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:	**2022/62/91729/W**
Site Address:	130, Luck Lane, Paddock, Huddersfield, HD1 4RA
Description:	Demolition of sun room and erection of two storey rear extension, with formation of extended basement with lightwell to front elevation
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.

Stuart Howden

AUTHORISED OFFICER

Date: 20-Oct-2022

Officer Report

Site Description

2022/91729 – 130, Luck Lane, Paddock, Huddersfield, HD1 4RA

The application site relates to a semi-detached property which has been previously extended with a two-storey side extension and a single-storey garage side extension. To the rear it has a single-storey conservatory extension on a concrete raised platform which leads to a hard surfaced rear amenity space at a lower ground level.

It is faced with stone to ground floor and pebbledash render to first floor with a hipped tiled roof. To its front amenity space bounded by low stone walls, there is a driveway and the property is elevated from the ground with external steps leading up to the front entrance.

It is not within a Conservation Area and is not a Listed Building. Adjacent to the site is a Listed Building (132 Luck Lane) so the application site could affect its setting.

Description of Proposal

Planning permission is sought for demolition of sun room and erection of two storey rear extension, with formation of extended basement with lightwell to front elevation.

The sun room, known as the rear extension, with its concrete platform would be demolished to accommodate a new two-storey rear extension spanning the width of the original host dwelling. This would have a lean-to roof and would have the following dimensions:

- ~4.3m projection from the rear x ~5.9m width and a roof ridge height of ~6.0m and eaves of ~5.0m measured from ground level.

The northeast elevation would have frosted glass and have similar glazing to the existing conservatory extension. The rear would have a double patio style door to each floor with a Juliet style balcony detail to the ground floor. The southwest elevation would have a double patio door to ground floor. The roof would have two skylights.

Materials proposed are stone to basement and ground elevations with tile to match the host.

The two-storey extension would serve a games room at basement level and a family room/snug to ground floor level.

To the primary elevation of the host, a bay window would be inserted below the existing ground floor bay window to have a lightwell excavated extending ~2.6m from the primary elevation under the bay window and 3.6m width with a

depth of ~0.6m. This would have a low stone wall ~0.4-0.6m height from the original ground level for safety whilst aiding in increased daylighting. In addition. the single-storey garage extension would have its door removed and some stone infill to insert a large window.

There would be internal alterations to the basement level of the host to have a gymnasium, shower room, cinema room, hall and lobby.

To the interior of the host at ground level, there will be two lounges, dining room, kitchen and the garage would be converted into a bedroom with ensuite. This new bedroom would have access to the rear terrace.

At the first floor, the house will remain unchanged internally with 4 bedrooms, the additional bedroom at ground floor will make the property a 5 bedroom house.

The front amenity space would have two parking spaces served by an Electric Vehicle Charging Point. Bins are to be visually screened by a timber enclosure ~1.4m height, ~1.0m depth and ~1.6m width adjacent to the driveway behind the boundary wall. A strip of land will be provided to visually soften the hard surfacing.

To the rear roof elevation, solar panels would be fitted for energy regeneration.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to avoid detrimental impacts to the nearby Listed Building to meet LP policies on visual, heritage and residential amenity.

Relevant Planning History

2005/90716 – Erection of 2 Storey and Single Storey Extension. Decision: Conditional Full Permission. Decision Date: 2005.

2005/95146 – Erection of Conservatory and Terrace. Decision: Conditional Full Permission. Decision Date: 2006.

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: 13/07/2022
Site Notice Expired: 30/06/2022
Publicity expired: 15/07/2022

One representation has been received objecting to the proposal; a summary of the comments received is set out below:

- Raising of roof ridge to side extension would have an oppressive overbearing effect with increase in wind speeds
- Harm to Listed Building by excessive development
- Building works may encroach on neighbouring land/disruption to neighbouring property
- Issues with application of chemicals

The amended design was not re-advertised due to reduced bulk and massing and no additional impacts on amenity.

Officers consider that the redesign addressed the first point of objection so that the impact upon neighbours was acceptable (see assessment section of the report). Officers consider that changes in wind speeds from a proposal of this scale would be negligible. The changes to the scheme are also considered to reduce the impacts of the second point of objection to an acceptable level. In terms of 3 point of objection, this is a civil matter and not a material planning consideration. Use of chemicals in the past is not within the control of planning so is not a material consideration for planning. A footnote has been applied setting out Council powers over related matters.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – Raising of roof to side extension and the (originally) proposed extent of the rear extension would lead to a dominating effect to the Listed Building. This should be made more subservient to an already extended host building to avoid detrimental impacts to the Listed Building adjacent.
- Highway Structures – No objection or conditions required in relation to retaining wall
- Trees – No major objections. Raising of roof to side extension may impact on likely TPO candidate. Rear extensions would be a reasonable distance to likely TPO candidate avoiding damage.
- KC Highways Development Management – No objections.

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. It is within a Bat Alert layer but not within a Coal Risk Area.

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 24 – Design**
- **LP 26 – Renewable and low carbon energy**
- **LP 27 – Flood risk**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**
- **LP 35 – Historic Environment**
- **LP 51 – Protection and improvement of local air quality**
- **LP 53 – Land contamination and instability**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extension and Alterations SPD
- Waste Management Design Guide for New Developments (Version 5, October 2020)

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

<u>1 – Principle of development</u>:

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. Policy 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."*

As stated above, there is an adjacent building which is a Grade II Listed Building at 132 Luck Lane. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should shave special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is also reiterated within Policy LP35 of the Local Plan.

Furthermore, Policy LP35 states: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm."* This harm will be assessed and discussed later in the report.
Policy LP24 of the KLP is also relevant 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, heritage and residential amenity and highway safety.
2 –Impact on visual amenity and heritage:

In terms of visual amenity, Chapter 12 of the NPPF and Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
Policy LP24 states that proposals should promote good design by ensuring:
"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…
and
c. also requires extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".*
Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

Section 66 is mirrored in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.
With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states "*development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".*
Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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 terms of impact to the Listed Building at No. 132 Luck Lane, the Conservation & Design Officer was informally consulted and advised that the original proposal would need to be reduced to avoid a dominating effect to the Listed Building and to be more subservient to the already substantially extended host building to avoid detrimental impacts.
Following significant alterations, the proposal would not add any bulk and massing to the side extension which would not harm the significance of the Listed Building. The proposal seeks to remove an existing platform to create a two-storey rear extension which would be wider than the existing 4.93m width to be 5.9m width. Whilst there would be a ~1m increase in width, it would marginally reduce the existing projection ~4.5m from the rear elevation down to 4.3m for the new extension. On balance considering that there is a moderate increase in width, it would serve to have an extension fully matching the host building with a cohesive design and use of materials; this would be much more appropriate for the setting of a Listed Building compared to the existing glazed white framed conservatory.
Whilst solar panels would be fitted to the rear roof elevation, this would not be to the south facing roof elevation closest/adjacent to the Listed Building and have its impacts reduced to the Listed Building, this would serve a private benefit but does have some very limited public amenity towards the reduction of polluting energy generation and the wider good; on balance this would be of neutral impact. In addition, under Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Class A, solar panels would be permitted development subject to restrictions.
With regard to heritage amenity, Officers are satisfied that the proposal would have a less than substantial harm on the setting of the Listed Building balanced by a harmonious design to the rear and no increase in roof ridge height for the side extension.
Section 5 of the Housebuilders Design Guide SPD, rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from

the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

As a general rule, a rear extension should:

- 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;

Design guidance set out in the House Extension and Alterations SPD advises that two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and

The proposal would remove a harshly intrusive white plastic conservatory and would serve to add a more harmonious addition to the host, using matching materials, having appropriate proportioned glazing similar in appearance to the host whilst retaining the garden's visual openness. It is noted that it would project more than 3m from the rear wall of the host and would exceed the eaves height however this is on balance a similar bulk and massing to the existing and would still be a proportionate addition spanning the original width of the host at rear. Whilst glimpses may be viewed from the highway be to the school to the rear of the site, this is not an adopted highway and the extension is considered to be of appropriate design.
The lightwell to the front would be mostly screened by the boundary wall and the strip of landscaping and considered a minor alteration to the front. The insertion of a window and stone infill to the side extension would also be considered a minor alteration to the host building in line with available Permitted Development Rights.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenities of the area and to be acceptable and

Overall, for the above reasons, it is considered that the proposal would accord with Policies LP24 (a and c) and LP35 of the Local Plan, Chapters 12 and 16 of the NPPF and Principles 1 and 2 of the 'House Extensions and Alterations SPD'.

3 – Impact on residential amenity:

Sections 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 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. The closest properties to be affected by the development are No. 128 (north), No. 161 and 163 (east) and No. 132 (south).

With regard to No.128 to the north, it is considered that the proposal would have a relatively similar relationship to No.128 than the existing protrusion to the rear of the site. The projection of the proposal would be slightly reduced and the overall roof ridge height would be increased by ~0.3m, however the change of the roof form from hipped to lean-to would reduce the bulk and massing of the existing which on balance would be acceptable and ensure that there would be negligible impacts on overbearing or overshadowing. The proposal would have a reduced amount of glazing facing No. 128, and the facing window is noted to be frosted. The existing relationship on overlooking and loss of privacy would on balance be acceptable if it is conditioned to be level 5 Pilkington glazing to ensure privacy to both neighbouring properties given the proximity.

Considering impact to No's.161 and 163, the proposal would add a window to the primary elevation of the garage side extension with no additional bulk and

massing, and other alterations would be minor. The window would have a separation distance of ~23m which would exceed minimal distance guidelines set out within paragraph 4.10 of the House Extension and Alterations SPD. For these reasons, Officers are satisfied this would be a scheme ensuring that there be no additional detrimental overbearing, overshadowing or overlooking impact.

Turning to No. 132, the proposed extension would have a relatively similar outlook to this the existing extension to the rear to No.132, and the raised patio area would be retained. There would be no increase in bulk and massing to the side extension. The proposed two-storey extension's bulk and massing would appear moderately closer by ~1m to the boundary however this would be set off the side boundary and also be screened somewhat by the present mature tree and it is to the north of the property. It is therefore considered that this scheme would prevent additional undue harm to No.132 in terms of overbearing, overshadowing, loss of outlook, loss of light, loss of privacy or overlooking.

Future Occupiers

With reference to Principle 7 of the House Extension and Alterations SPD, the garden will remain largely as present with increased access available to the lower ground level from the basement's double doors. This would be acceptable under Principle 7 of the House Extension and Alterations SPD.

When considering the impacts on residential amenity for neighbours, and subject to condition for the glazing to the northeast elevation, the proposal would accord with Policy LP24 of the Kirklees Local Plan, Principle 3, 4, 5, 6 and 7 of the House Extension and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

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 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The Highways Design Guide advises that new dwellings should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited. For a 4 plus bedroom dwelling, it should have three off street parking spaces, however this is subject to other considerations such as visual amenity and access to public transport. The property is in a sustainable area within close reach of amenities, facilities and services in Paddock Local Centre and served by frequent public transport links nearby. The proposal would have a landscaped area serving to reduce the harsh hard surfacing of the existing two off street parking spaces and on balance would serve to supply adequate parking supported by public transport while softening the front amenity space. This view is shared by Highways Development Management.

Highways Structures have raised no objections in terms of impact upon retaining structures

The use of timber bin screening is set out on plans at ~1.4m height, ~1.0m depth and ~1.6m width, for recommended floor space per residential bin in the Waste Management Guide (section 4.3) 940mm depth x 780mm width x 1100mm height per bin, there would be sufficient space for two bins to be screened to ensure satisfactory visual amenity impacts while also ensuring safe storage of bins. Whilst it is next to the driveway potentially affecting visibility to the north, this would be balanced by the highway rising to the north ensuring sufficient views of on going traffic from this direction.

The proposed development would have a neutral impact on the existing parking spaces within the site, and would be able to support the slightly intensified use by proximity to public transport and Paddock Local Centre and would not cause significant harm to highway safety.

5 – Other matters:

Climate Change
On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda, this includes Key Design Principles 8-11 of the SPD.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the increased daylighting through rooflights and lightwell, and the fitting of solar panels to the rear roof elevation of the host, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction and for Policy LP51 of the Kirklees Local Plan.
Drainage
The site is within a low probability Flood Risk Zone and therefore should the existing driveway be re-surfaced for this development, a condition could be placed to ensure that the off street parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.
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 and close adjacent to a Kirklees Wildlife Habitat Network, the proposals are relatively modest removing a modern extension 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. It is not considered proportionate to seek biodiversity enhancements in this case.
The Trees Officer was consulted and commented that while the mature tree is not protected it would meet the threshold of a Tree Protection Order should it be threatened. The works proposed would not harm the tree's however consideration should be made towards fitting leaf fall guards onto guttering and a footnote has been attached to make applicants aware of this in order to avoid pressure on pruning or other damaging works to the tree.
6 – Representations:

1 representation has been received objecting to the proposal and the comments raised 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: 2022/91729

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 LP1, LP2, LP21, LP22, LP24, LP28, LP 30, LP 33, LP 35, LP 51, and LP53 of the Kirklees Local Plan, Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The external walls and roofing materials of the rear extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity, to preserve the significance of the nearby Grade II listed building and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. The family room/snug window in the northeast elevation at ground floor, shall be obscurely glazed (minimum grade 5), before the extension is first brought into use. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) this window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan, the requirements of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

5. Prior to any re-surfacing of the two existing off street parking spaces for the hereby approved extension being first brought into use, two parking spaces measuring a minimum of 2.4 metres wide by 4.8 metres long shall be provided within the site outlined in red on the hereby approved 'Proposed Site Plan with landscaping and Parking layout. Title: Proposed location plan. Project no. 2022. Enquiry 23. Revision: A.' The spaces shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for the parking of vehicles.
Reason: To ensure that if the existing parking is to be resurfaced, sufficient drainage and parking is provided for the site and to accord with Policies LP21, LP22 and LP27 of the Kirklees Local Plan and to accord with Principle 14 of the adopted 'House Extension and Alterations SPD'.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: In order to prevent undue leaf fall in guttering damaging the property or giving rise to demand to prune the mature tree adjacent, the applicant could install leaf guards to guttering to prevent this.

FOOTNOTE: 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.

FOOTNOTE: 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 Location Plan.	100	-	18/05/2022
Existing Front and Side Elevation Plan.	108	-	18/05/2022
Existing Rear and Side Elevation Plan.	119	-	18/05/2022

Plan Type	Reference	Version	Date Received
Existing Basement Plan.	102	-	18/05/2022
Existing Ground Floor Plan.	103	-	18/05/2022
Existing First Floor Plan.	104	-	18/05/2022
Existing Roof Plan.	115	-	18/05/2022
3D Existing Front and Side Elevation Plan (Luck Lane View 1)	112	-	18/05/2022
3D Existing Rear and Side Elevation Plan (Rear View 3)	114	-	18/05/2022
3D Existing Rear Elevation Plan (Rear View 2).	113	-	18/05/2022
Proposed Front and Side Elevation Plan.	115	A	06/10/2022
Proposed Rear and Side Elevation Plan.	117	A	06/10/2022
Proposed Basement Floor Plan.	105	C	06/10/2022
Proposed location plan	101	B	06/10/2022
Proposed Ground Floor Plan.	105	C	10/10/2022
Proposed First Floor Plan.	107	B	06/10/2022
Proposed Roof Plan.	111	B	06/10/2022
3D Proposed Front and Side Elevation Plan (Luck Lane View 1)	108	B	06/10/2022
3D Proposed Rear Elevation View 1	109	B	06/10/2022
3D Proposed Rear Elevation View 2.	110	B	06/10/2022
Heritage Statement by Jade 3 Architecture Ltd dated 30/5/2022	2022 enquiry 23	-	31/05/2022
Design and Access Statement by Jade3 Architecture Ltd dated 16/05/2022.	2022 enquiry 23	-	24/05/2022
Email rec'd from agent	Email received from agent on	-	13/10/2022

Plan Type	Reference	Version	Date Received
	additional information		
Email rec'd from agent	Email from agent regarding lightwell	-	14/10/2022

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. The case officer undertook negotiations with the applicant to secure amended plans to ensure the scheme minimised the impact on visual amenity and the significance of the nearby Grade II Listed Building.

Report Dated: 14/10/2022