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:	**2022/62/91637/W**
Site Address:	3, Valley Head, Birkby, Huddersfield, HD2 2DH
Description:	Erection of single storey front porch extension
Recommending Officer:	Ellie Worth

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: 11-Jul-2022

Officer report

Site description
3 Valley Head, Birkby is a detached stone property which features a dual pitched roof, alongside a single storey front projecting gable. At the time in which the site visit was undertaken it was evident that the extensions approved under application 2020/90416 were completed. More so, the property benefits from a driveway and landscaped area to the front alongside private amenity space to the rear. Pedestrian and vehicular access is taken directly from Valley Head. Boundary treatment consists of stone walling to the front and fencing and hedging to the rear. Land levels also fall within the site slightly from South to North.

The site and the wider area is dominated by residential properties, most of which vary in design and form. However, the common construction material within the vicinity is stone. The site is unallocated on the Kirklees Local Plan.

Description of development
Planning permission is sought for the erection of a front porch. The measurements of the proposal are as follows:

- 3.8m in width
- 1.6m in projection
- 3.1m in height to the eaves; 4.2m in overall height

The extension would be constructed from stone with clay tiles to the roof to match those that exist on the host dwelling and existing extensions. The additional fenestration would also be constructed from UPVC double glazed to match.

History of negotiations/amendments received
No negotiations or amendments have been sought as part of this application.

Relevant Planning History
<u>At the application site:</u>
2020/90416 Erection of single storey side and rear extensions and external alterations – Granted and implemented.

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 the 23rd June 2022. As a result of the above publicity, no representations have been received.

Consultations responses
None necessary.

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan

unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:
• LP1 – Achieving sustainable development
• LP2 – Place shaping
• LP21 – Highway safety
• LP22 – Parking
• LP24 – Design
• LP30 – Biodiversity
• LP53 – Contaminated and unstable land

Supplementary Planning Documents (SPD)
• House Extensions and Alterations SPD (2021)
• Highways Design Guide (2019)

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 highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development
The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity
Visual amenity Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration

of design stating that: “the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
• 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.”

In this case, officers consider the development to appear subservient to the host property, as the extension would be single storey and would benefit from a pitched roof. There would also be limited amenity space development as part of the proposal and therefore in turn, the works would not result in the overdevelopment of the site.

Front extension
Paragraph 5.13 of the House Extensions and Alterations SPD states that ‘’ front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable’’.

More specifically paragraph 5.14 outlines that single storey extensions on the front of a house…are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:
• The house is set well back from the pavement or is well screened; and
• The extension is small, subservient to the original building, well designed and would not harm the character of the original house or the area; and
• The materials and design match the existing features of the original house; and
• The extension would not unreasonably affect the neighbouring properties

In this case, it has been noted that the front porch would be readily visible within the street scene given the open nature of the site. However, it would be set back from the highway and therefore would not appear overly dominant. The extension proposed would be 1.6m in projection and would have a width of 3.8m. This would adjoin the existing front gable in which currently serves a garage. Materials would be stone with a clay tiled roof to match. It is a small feature when compared to the host property and would form a subservient gabled feature to the principal entrance. The extension would also not unduly impact on neighbouring amenity, however this will be assessed in more detail below.

In terms of openings, a pedestrian door and two long panes of glazing are proposed within the front elevation, with a small element of glazing to the apex. Whilst this would have some very limited visual impact, given the limited scale of the proposal and its function as a porch a significant level of glazing is not uncommon. The porch would also be less oppressive within the street scene due to it tying in with the existing gable.

For these reasons, the extension has been considered acceptable in line with the SPD, Policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

• Principle 3 – that: "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
• Principle 4 – 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."
• Principle 5 – that: "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."
• Principle 6 – that: "extensions and alterations should not unduly reduce the outlook from a neighbouring property."
• Principle 7 – that: "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."

1 Valley Head is the neighbouring property to the East of the application site. Due to the nature of the development and the orientation of these neighbours with the host, officers are satisfied that there would be no material overbearing or overshadowing. These neighbours also do not benefit from any ground floor side openings, nor would the extension proposed. As such, there would be no further loss of amenity.

15 Valley Head is the neighbouring property to the North of the application site. There would be no undue impact upon these neighbours amenity as a result of the works proposed, as a sufficient separation distance, including a highway would be retained. The extension would also serve a porch in which would be non-habitable.

5 Valley Head is the neighbouring property to the West of the application site. There would be no further impact upon these neighbours amenity as the porch would be screened by the existing front protecting gable (garage).

For these reasons, it has been considered that the impact on amenity is acceptable and therefore the proposal is considered to comply with LP24(B) and (C) of the Kirklees Local Plan, Chapter 12 of the NPPF and the Principles of the Council's House Extension and Alterations SPD.

4. Impact on highway safety

It this instance, the development does not appear to intensify the domestic use at the site, nor would it alter the existing parking arrangements. As such, three on-site parking spaces are appropriate for a dwelling of this size (with reference to the Highways Design Guide SPD), in which would be retained as part of this proposal.

Waste storage arrangement would likely remain the same as existing. For these reasons, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees Householder Extensions and Alterations SPD and the Highways Design Guide 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 predates 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.

In relation to climate change, Principles 8 to 11 of the Kirklees Householder Extensions and Alterations SPD set out guidance in relation to energy efficiency, construction materials, renewable energy and water retention.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extension would be constructed from stone, in which can be sought locally and easily recycled. The use of larger windows would also help aid passive solar gain and a porch would help to reduce draughts into the dwelling when entering and leaving the property.

Bats

Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might impact on the natural environment and biodiversity.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are also 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.

In this case, the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Furthermore, the applicant is also seeking permission for a single storey extension in which are unlikely to interfere with the eaves or roof on the main property. Nonetheless, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

6. Representations
No representations have been received.

7. Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2022/91637
Officer Recommendation: Approve

Conditions and Reasons
1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations Supplementary Planning Document and Policies contained within the National Planning Policy Framework.

3. The external walls and roofing materials on the front extension hereby approved, shall in all respects match those used in the construction of the existing building and extensions, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations Supplementary and the aims 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.

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 13.00hours Saturdays With no noisy activities on Sundays or Public Holidays 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location plan and existing floor plan and elevations	A(00)-01	-	12th May 2022
Proposed site plan, floor plan and elevations	A(10)-01	-	12th May 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no amendments have been sought throughout the course of this application.

Report Dated: 8th July 2022