

**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:         | <b>2022/62/91303/W</b>                                         |
| Site Address:         | 1, Mount Pleasant Lane, Fenay Bridge, Huddersfield,<br>HD8 0AT |
| Description:          | Erection of single storey rear extension                       |
| Recommending Officer: | William Simcock                                                |

**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 2022/91303**

### **1 Mount Pleasant Lane, Fenay Bridge**

#### **Site Description**

1 Mount Pleasant Lane is a two-storey semi-detached dwelling house set within steeply sloping land bounded by the unadopted Mount Pleasant Lane at its lower, western end, and a footpath and bridleway off Fenay Bridge Road at its eastern, upper end. The land is terraced, the rear garden being set at a higher level, and the house is internally split-level. The oldest part of the house is of traditional appearance, built in stone and slate, but it has a large two-storey flat-roofed extension at its south-eastern end and other additions (a timber-framed conservatory to the rear/side corner and a further conservatory and raised terrace to the front).

#### **Description of Proposal**

The proposal is for the erection of a single storey extension to the rear or north-eastern elevation. It would partly replace an existing detached timber shed. It would project 4m to the rear and would be 5.3m wide, set in 1.2m from the common boundary. The extension would have a hipped roof with an eaves height of 2.5m and an overall height of 3.5m. Materials would match the existing dwelling (stone and slate).

#### **History of negotiations/amendments received**

None.

#### **Relevant Planning History**

2000/91305 – Erection of ground floor extension to existing lounge, conservatory and formation of underground play space with WC. Not implemented.

#### **Representations**

**Final publicity date expires:** 24-May-2022 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order)

Kirkburton Parish Council – No comment

No representations received from other third parties.

#### **Consultation Responses**

None were deemed necessary in this instance.

## **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 27<sup>th</sup> February 2019).

The site is without designation on the Local Plan.

### **Local Plan:**

- LP 21:** Highways and access
- LP 22:** Parking
- LP 24:** Design
- LP 30:** Biodiversity and geodiversity

### **Supplementary Planning Documents:**

- KC Highways Design Guide 2019
- KC House Extensions and Alterations SPD 2021

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 – Requiring good design
- Chapter 16 – Conserving and enhancing the natural environment.

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development: The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22. The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

2 –Impact on visual amenity: Policy LP24(c) requires that extensions be subservient to the original building. From the layout of the building within the site and its planning history, it is not immediately obvious which parts of the building are original. The layout of the building within the site as shown on the 1955 historic map indicates that the flat-roofed two-storey structure was already built and on the balance of probability it can therefore be regarded as original (preceding 1948).

Under the Householder Extensions and Alterations SPD, rear extensions should normally preserve at least half the original rear garden, be in keeping with the style of the house, not exceed 4m in height or project more than 4m (for detached dwellings), eaves to be 2.5m or less, and retain a 1m gap before the property boundary. Furthermore, single-storey extensions should not normally exceed 4m in height and should not normally project more than 3m (for a semi-detached house), or if it does then eaves height should not exceed 2.5m.

It is noted that the property has had a number of extensions that vary in terms of built form, roof style and materials and as a result has very little architectural coherence. The proposed extension would be quite high compared to the existing house and would have a hipped roof which the existing house does not. It would also exceed 3m in projection. It is however set within a substantial plot and would leave by far the majority of the rear garden intact. It is considered that in context, the new extension would not amount to overdevelopment and would respect the qualities of the existing building provided that matching materials are used (which can be conditioned). The development is therefore considered to accord with the aims of LP24(c).

3 – Impact on residential amenity: The following paragraphs from the SPD are especially important:

4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.

4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45°

guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.

The proposed extension would, as previously stated, exceed the recommended 3m projection. It would however maintain just in excess of the recommended 1m separation distance and would be over 4m from the nearest ground floor window in the adjoining property, thereby complying with the 45-degree rule. Furthermore, eaves height does not exceed 2.5m and the hipped roof reduces any possible impact further. Both no. 1 and the adjoining property have rising rear gardens that are set higher than the house itself and so it is considered that the extension would not have an overbearing impact upon this property's amenity space. No windows would be placed in the side facing the neighbouring dwelling.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b) and the KDP 3-6 of the SPD. This should be subject to a condition that no windows be formed in the north-west side elevation as these could be intrusive.

4 – Impact on highway safety: It is considered unlikely that the proposed extension would give rise to any material increase in demand for parking. Furthermore, it would not affect any existing parking arrangements. It is therefore considered to accord with the aims of LP21-22 and KDP 15.

#### 5 – Other matters:

##### *Biodiversity:*

The site is in the bat alert layer and within part of the Wildlife Habitat Network. On the basis of an external viewing the site would appear to have no bat roost potential and the extension would not appear to result in the loss of any valuable natural habitat; the extension would be built mainly on what appears to be a hard-surfaced area. Owing to the scale and nature of the development, there is little opportunity for enhancement. An artificial bat roost feature would not be appropriate on a single-storey structure since it would probably not be used. It is considered that it complies with the aims of Policy LP30 (Biodiversity and Geodiversity) and KDP 12 of the SPD.

The standard precautionary note relating to bats will be added to the decision notice.

##### *Climate Change:*

On 12<sup>th</sup> 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, this includes KDP 8-11 of the SPD.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a relatively small extension to an existing dwelling within an urban area it is considered however that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in the SPD.

*Coal mining legacy:*

The site falls within a Coal Referral Area, in which there is a relatively high risk of mining subsidence. In accordance with the Coal Authority's guidance, under which minor extensions are not considered to high risk, the applicant has not been asked to submit a coal mining risk assessment.

6 – Representations: No representations were made.

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:** 2022/91303

**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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Key Design Principles of the House Extensions and Alterations SPD.

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 and Key Design Principle 2 of the House Extensions and Alterations SPD.

4. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings shall be constructed in the external north-western side wall of the extensions at any time.

**Reason:** So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Key Design Principles 3 and 4 of the House Extensions and Alterations SPD.

**NOTE:** There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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:-

| <b>Plan Type</b>             | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|------------------------------|------------------|----------------|----------------------|
| Application form             |                  |                | 13-Apr-2022          |
| Existing plans               | A(00)-01         |                | 13-Apr-2022          |
| Grouped plans and elevations | A(10)-01         |                | 13-Apr-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 Planning 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 did not undertake negotiations with the applicant as no amended or additional plans were considered necessary.

**Report Dated:** 22-Jun-2022