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:	**2022/62/91425/W**
Site Address:	16, Morton Green, Almondbury, Huddersfield, HD5 8TT
Description:	Erection of two storey side extension with front balcony (modified proposal)
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: 04-Nov-2022

Officer Report

Site Description

2022/91425 – 16 Morton Green, Almondbury, Huddersfield, HD5 8TT

16 Morton Green is a semi-detached, two storey property finished with white render and has grey concrete roof tiles on a hipped roof form. It has white uPVC windows. The property is set back from the road, on level ground and has a front garden/amenity area wrapping around the house to join the rear garden. The side of the property benefits from no neighbours to its south instead facing onto mature trees. Finthorpe Lane is a PROW to the south of the property. No. 16 is on the end of a close of similarly constructed residential properties.

It is not within a Conservation Area and is not a Listed Building or affecting the setting of one.

Description of Proposal

The full proposal description is “Erection of two storey side extension with front balcony (modified proposal)”.

Permission is sought for the erection of a balcony to the front elevation of a previously approved two storey side extension in application 2020/92850.

As such, the proposal to be considered is the balcony and its French double doors. The new plans were compared to assess whether new amendments have been made to the extant permission (which has already substantially commenced at the time of the site visit) and none were detected.

The floating balcony would be glazed and have a platform of ~2.7m from ground level. It would project 1m from the front elevation of the two-storey side extension currently being built and be ~2.5m width.

The previously approved window to the first floor serving Bedroom 4 would be altered to be double patio/French doors for the balcony.

History of negotiations/amendments received

A proposed canopy over the balcony was requested to be removed on plans. Subsequent plans still showed the canopy detail therefore a condition has been placed to prevent this being installed and to proceed with the application. It was suggested by the applicant to have an alteration to the balcony to have supporting beams from ground level; this was advised against in order to keep the clear, transparent glazing of the balcony unobtrusive within the primary elevation.

Condition 4 on trees under 2020/92850 was not formally discharged, however a Tree Protection Plan was submitted within the prior application and considered by the Trees and Enforcement Officers to be a suitable replacement. The Tree Protection Plan was reviewed by the Trees Officer following a site visit and agreed to be part of a compliance condition while work continues to the end of the construction process to ensure that the installation of the still necessary tree protection measures are carried out. The applicant has been advised of this by both the Trees Officer and the Planning Officer in order to ensure this information is not missed.

Relevant Planning History

2020/92850 – Erection of two storey side extension. Decision: Conditional Full Permission. Decision Date: 04/05/2021.

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: 13/06/2022.

A Site Notice was not necessary for this application site adjacent to a PROW at rear of the site; the works would be carried out at the primary elevation with no access required from the PROW and the works would be visually screened by the bulk and massing of the host and its extant permission within 2020/92850.

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):

- KC Trees – Visited the site following a report that Condition 4 had not been discharged. Details of the submitted Tree Protection Plan under 2020/92850 to be transferred to this application to ensure that protective measures are followed. Subject to this, then the proposal could be supported to avoid further damage to nearby Trees.

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 without allocation on the Kirklees Local Plan.

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 23 – Core walking and cycling network**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**

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 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
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations

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."

Policy LP24 of the KLP is also relevant regarding design and states that "good design should be at the core of all proposals in the district".

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 that *"proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape"*.

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space, Principle 8 – Energy efficiency, Principle 9 – Construction materials, Principle 13 – Vegetation and tree planting of the 'House Extension and Alterations SPD' is relevant.

The design guidance within the House Extension and Alterations SPD sets out that balconies *"should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:*

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens;*
- *Sited away from locations that are sensitive to additional noise levels or disruption."*

Considering that the proposed balcony is to be prominently sited to the primary elevation of the two-storey side extension facing the highway, it is assessed as being in a potentially sensitive location. The proposal would however be at the end of a close, screened by trees and set back from the primary elevation of the host ensuring that it would be considered a discrete

and small scale alteration away from passing traffic reducing its impact. In addition, the design and materials of the floating balcony to be glazed with permeable and transparent materials, which would enhance its unobtrusiveness and enable it to appear as a minor addition to the host property. A proposed roof canopy over the balcony would not be acceptable providing additional bulk and massing to the balcony making it appear cluttered and of poor design and therefore it is necessary to place a condition on the Decision to be clear that the roof canopy is not permitted and cannot be constructed to protect visual amenity.

The alteration of the window opening to the balcony for double French windows could be carried out under available Permitted Development Rights as demonstrated with Juliet style balconies and would be considered a minor alteration to the host's design and be acceptable.

The proposal is therefore regarded as acceptable for permission in this regard, subject to condition applied on the roof canopy, materials for the balustrade and method of support for the balcony as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

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 2021 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 impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to 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. 14 (north).

With regard to no. 14, the balcony extension is situated behind the primary elevation of the host on its two-storey side extension. The bulk and massing of the host screening the balcony would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering No 11 opposite, the proposed balcony would have a separation distance of ~42m offering oblique views far exceeding minimum recommendations for separation distances of habitable windows and would not be considered to change the current outlook significantly from the existing.

Therefore, it is considered that the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan, the 'House Extensions and Alterations SPD' and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

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. The proposed development (just the modifications to the original scheme) would not adversely affect the existing parking spaces within the site, intensify use, alter bin arrangements and therefore would not cause additional harm to highway safety.

5 – Other matters:

Biodiversity and Trees

Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extension and Alterations SPD' in conjunction with LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively 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.

For avoidance of doubt, a previous condition under the 2020/92850 approved application for the two-storey side extension has been appended to the recommended Decision to install a bat box to ensure the overall development continues to meet its requirement to meet biodiversity gains as the current proposal is simply a modified proposal to that application.

The presence of mature trees owned by the Council was considered to be a significant material consideration for the previous application. A compliance condition has been attached to the recommended Decision, recommended by the Trees Officer to ensure that the necessary requirement to install tree protection measures to meet the requirements under LP33 of the Kirklees Local Plan are retained throughout the construction period. Debris from nearby trees could impact on the balcony but, given its limited size, this is considered not to present a risk to the long-term viability of trees adjacent to the site.

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, this includes Key Design Principles 8-11 of the SPD.

Due to the minor nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

None.

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: 2022/91425

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 LP 1, LP 2, LP 21, LP 22, LP 23, LP 24, LP 30 and LP 33 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of the Council's House Extensions and Alterations Supplementary Planning Document (SPD), and Policies within Chapters 2, 12, 14 and 15 of the National Planning Policy Framework

3. Notwithstanding plans submitted, this planning permission does not extend to the construction or formation of a canopy over the balcony hereby approved.
   Reason: For the avoidance of doubt and in the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

4. The balustrade to the balcony extension hereby approved shall comprise clear glazing. The balcony support shall be by beam as shown on the approved plan and there shall be no posts to support the balcony erected from ground level.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Principles 1 and 2 of the House Extension and Alterations SPD.

5. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Tree Protection Plan, reference (Barnes Associates, ref. BA10498TPP). These shall be implemented and maintained throughout the construction phase and retained thereafter.
   ***Reason**:* To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Details of any additional tree works required during the construction process that is not identified within the submitted information shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP 33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. One 2F Schwegler Bat Box (or similar alternative) shall be installed integral into extension hereby approved before it is first brought into use. The bat roosting feature shall thereafter be retained.
Reason: To provided biodiversity net gain at the site and to accord with Policy LP30 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

NOTE: 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**
Existing and Proposed Elevation Plans and Floor Plans.	Title: Proposed Balcony and Balcony Canopy. Drawing No. 190-Arch.22.	Received Amended Plan 10/08/2022.	10/08/2022
Plans – Location Plan	Location Plan. Plan Reference No. TQRQM22123150210966.	Unamended	03/05/2022
Tree Arboricultural Survey Plan.	Title: Tree Protection Plan. By Barnes Associates. Drawing No. BA10498TPP.	A	27/09/2022

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. A proposed canopy over the balcony was requested to be removed on plans, subsequent plans removed the canopy but the detail was to wholly clear so a condition has been imposed for completeness. Further information on the protection of trees was requested and received.

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Report Dated: 20/10/2022