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:	**2022/62/91493/W**
Site Address:	90, Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NH
Description:	Demolition of garage, extensions and alterations to existing dwelling with replacement garage with annex above
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.

John Holmes

AUTHORISED OFFICER

Date: 24th October 2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91493

Site Description

90 Birchencliffe Hill Road is a large detached property located within an area which is without notation on the Kirklees Local Plan with the eastern and southern boundaries forming the boundary with the adjacent Urban Greenspace. The property is set on a lower ground level than Birchencliffe Hill Road and shares a vehicular access with Birch House which is located to the north-west of the application site and is within the same ownership.

The two storey dwelling has a detached double garage with accommodation above which is attached to the main dwelling by virtue of a decked area which has the appearance of a single storey building to the front elevation and a two storey structure from the rear elevation. The garage building sits at an oblique angle to the side elevation of the main building.

To the front of the building is a large area of hardstanding for parking and to the rear is a lawned garden area.

The property lies within the Environment Agency Flood Zone 1 with a Vet Surgery and residential properties to the north with the closest terraced row being Listed Buildings. To the east are residential properties on the southern side of Halifax Road, immediately to the east and south is a Council owned woodland and to the west is open land.

Description of Proposal

The application is for the demolition of the garage, extensions and alterations to the existing dwelling constructing a replacement garage with annex above. The description of development has been changed from its original submission which had the description of ‘Demolition of garage, erection of dwelling and extensions and alterations to existing dwelling’.

The application proposal, and description of development was amended following concerns raised with the Agent regarding the scheme, the additional dwelling was removed from the scheme and alterations were made to the existing property.

Demolition of garage

It is proposed that the existing double garage that is located to the north of the host dwelling would be removed. This structure is constructed from stone and has a blue slate roof.

Extensions

It is proposed that the overall height of the dwelling in terms of the eaves and roof ridge height is raised by approximately 1 metre. The width of the dwelling would be retained as existing. It is also proposed that the exiting rear elevation extension is removed and replaced with a single storey flat roof extension which would project from the rear elevation of the dwelling by 3.8 metres with a width of 7 metres and overall height of 3.1 metres. It is proposed that the extensions to the dwelling would be constructed from stone.

Alterations

The alterations to the existing property would include the alteration of fenestration details within the front elevation of the property to include large, glazed openings and also the creation of pitched gable roofs within the proposed extended roof slope. It is also proposed that there would be powder coated cladding introduced to both the front and rear elevations and sawn faced walling stone would be introduced to the gable features in addition to wood cladding to a section of rear elevation.

Replacement garage with annex

The replacement garage with annex above would replace the existing garage and annex that is proposed to be demolished. The proposed structure would attach to the side elevation of the main body of the host dwelling and would be set at an oblique angle, similar to the existing arrangement. The proposed garage would have a front elevation that would have a width of 10.5 metres with a width of 12.9 metres along the rear elevation. The depth of the structure would match the host property. The eaves height would be set down from the existing by approximately 2 metres to the front elevation and 0.8 metres to the rear elevation with the overall height of the extension being set down from the extended roof of the host dwelling by approximately 1.9 metres. The proposed construction materials would be coursed natural stone and render with wood cladding featuring above the door within the rear elevation of the extension. Slates are proposed on the roof which would match the existing.

History of negotiations/amendments received

As detailed above, concerns were raised with regards to the proposed development as originally submitted. The main concerns were in relation to the cramped form of development with the creation of an additional dwelling, the impact on the adjacent listed buildings and in intensification within the site. As such, the additional dwelling was removed from the scheme and alterations were made to extending and altering the existing dwelling. Amended plans were received on 19th October 2022 with the existing and proposed site plans received on 10th January 2023 following which the plans were re-advertised and a full round of consultation undertaken.

Relevant Planning History

1989/01610 Outline application for erection of 4 no. detached dwellings
Conditional Outline Permission

1993/00764 Renewal of unimplemented outline permission for residential development
Conditional Outline Permission

1996/91379 Renewal of unimplemented outline permission for residential development
Conditional Outline Permission

1999/90261 Erection of detached dwelling with garages
Conditional Full Permission

1999/91946 Renewal of unimplemented outline permission for residential development
Conditional Outline Permission

2019/90944 Demolition of existing garage and erection of front, side and rear extensions
Conditional Full Permission

2020/90188 Demolition of existing garage and erection of front, side and rear extensions
Conditional Full Permission

2020/92879 Demolition of existing dwelling and erection of detached dwelling with integral garage
Conditional Full Permission

Application 2020/92879 was approved on 4th March 2021, and is an extant permission which can therefore still be implemented. The conditions of approval of this consent related to the time limit to implement the scheme (within 3 years) that the scheme be implemented in accordance with the submitted plans, removal of permitted development rights, requirement to provide permeable surfacing and an electric vehicle charging point.

It is considered the 2021 permission is a material consideration which must be afforded weight in the consideration of this application taking account of the fact there is a realistic fall back position that the 2021 consent could be lawfully started / completed.

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. Following the submission of amended plans, the description of development was changed and a full round of publicity was

undertaken. This was in the form of a site notice, press advert and neighbour notification letters.

Final publicity date expired 17th February 2023

Parish/ Town Council – not applicable

As a result of the public consultation period three presentations have been received with the summary of comments set out below:

Prior to the submission of amended plans:

- Height of both properties will be considerably higher than the hedge and would partially block present and unobscured view of woodland
- Two windows in gable end whereas at present there are no windows and if over the hedge line would affect privacy
- Appears to be an extension of the rear garden within the proposed site/block layout compared with the existing site/block layout
- Large number of posts have been laid out on land beyond boundary of rear garden into woodland owned by Council
- Wood contains a number of well established trees that have been there for many years and reason why property was purchased
- Would like a guarantee that no trees will be felled if application successful
- Height of Plot 2 over doubles the height of the existing garage and increase of height to Plot 1 would remove light to neighbouring property
- Lack of light would impact on access which would be more dangerous particularly in icy conditions
- Plot 2 will overshadow neighbouring property during summer mornings and long portions of the day in winter
- Application site below main sewage systems and ongoing issues in the system
- Addition of Plot 2 would put approx. 50% more strain on the system with 5 additional bathrooms plus kitchen and utility and not obvious that the existing infrastructure
- Recommended that the sewage and surface water drainage is reviewed prior to planning being granted
- Proposed Plot 2 outside existing boundary line
- Plot 2 blocks access to utility metres and pump station which would need to be relocated
- Plot 2 would reduce space available for refuse lorries to complete a 3 point turn
- Current owners agreed to not park obstruct access, which Plot 2 would contravene
- Parking provision for Plot 2 would be inconsistent with the plan
- Not enough parking provision for number of bedrooms proposed
- Wall on site constructed outside of boundary on Council land
- Conformation should be submitted to confirm construction would be completed within the defined boundary of title deed

- Planning should be limited to each property having only 2 vehicles
- Proposal contains 13 windows on Plot 2 severely reducing privacy
- No external lighting shown on plan and any to Plot 2 would shine directly into neighbouring property
- Carbon Assessment should be submitted to understand real environmental impact
- If approved would be at least the 56th executive home with planning permission within a 500m radius
- Difficult to understand why the application is considered to bring any benefit to community due to constraints of the site

Following the submission of amended plans:

- Not in keeping with residential street scene
- Design incorporates an increase in ridge height of main property in excess of 15% and garage extension 25%
- Design not similar to other residential properties as it contains dormer style windows and uses materials such as powdered aluminium
- Materials are not clear and indicated new build aspects into the design which are not reflective in other local properties
- Design is larger than existing house not smaller as policy dictates
- Front and side extensions not set back from current building line and design indicates the property will be closer to the neighbouring property
- No substantiating evidence to explain differences and no specific architectural merit in design
- Recommendation to reduce height of dwelling and removing dormer have not been included
- Neighbouring property has habitable room windows in which the proposed development would face into
- 21 metre rule to reflect differences in height would be significantly higher and therefore a perspective of 23 metres would be more representative in terms of invasion of privacy
- Independent survey shows that all 33 windows would be within 21 metre habitable room range and over half the windows in revised design are within 21 metre between habitable rooms
- Not explained why footprint needs to move closer to the neighbouring property windows
- Application represents significant reduction of light to surrounding property, environment and access
- Loss of light to two windows in gable end of adjacent property
- Recommend an independent daylight and sunlight study is undertaken prior to planning approval
- Design contains no reclaimed or recyclable materials and includes materials with massive negative carbon footprints
- Not clear why design doesn't follow suit to enhance the local appearance, remain consistent with the existing building and manage the impact of the development on the environment
- No supporting evidence has been provided to explaining sourcing of materials

- Design proposes a new extended front and no new surface water drain
- Removal of surface water drain and the proposed new front wall increase risk of flood and weaken resilience of exiting drainage scheme
- Recommended that the whole existing sewage and surface water drainage is reviewed prior to planning being granted
- Currently waste is store between main property and garage and design indicates that the space would not permit future use for this purpose
- Design indicates a substantial front extension the full width of the existing property and increasing the ridge height by approximately 10%
- Side extension should be set back at least 500mm from the front the exiting main house
- Proposed plans indicates that the majority of the two storey side extension will be constructed in advance of the front extension to the main property
- Roof form should match the existing – current roof has a front side pitched roof and the rear is a mansard roof – design indicates a higher pitched roof which does not match the existing design and therefore outside of guidance
- Formation of dormers creates a significant departure from the style and roofline of current building
- Dormers should be located to the rear however are front facing with no other neighbouring properties with dormers of any type
- Dormers dominate the roof and replace a substantial proportion and changing the character of the property without any supporting justification
- As a demolition and substantial rebuilt the application represents the worst approach to meeting local environmental goals
- No additional 'green measures; in design
- Recommended that the scheme is subject to an independent whole life carbon assessment
- Plans indicate an extension to Plot 2 outside of the existing boundary line
- Proposal blocks access to utility meter at the rear of the neighbouring property and general access for pumping station for sewerage system which represents an issue for access for those might have mobility needs or require disabled access
- Insufficient space for refuge lorry to complete a three point turn to permit safe access from the site

As part of re-advertising the scheme, the description of development changed to reflect the amendments to the scheme. Following this period, the word 'extension' was added to the description to incorporate the addition height increase and also the single storey extension to replace the existing conservatory.

Consultation Responses

Environment Agency – no objection but advice issued to applicant

Following re-advertisement of application:

K.C. Environmental Health – records indicate the site is partially on and directly bordering land identified as being potentially contaminated – conditions requested in terms of the submission if a Phase I Risk Assessment Report and subsequent reports if required, electric vehicle charging points and construction working times

K.C. Highways Development Management – no objection subject to a condition relating to details of bin storage, presentation points and access for collection or waste

K.C. Arboricultural Officer – no concerns or objection as no objection trees internal to the site with surrounding trees under Council ownership – no conditions required

K.C. Lead Local Flood Authority – comments and conditions as per original consultation – no objection subject to conditions relating to drainage details and drainage infrastructure being imposed

K.C. Conservation and Design – no further comments or concerns

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 notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 33** – Trees
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions 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 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and heritage concerns
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) 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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."

- Principle 2 – that "extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."

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

- 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 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Two storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a

sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property;
- and be set back at least 500mm from the front wall of the house.

Section 5.22 goes on to say that two storey and first floor side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain access to rear gardens.

Single storey rear

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 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 above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, as well as other matters which are discussed as follows.

2 – Impact on visual amenity & heritage concerns:

This application site has been the subject of a number of recent planning application which have approved large extensions to the dwelling and for a replacement dwelling with the latter for a replacement dwelling being an extant permission which could still be implemented.

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.

When making a recommendation in respect of a planning application affecting a listed building or its setting, attention must be given to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

To the north of the property and on higher ground is a row of listed terraced buildings with the following being the listing description:

BIRCHENCLIFFE HILL ROAD 1. 5113 (South Side) Birchencliffe Nos 96 to 102 (even) SE 1118 20/76 5.7.76. II 2. C18 or early C19. Hammer-dressed stone, mainly rendered. Pitched stone slate roof. Coped gables on cut kneelers. 2 storeys. Paired stone brackets to gutter. Continuous sill bands. Raised quoins. 4 ranges of 4-light stone mullioned windows (mullions removed from 2 centre ranges). Central 1st floor window round-arched, with keystone and impost blocks. Blocked oculi with plain raised frames in west gable end. Catslide roof to rear, coped eaves.

With regards to this application, it was originally submitted as the demolition of the existing garage, extensions to the existing dwelling and the erection of a new dwelling. Following the receipt of consultation responses and a site visit to the property, concerns were relayed to the Agent regarding the cramped form of development with the creation of an additional dwelling, the impact on the adjacent listed buildings and in intensification within the site. Following receipt of the comments, the Agent submitted amended plans which removed the additional dwelling and proposed extensions and alterations to the existing

dwelling which includes alterations to the fenestration details to the front of the property, the creation of roof gabled features within the front of the building, an increase in the height of the building, a replacement single storey rear extension, the demolition of the existing garage and the erection of a two storey side extension which would incorporate a garage at ground floor with annex above.

In terms of the overall size and scale of the proposal the submitted plans indicate that the proposed works to the building would not increase the overall height or footprint of the building as approved within the most recent approved for the replacement dwelling. It is noted that the 2021 permission is able to be undertaken and it is a realistic fall back that this extant permission be undertaken.

The work would increase the overall height of the dwelling by approximately 1 metre and therefore visually, there would be a minimal impact from the overall height increase. In addition, the submitted proposed site plan indicates that the overall footprint of the resultant building (2021 permission) would be less than that already approved.

In terms of the proposed rear extension, this would replace the existing single storey conservatory. The extension would be single storey in height, would preserve the back garden, be set behind the original building line, would retain external access to the rear garden and would respect the original house and garden in terms of its size and scale, therefore complying with paragraphs 5.1 and 5.2 of the SPD. With specific regard to paragraph 5.6 of the SPD, the rear extension would be in keeping with the size and scale of the original house; would not cover more than half the total area around the original house; would not project more than 4 metres from the rear wall and would be set in from all boundaries by more than 1 metre. As such, complying with this section of the SPD.

With regards to the proposed two storey extension, this would replace the existing detached garage building. The extension would be located to the side of the dwelling and would be set at an oblique angle to the main dwelling, similar to the existing arrangement. Whilst the extension would take up most of the space to the side of the dwelling, it would not encroach any further towards the neighbouring properties as the side elevation would be set in from the boundary of the site. In terms of the compliance of the extension with sub-paragraph 5.22 of the SPD, the extension would be visually smaller than the host dwelling by virtue of having a lower roof line, retains a 1 metre gap to the boundary and has a roof design which follows the roof form of the extended host building. The extension would not be set back from the front elevation of the property by 500mm however due to the extension being set down from the main body of the property, it is clearly read as an extension to the property and therefore not having a set back can be justified in this case. It is therefore considered that the proposed side extension is considered acceptable in having regard to the SPD and also the fall back position of the 2021 consent which could be constructed.

It is proposed that there would be alterations to the host building which includes gabled roof pitches and large expanses of glazing to the front elevation with the fenestration details within the rear elevation similar to the existing, in terms of terms of size and scale. It is noted that the visual appearance of the property would change as a result of the proposed alterations however, due to the siting of the dwelling, set down and back from surrounding development, it is not considered that the resultant property would be so visually harmful that there would be sufficient justification to refuse the application in terms of visual amenity.

The submitted plans indicate that that there would an introduction of stone ashlar walling to the front elevation which would give a vertical emphasis to the front elevation and the appearance of a three storey building. As the adjacent property (within the blue line boundary) to the west of the site is three storeys in height, it is not considered that the overall appearance, size and scale of the building would be out of character with its surroundings.

With regard to the nearby listed buildings, these are located to the north of the application site and on a higher ground level. As part of the original scheme to develop the site, Conservation and Design Officers raised concerns on heritage grounds as the works would project over the hedge and the and the use of the site would be intensified by the additional dwelling and also the design of the existing and proposed dwelling raised concerns. Following the submission of amended plans, which has resulted in a re-design of the existing dwelling with a large two storey side extension and the omission of a rear dormer extension, Officers were re-consulted and raise no further comments or concerns. As such, it is considered that the works would comply with Policy LP35 of the Kirklees Local Plan.

To ensure that the future works do not result in an overdevelopment of the site, as with the previous application, it is considered reasonable and necessary to reimpose the condition removing permitted development rights for all extensions and outbuildings.

It is therefore considered, taking into account all the above, that the proposed building would be acceptable in terms of visual amenity and the impact on the nearby listed building and would therefore comply with Policies LP24 and LP35 off the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the SPD and advice within the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

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.

There are proposed openings within the front and rear of the proposed two storey extension with no openings proposed within the side elevation. Due to the orientation and siting of the proposed extension, the upper floor openings within the front elevation of the two storey extension would face the side elevation of the neighbouring property to the west which hosts 2 no. ground floor openings and a high level upper floor port hole window. Whilst the proposed openings would face this elevation, as these openings appear to be secondary/non habitable openings, it is not considered that there would be undue harm from overlooking from this elevation given the approximate 13 metre separation distance. The proposed openings would be set further back than the front elevation openings of those proposed within the extant permission for the replacement dwelling. The openings within the proposed rear elevation of the extension these would face the Council owned woodland which separates the property from Halifax Road. There is a proposed side elevation opening within side elevation of the existing property at ground floor level however this would not face any neighbouring property and is therefore considered acceptable in terms of overlooking.

The proposed openings within the single storey extension would face the garden area for the property and woodland beyond and therefore would not cause undue harm from overlooking.

The proposed site plan submitted with the application indicates the outline of the proposed development along with an outline of the footprint of the replacement dwelling which was approved and is an extant permission. This plan demonstrates that the works would not decrease any separation to that already approved and also that submitted proposed elevations indicate that the dwelling would by no higher than that approved. As such, as the property is detached and due to its orientation and siting, it is not considered that there would be significant harm from overshadowing or by being overbearing,

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

It is considered that, given these conclusions are drawn on the basis of the annexe being used ancillary to the host property, and a number of facilities would need to be remain shared, including the amenity spaces, it is reasonable and necessary for a condition to be included which requires the use to remain ancillary to the host property.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this

application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the property would result in a 5 bedroom dwelling. The SPD is clear that in terms of parking provision, proposals which result in more than 4 bedrooms require 3 off-street parking spaces. The submitted plans demonstrate that the ground floor of the extension would be garage provision and that 3 spaces can be achieved. In addition to this provision, there is a forecourt to the front of the property which would be available should further parking provision be required. This would comply with Key Design Principe 15 of the SPD and Policies LP21 and LP22 of the SPD.

It is noted that Highway Officers have requested that a condition be attached to the decision notice requesting that details of suitable storage, bin presentation points and access for the collection of waste has been requested. However, given that the works would extend an existing property and therefore there would be no change to the existing arrangement, it is not considered necessary to impose this condition.

It is, however, considered necessary to ensure the annexe accommodation remains ancillary to the main dwelling and used in connection with the main dwelling, given the impact that could arise from separating the annexe it is considered necessary the LPA can re assess such an impact, and subject to inclusion of this condition the proposal is considered acceptable.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 case, there are large amount of glazing to the front and rear elevations of the property which would result in solar gain which would reduce energy demands for future occupiers.

Flood risk – The Council's drainage mapping database indicates that a 225mm dia public surface water sewer crosses the site and connects to a culverted water course located to the south of the site which is required to be protected during the construction works to avoid damage. No attenuation of surface water flow is required in this instance.

The Council's surface water mapping indicates that the site is subject to potential flooding up to 600mm deep during a 1 in 30 year rainfall event. It is therefore recommended that measures be undertaken to protect living spaces from floodwater during flooding events. The Flood Management and Drainage team as Lead Local Flood Authority do not object to the proposed works, however conditions relating to draining details and overland flow routing have been requested. The property is existing, and it is proposed that this is extended.

The dwelling already operates with an existing drainage system in place and therefore, to extend the existing dwelling is unlikely to have a signifiant impact on the exiting drainage network over and above the existing situation. In addition it is noted that the requested conditions were not included on the previous permission for the replacement dwelling, which can be undertaken.

Given the scheme has been amended to that proposed and does not involve the construction of a new dwelling, and having regard to the fall back which exists with potential for the 2021 consent to still be implemented, it is considered it would be unreasonable of the LPA to impose the conditions recommended by the LLFA in this case.

Trees – there is a Council owned woodland to the east of the site. The Council's Tree Officer has been consulted as part of both the original and amended submissions. As there are no trees internal to the site with the surrounding trees under Council ownership, the plans do not present any elevated risk of harm to the trees. Therefore, the proposal is considered to comply with LP33 of the Kirklees Local Plan and Key Design Principle 13 of the SPD.

Contaminated land – Council records indicate that the site is partially on and directly bordering land identified as potentially contaminated land due to its former use as a brick works and subsequent landfill site. It is also close to two additional former landfill sites. Officers have commented that a previous decision notice for the property under application 1999/90261 contained conditions in relation to the potential contamination legacy however it is unclear whether these were discharged. It is however possible that subsequent applications and decision notices superseded the original

conditions. Due to the uncertainty in regard to potential contamination, it is recommended that a contaminated land condition is attached to the decision notice relating to the reporting of unexpected contamination should it be encountered.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

As a result of the public consultation period three presentations have been received with the summary of comments set out below with the LPA response:

Prior to the submission of amended plans:

- Height of both properties will be considerably higher than the hedge and would partially block present and unobscured view of woodland
- Two windows in gable end whereas at present there are no windows and if over the hedge line would affect privacy
- Appears to be an extension to the rear garden within the proposed site/block layout compared with the existing site/block layout
- Large number of posts have been laid out on land beyond boundary of rear garden into woodland owned by Council
- Wood contains a number of well established trees that have been there for many years and reason why property was purchased
- Would like a guarantee that no trees will be felled if application successful
- Height of Plot 2 over doubles the height of the existing garage and increase of height to Plot 1 would remove light to neighbouring property
- Lack of light would impact on access which would be more dangerous particularly in icy conditions
- Plot 2 will overshadow neighbouring property during summer mornings and long portions of the day in winter
- Application site below main sewage systems and ongoing issues in the system

- Addition of Plot 2 would put approx. 50% more strain on the system with 5 additional bathrooms plus kitchen and utility and not obvious that the existing infrastructure
- Recommended that the sewage and surface water drainage is reviewed prior to planning being granted
- Proposed Plot 2 outside existing boundary line
- Plot 2 blocks access to utility metres and pump station which would need to be relocated
- Plot 2 would reduce space available for refuse lorries to complete a 3 point turn
- Current owners agreed to not park obstruct access, which Plot 2 would contravene
- Parking provision for Plot 2 would be inconsistent with the plan
- Not enough parking provision for number of bedrooms proposed
- Wall on site constructed outside of boundary on Council land
- Conformation should be submitted to confirm construction would be completed within the defined boundary of title deed
- Planning should be limited to each property having only 2 vehicles
- Proposal contains 13 windows on Plot 2 severely reducing privacy
- No external lighting shown on plan and any to Plot 2 would shine directly into neighbouring property
- Carbon Assessment should be submitted to understand real environmental impact
- If approved would be at least the 56th executive home with planning permission within a 500m radius
- Difficult to understand why the application is considered to bring any benefit to community due to constraints of the site

Response: These comments refer to the scheme prior to its significant amendments and do not relate to the scheme under consideration.

Following the submission of amended plans:

- Not in keeping with residential street scene

Response: This has been addressed within the visual amenity section above

- Design incorporates an increase in ridge height of main property in excess of 15% and garage extension 25%

Response: This has been addressed within the visual amenity section above

- Design not similar to other residential properties as it contains dormer style windows and uses materials such as powdered aluminium

Response: This has been addressed within the visual amenity section above

- Materials are not clear and indicated new build aspects into the design which are not reflective in other local properties

Response: This has been addressed within the visual amenity section above

- Design is larger than existing house not smaller as policy dictates

Response: This has been addressed within the visual amenity section above

- Front and side extensions not set back from current building line and design indicates the property will be closer to the neighbouring property

Response: There is no front extension proposed. The outline shown on the proposed site plan relates to the replacement dwelling which has approval at the site

- No substantiating evidence to explain differences and no specific architectural merit in design

Response: It is not a requirement that evidence to explain the differences to the existing and proposed works are documented as part of the submission of an application. The differences are shown on the existing and proposed plans and it is considered sufficient information to enable the LPA to make a decision, in relation to this application, has been submitted.

- Recommendation to reduce height of dwelling and removing dormer have not been included

Response: The large rear dormer has been removed from the plans and the height of the dwelling would be no more than that previously granted permission.

- Neighbouring property has habitable room windows in which the proposed development would face into

Response: This has been addressed within the residential amenity section above

- 21 metre rule to reflect differences in height would be significantly higher and therefore a perspective of 23 metres would be more representative in terms of invasion of privacy

Response: This has been addressed within the residential amenity section above

- Independent survey shows that all 33 windows would be within 21 metre habitable room range and over half the windows in revised design are within 21 metre between habitable rooms

Response: Separation distances have been addressed in the above assessment

- Not explained why footprint needs to move closer to the neighbouring property windows

Response: The main part of the building is not moving in terms of footprint – the impact of the side extension has been addressed above

- Application represents significant reduction of light to surrounding property, environment and access

Response: This has been addressed within the above assessment

- Loss of light to two windows in gable end of adjacent property

Response: This has been addressed within the above assessment

- Recommend an independent daylight and sunlight study is undertaken prior to planning approval

Response: This is not a requirement for development of this size or scale

- Design contains no reclaimed or recyclable materials and includes materials with massive negative carbon footprints

Response: The impact of the scheme on climate change has been assessed above

- Not clear why design doesn't follow suit to enhance the local appearance, remain consistent with the existing building and manage the impact of the development on the environment

Response: The design of the development has been assessed above

- No supporting evidence has been provided to explaining sourcing of materials

Response: It is not a requirement that an explanation of material sourcing be submitted it is considered sufficient information to enable the LPA to make a decision, in relation to this application, has been submitted.

- Design proposes a new extended front and no new surface water drain

Response: No extended frontage is proposed

- Removal of surface water drain and the proposed new front wall increase risk of flood and weaken resilience of exiting drainage scheme

Response: Providing that any changes to the front wall do not exceed the requirements of permitted development legislation, this would not require planning permission

- Recommended that the whole existing sewage and surface water drainage is reviewed prior to planning being granted

Response: Matters relating to drainage have been addressed above and is also covered by Building Regulations

- Currently waste is store between main property and garage and design indicates that the space would not permit future use for this purpose

Response: Bin storage has been addressed above

- Design indicates a substantial front extension the full width of the existing property and increasing the ridge height by approximately 10%

Response: There is not front extension proposed and the ridge height has been addressed above

- Side extension should be set back at least 500mm from the front the exiting main house

Response: This has been addressed above

- Proposed plans indicates that the majority of the two storey side extension will be constructed in advance of the front extension to the main property

Response: The submitted plans do not indicate that the front extension is proposed

- Roof form should match the existing – current roof has a front side pitched roof and the rear is a mansard roof – design indicates a higher pitched roof which does not match the existing design and therefore outside of guidance

Response: The design of the scheme has been addressed above

- Formation of dormers creates a significant departure from the style and roofline of current building

Response: There impact of the roof pitches have been addressed above

- Dormers should be located to the rear however are front facing with no other neighbouring properties with dormers of any type

Response: Noted

- Dormers dominate the roof and replace a substantial proportion and changing the character of the property without any supporting justification

Response: The design of the alterations to the property have been addressed above

- As a demolition and substantial rebuilt the application represents the worst approach to meeting local environmental goals

Response: The works proposed within this application is to extend the existing dwelling and not a demolition and rebuild

- No additional ‘green measures; in design

Response: Noted

- Recommended that the scheme is subject to an independent whole life carbon assessment

Response: The size and scale of works proposed does not required a carbon assessment to be submitted

- Plans indicate an extension to Plot 2 outside of the existing boundary line

Response: Plot 2 has been omitted from the scheme

- Proposal blocks access to utility meter at the rear of the neighbouring property and general access for pumping station for sewerage system which represents an issue for access for those might have mobility needs or require disabled access

Response: The proposed extension would increase the separation from the neighbouring property by approximately 1 metre more than the existing garage

- Insufficient space for refuge lorry to complete a three point turn to permit safe access from the site

Response: issues relating to highway safety have been addressed above

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: 2022/91493

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP21, LP22, LP24, LP28, LP33, KLP35, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included

within Classes A, AA, B, C, or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual amenity and to ensure that unsatisfactory extensions do not result in close overlooking of adjoining property or an overdevelopment of the site and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. Prior to the occupation of the hereby approved dwelling, an electric vehicle recharging point shall be installed within the curtilage of the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point shall thereafter be retained.
Reason: In accordance with government guidance on air quality mitigation, outlined within the Planning Practice Guidance, Policy LP24 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy so as to promote infrastructure which encourages modes of transport with low impact on air quality.

5. 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. 183 and 184 of the National Planning Policy Framework

6. The annex building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 90 Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NH and shall not be sold or let independently to 90 Birchencliffe Hill Road.
Reason: To ensure that the annex is used solely as ancillary accommodation to the main dwelling house in the interests of highway safety, residential amenity of future occupiers and adjoining occupiers and the character and appearance of the area in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, Principles 7 and 15 of the House Extensions and

Alterations SPD and Chapters 2 and 12 of the National Planning Policy Framework.

NOTE: The proposed development is located on or within 250m of historic landfill sites that are potentially producing landfill gas. Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures. Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

The following publications provide further advice on the risks from landfill gas and ways of managing these:
• Waste Management Paper No 27
• Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
• Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001

NOTE: 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.

NOTE: Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2764 – LOC		3rd May 2022
Existing elevations and	2764 – (100) 01		3rd May 2022

Plan Type	Reference	Version	Date Received
floor plans			
Proposed elevations and floor plans	2764 – (100)03 – Rev: C		19th October 2022
Existing and proposed site plans	2764 – (100) 02		10th January 2023

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.

Concerns were raised with regards to the proposed development as originally submitted. The main concerns were in relation to the cramped form of development with the creation of an additional dwelling, the impact on the adjacent listed buildings and in intensification within the site. As such, the additional dwelling was removed from the scheme and alterations were made to extending and altering the existing dwelling. Amended plans were received on 19th October 2022 with the existing and proposed site plans received on 10th January 2023 following which the plans were re-advertised and a full round of consultation period ensued.

Report Dated: 23rd October 2023

Coal – low