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:	**2022/62/91768/W**
Site Address:	26, Campinot Vale, Slaithwaite, Huddersfield, HD7 5EY
Description:	Alterations to part of integral garage to extend living accommodation
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: 12-Jul-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91768

Site Description

26 Campinot Vale is an end-terraced relatively modern property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a flat profiled tiled roof. To the front of the property is a lawned open garden and driveway which leads to an integral garage and to the rear of the property is a lawned garden and conservatory. To the side of the property is a pathway which runs along the boundary of the site to provide access to the Cricket Ground beyond the rear, eastern, boundary.

The surrounding area is comprised of predominantly residential attached dwellings and the Cricket Ground to the east.

Description of Proposal

Permission is sought for alterations to part of the integral garage to extend living accommodation.

The proposed works would be to provide a utility and shower room to the rear section of the garage. There are no proposed extensions to the footprint of the building and to accommodate the proposal, a ground floor obscurely glazed window would be located within the side elevation of the property. The window would be a brown uPVC opening with a cut stone surround.

There are no other works proposed.

History of negotiations/amendments received

No negotiations have taken place however as no proposed front elevation plans were submitted, clarity was sought that there were no other external alterations to the property proposed other than the proposed window. The applicant has confirmed this by email.

Relevant Planning History

1989/04371 Erection of 25 houses
Granted Conditionally

2011/92975 Erection of conservatory
Conditional Full Permission

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.

Final publicity date expired 1st July 2022 – no representations received

Parish Council

Consultation Responses

None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31 –** Strategic Green Infrastructure Network

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 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

Supplementary Planning Documents (SPD's)

- Highways Design Guide
- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
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.

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

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 15: Provision for parking

- Key design principle 16: Provision for waste storage

These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within sections 2 and 3 of this report.

With specific regard to the proposed development the SPD states that with regard to parking, extensions and alterations should maintain appropriate access and off-streeet 'in curtilage' parking. It goes on to say that 3 no. bedroom properties should provide 2 off-street parking spaces.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

Permitted Development Rights have been removed for the creation of door and window openings being formed in the external walls of the building under application number 1989/04371. The reason for imposing the condition was to protect the amenity of adjacent properties.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In terms of the visual amenity, there are no proposed extensions to the property and the existing garage door would be retained with a small window opening proposed within the ground floor side elevation of the property. As such, there would be no impact on the visual amenity of the street scene over and above the existing situation.

A window is proposed within the side elevation at ground floor level which would be a brown uPVC opening with a cut stone surround. As this would match the existing openings within the property, this would comply with Key Design Principles 2 and 9 of the House Extensions and Alterations SPD.

It is therefore considered that the works would comply with both local and national policy.

3 – Impact on residential amenity:

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

occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

There are no proposed extensions to the property and therefore there would be no impact on neighbouring properties in terms of overshadowing or by being overbearing, over and above the existing situation.

In terms of overlooking, a window to the proposed shower room would be located within the side elevation of the property which would be obscurely glazed. The House Extensions and Alterations SPD states that bathrooms/toilets are considered to be non-habitable openings. The separation distance between the side elevation of the property and the rear elevation of No. 24 would be retained at 12 metres and which is the distance required by the SPD in terms of overlooking. In addition, there is screening in place in the form of fencing and also a path that runs to the Cricket Ground.

It is therefore considered that the proposal would comply with the requirements of the SPD, Policy LP24 and Chapter 12 of the NPPF in terms of the consideration of residential amenity.

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.

The Highways Design Guide SPD requires that internal car parking spaces be a minimum of 3m x 6m. In this instance, the existing garage falls short of these dimensions and therefore is not considered to comply and cannot be counted as a parking space for the property. It is noted that there is a driveway which can accommodate 1 no. vehicle.

The Highways Design Guide SPD and the House Extensions Alterations SPD require that for a 3no. bedroom property, 2 off-street parking spaces should be provided. Notwithstanding this, it is not proposed that the footprint of the existing building would be extended and no additional bedroom provision would be created as a result of the works and therefore, it is not considered to be reasonable in this instance to request additional parking provision to be created to accommodate the works having regard to policies LP22, Principle 15 and the Highways Design Guide SPD.

In terms of Key Design Principle 16 of the SPD, there is sufficient amenity space within the site to accommodate bin storage.

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.

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

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of Policy LP31 of the Local Plan.

Biodiversity - Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

None

7 – Conclusion:

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

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

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2022/91768

Officer Recommendation: Approve

Conditions

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22, LP24, LP30 and LP31 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 7, 8, 9, 15 and 16 of the House Extensions and Alterations SPD, advice within the Highways Design Guide and advice within the National Planning Policy Framework.

3. The external materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of

Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	210-001		20th May 2022
Existing and proposed ground floor plan	210-002		20th May 2022
Existing and proposed south elevation	210-003		20th 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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 12th July 2022

Coal – none