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:	**2022/62/91320/W**
Site Address:	7, Oakfield Road, Birkby, Huddersfield, HD2 2XF
Description:	Erection of single storey side extension [within a Conservation Area]
Recommending Officer:	Laura Yeadon

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

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91320

Site Description

7 Oakfield Road is a detached dormer bungalow located within the Birkby Conservation Area. The property is constructed from natural stone with a concrete tiled roof. To the front of the property is a large forecourt area which leads to an integral garage at lower ground floor level. Amenity areas surround the properties with the rear garden accessed via the sloping driveway.

Surrounding development is predominantly residential with the dwellings within the street scene varied in terms of design, size, style and construction materials.

Description of Proposal

Permission is sought for the erection of a single storey side extension.

The proposed extension would be located on the southern side elevation of the property and would be set back from the front elevation of the property by 3.3 metres and would project to the side by 3 metres being a depth of 4 metres. The extension would be set in from the rear extension to the property by 3 metres which would lie flush with the original rear elevation of the property with the extension having a flat roof to a height of 2.8 metres.

It is proposed that the extension would be timber clad set above a stone plinth to the side elevation and stone to match the existing dwelling to the front and rear.

History of negotiations/amendments received

None

Relevant Planning History

1988/03433 Erection of extension to form conservatory
Granted conditionally

2017/91879 Work to tree(s) within a conservation area
Granted

2018/92878 Work to tree in Conservation Area
Granted

2018/93777 Erection of extensions and alterations (within a Conservation Area)

Conditional Full Permission

2019/90544 Erection of extensions and alterations (within a Conservation Area)
Conditional Full Permission

2022/90507 Works to trees within a Conservation Area
Granted

Representations

We are currently undertaking the legal 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, site notice and newspaper advertisement.

Final publicity date expired 27th May 2022 – no representations received

Parish Council – not applicable

Consultation Responses

None 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 within the Birkby Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which 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.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and wider Conservation Area
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is within the Birkby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of 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."

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of Conservation Areas under paragraph 2.10 that:

'If your home is listed or located in a Conservation Area, additional design criteria will usually apply, and it is recommended you submit a formal pre-application enquiry to the council. A carefully considered and detailed design approach will be required where the proposed development would impact on a designated heritage asset, falls within the curtilage of a listed building, or affects a positive contributor to a Conservation Area.'

In addition, with specific regard to side extensions, the SPD states that single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

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:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the

host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of this application, a single storey extension is proposed on the southern side elevation of the property. Due to the siting of a high boundary wall and existing trees that bound the site frontage, the proposed extension would be barely visible from public vantage points on Oakfield Road.

The extension would comply with the SPD in terms of being less than two thirds of the width of the original house, would not exceed 4 metres in overall height and would be set back from the front elevation by at least 500mm from the original building.

With regard to the Key Design Principles, Principle 9 states that the in terms of construction materials, these should seek to use innovative construction materials and techniques, In this instance, it is proposed that the extension would be timber clad set above a stone plinth to the side elevation but stone to match the existing dwelling to the front and rear. Whilst this would introduce timber cladding to the property, it is noted that surrounding development has mixed construction materials including stone, render and red brick. The property has been recently updated following the granting of planning permission and it is considered that a modern, timber clad element to this extension would be in keeping with the modern design of the extended property. It would also highlight the subservient nature of the extension. The flat roofed design would further denote this element as a subservient addition, whilst noting the original property has had substantial extensions in the recent past.

As the proposal is small in scale, located on a discreet elevation, screened from the roadside and behind existing timber fencing, it is not considered to be visually intrusive within the street scene and would not detract from the aims of Key Design Principles 1, 2 and 9 of the SPD.

In terms of the impact of the scheme on the Conservation Area, it is considered that there would not be harm caused to the significance of the Conservation Area. This extension is of minor scale to a ‘modern’ detached property set in generous curtilage.

In terms of the fenestration details, these would be minimal and whilst located on all three exposed elevations, these are considered to be acceptable and not overly prominent.

With regard to Key Design Principle 7 and the retention of outdoor space, to the rear of the property is a lawned garden area. A proposed block plan has been submitted on drawing number 22/789/06 demonstrates the location of the proposal on the side elevation of the property would not result in an overdevelopment of the plot and that useable, appropriately sized private outdoor space would be retained. As such, the proposal would comply with this Principle.

It is therefore considered that in terms of the impact of the scheme on visual amenity and wider Conservation Area, the proposed extension would accord with both local and national policy.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The extension would be small in scale and contain openings within the front, side and rear elevations of the property. The openings within the front and rear elevations would not decrease any established separation distances and in terms of the side elevation window, this would be separated from the rear elevation of 210 Birkby Hall Road by approximately 18 metres. Given that the opening would be at ground floor level and screened from the neighbour by protected trees and fencing, it is not considered that there would be an undue impact from overlooking.

As the property is detached, with a good separation from neighbouring dwellings, it is not considered that there would be harm from overshadowing or by being overbearing.

Taking into account all the above, it is considered that the proposal would accord with the SPD, LP24 of the Kirklees Local Plan and advice within the NPPF.

4 – Impact on highway safety:

There would be no impact on parking as a result of the works and whilst the existing bin storage area would need to be relocated, there is sufficient space within the site for alternative bin storage provision.

It is therefore considered that the proposal would accord with Key Design Principles 15 and 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 and guidance documents to embed the climate change agenda. The use of timber cladding and stone are low carbon materials and also recyclable. Therefore, the use of these materials would accord with Key Design Principle 8 of the SPD.

Bats - Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposal is very 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:

None

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: 2022/91320

Officer Recommendation: Approve

Conditions

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 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, to protect the character, appearance and special historic significance of the Birkby Conservation Area and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the adopted House Extensions and Alterations SPD and advice within Chapters 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may 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:-

Plan Type	Reference	Version	Date Received
Location Plan	22/789/01		14th April 2022
Existing block plan	22/789/02		14th April 2022
Existing elevations and floor plan	22/789/03		14th April 2022
Proposed ground floor plan	22/789/04		14th April 2022
Proposed elevations	22/789/05A		14th April 2022
Proposed block plan	22/789/06		14th April 2022
Heritage Statement			14th April 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

23rd June 2022

Report Dated:

Coal – low