast).

No. 1
The proposal would remove a conservatory with glazed side elevations facing the property for a windowless side elevation of a similar projection to current improving the relationship with overlooking/privacy. It would be adjacent to a garage and a garage rear extension with no side windows facing. The added bulk of the lean-to roof is mitigated by the 1m boundary separation distance and the narrow strip of patio would have its views screened by the garage rear extension. For these reasons Officers are satisfied that this would be a scheme that would have no detrimental overbearing, overshadowing or overlooking impact.

No.s 53 and 55 East Street
The proposed rear extensions are to the north of the properties with no facing openings apart from a mainly solid door, this would have a boundary separation distance of 3.8m to the boundary and a thin additional strip of patio forward of the rear extension that would be a minimum of 6.9m to the boundary. The shared boundary has some screening in the form of timber fencing approximately 1.6m from patio height and green screening which would partially screen the development. It is noted that these properties are back to back and at a lower level than the application property. Their facing windows are at an oblique angle to the extensions ensuring no direct views from the additional patio and the retention of a somewhat open aspect. On balance the proposal would ensure that there be no additional detrimental overbearing, overshadowing or overlooking impact on the occupiers of these properties.

<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 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. It currently benefits from a garage with internal dimensions of 5by5m which would not comply with modern

standards as set out in the Highways Design Guide SPD. It benefits from a driveway 6.9m length and 5.15m width which would provide sufficient off street outside parking for two vehicles meeting standards of 4.8m by 2.4m per car.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing two parking spaces within the site or intensify use and therefore would not cause additional harm to highway safety.

There is sufficient space on site for the storage of bins in accordance with KDP 16 of the SPD.

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. In addition to the skylights adding daylighting, the modern building regulations for the rear extensions would add increased insulation to aid the building in improvements to energy efficiency for reducing carbon emissions.
Biodiversity
Whilst it is acknowledged that the site is located within an identified bat alert area and relatively close to the 'Wildlife Habitat Network Combined' designated woodland at the rear of the garden, the proposals are relatively modest removing a single-storey conservatory for a new single-storey extension and a new single-storey rear extension to the garage without disturbing eaves. In addition, the roof is well sealed and modern and therefore it is considered unlikely that the proposals would have an impact on the bat population and given the scale of the development no enhancements are deemed reasonable when considering Policy LP30 of the Local Plan and KDP 12 of the SPD.
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.

Contamination
According to Council records the site is close to an historic brick/tile works which has been land filled and mapping indicates the property was built prior to year 2000.
Consultation with Environmental Services has concluded that there are no significant concerns the proposed development involves ground works to the extent the specific conditions are required in relation to ground gas. However, as the site could be affected by contamination – as a result of its proximity to a historic landfill site – it is necessary to impose a condition regarding measures to be taken if unexpected contamination is encountered during development. This would be in accordance with Policy LP53 of the Local Plan and Policies within Chapter 15 of the NPPF.

Although Environmental Service recommend conditions regarding construction noise there is alternative legislation which controls this nuisance and it would not be reasonable to impose such a condition in this case. An informative note regarding best practice will be added.

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: 2022/90896

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, 10, 12, 15, and 16 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 extensions 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. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

FOOTNOTE:
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

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 – Location Plan	Location Plan. Project No. 276. Drawing No. LOC. Revision: -.	-	15/03/2022

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	Plans, Elevations, Section and Site Plan as Existing. Project No. 2761. Drawing No. 01. Revision: -.	-	15/03/2022
Plans - Grouped Plans and Elevations	Plans, Elevations, Section and Site Plan as Proposed. Project No. 2761. Drawing No. 02. Revision: -.	-	15/03/2022

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 considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 22/06/2022