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:	**2022/62/92267/E**
Site Address:	1, North Lane Court, Emley, Huddersfield, HD8 9TN
Description:	Demolition of single storey rear extension and side garage and erection of single storey side extension and replacement of existing window with front door
Recommending Officer:	Craig Hewitt

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 30-Aug-2022

Officer Report

Site Description
The application site relates to the two-storey end-of-terrace/courtyard dwellinghouse at 1 North Lane Court, Emley. The property is located at the south-western end of the row of dwellings that received planning permission in 1993, on the site of a former service garage. Parking space exists to the rear of the courtyard, whilst a public right of way runs adjacent to the property. The dwelling has a garage with lean to roof attached to the south-west facing side elevation, a single storey rear outrigger, and a two storey front outrigger. The primary amenity space is located to the rear of the dwelling. Space for two vehicle exists to within the curtilage of the property. The dwelling is finished in stonework. The immediate context of the site is largely residential in use, comprising a variety of housing types and materials.

Description of Proposal
Planning permission is sought for the erection of a single-storey side extension following the demolition of the existing side garage and rear outrigger, and for the replacement of an existing front elevation window with a front door – this would be within the existing two storey front outrigger. The proposed single storey side extension would project 2.7m from the side elevation of the dwelling – the same extent as the existing garage, though it would project further rearwards, to meet flush with the rear elevation of the dwelling. The proposed extension would have a lean to roof, and would be constructed of stonework and roof tiles. A kitchen and dining room would be created in place of the garage.

History of negotiations/amendments received
This planning application has been assessed based on the drawings originally submitted with the current application. No further details or amendments were sought thereafter.

Relevant Planning History
93/05299 – Erection of 6no dwellings with garages. Conditional full permission.

<u>At 20 Aspen Court:</u>
2011/91440 – Erection of garage. Conditional full permission.
2005/95095 – Erection of two storey and garage extensions. Conditional full permission.
96/91934 – Erection of detached garage. Conditional full permission.

Representations
This application was publicised by five neighbour letters, of which the consultation period expired on 26 August 2022, a site notice and advertisement in the press given that the planning application site sits adjacent a public right of way. Following this publicity, no representations were received from neighbours or members of the public.

Parish/Town Council comments
None.

Consultation Responses
KC Environmental Health have stated that given the site's former use as a garage, there is potentially contaminated land and therefore a condition and footnote relating to the discovery of contamination is required.
An EVCP condition and footnote was also recommend, however, this is not considered necessary for a household extension.

No response was received from PROW (footpaths).

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 proposals map.

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.

Kirklees Local Plan:
- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

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 12 – Achieving well-designed places

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 (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF. Policy LP24 of the KLP is the overarching policy in relation to the design, requiring proposals to respect the appearance and character of existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

The application is for an extension to a residential property within a settlement boundary, where the principle of development such as this is acceptable, subject to the satisfactory assessment of material considerations. These considerations, along with others, are addressed in the following sections in this report.

2 –Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The House Extensions and Alterations SPD states that single-storey side extensions should be located and designed to minimise the impact on the

local character of the area. The design should reflect the design of the original building in terms of roof style, pitch, materials, and detailing. The extensions should not extend more than two thirds of the width of the original house, not exceed a height of 4 metres, and be set back at least 500mm from the original building line to allow for a visual break.

In this case, the proposed single storey side extension would project 2.7m from the main side elevation, would be set back 1.5m from the front outrigger, and would meet flush with the rear elevation of the dwelling. The side extension would retain over 1m to the boundary with the right of way located adjacent the property, and over 5m to the rear boundary. The eaves of the extension would be 2.6m above ground level, whilst the lean-to roof would meet the main dwelling 4m above ground level – the scale of the proposed extension is considered acceptably proportionate to the original dwelling and would retain an acceptable sense of spaciousness within the plot and street-scene.

The pitched roof of the extension would be in-keeping with the character of the original roof of the dwelling. The proposed front door and window opening, as well as the proposed 3no. roof lights are of acceptable size, style and positioning. The side extension would be constructed of stonework and roof tiles to match the appearance of the existing materials of the dwelling - the proposed palette of materials would be acceptably in-keeping with the surrounding context of the property.

The development, therefore, would be acceptable in terms of visual amenity and would accord with policies LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers. Single-storey extensions should not overlook, overshadow or dominate neighbouring properties and gardens. No.20 Aspen Court would be the most impacted property as a result of the proposal. Careful regard, therefore, has been paid to the impact of the scheme in terms on this neighbours' residential amenity.

The modest extension would have little additional impact on No.20 Aspen Court in terms of outlook, given that the existing garage would be extended 1.3m to the rear and 0.8m to the front. The proposed eaves would be 0.3m higher than the existing eaves, but as the host property lies at a lower level than No.20 Aspen Court there would not be an overshadowing impact of the proposal. The proposed roof lights and window openings are not considered to create an unacceptable overlooking impact given that the only windows which would be impacted would be the first floor rear elevation windows at No.20 Aspen Court, which would be at a considerably greater height than the roof lights. The roof lights would also be at a sufficient height above floor level to allow views such that there would be an unacceptable loss of privacy.

As such, the proposal would comply with policy LP24 in terms of residential amenity.

4 – Impact on highway safety:

Space would continue to exist for at least one vehicle within the curtilage of the property, which would continue to function as a two bedroom property. Accordingly, a householder extension of this type is considered acceptable in terms of planning regulation.

The development concerned is acceptable in terms of parking and consistent with policy LP22 of the KLP.

5 – Other matters:

Carbon Budget
The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

Hazardous Materials
Given the site's former use as a garage, there is potentially contaminated land and therefore a condition and footnote relating to the discovery of unexpected contamination is required.

Public Rights of Way
The proposed development would not unduly impact on the adjacent public right of way.

6 – Representations:

No representations received during the course of this application.

7 – Conclusion:

This application for a side extension at No.1 North Lane Court, Emley has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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: 2022/92267
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 ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan, the Council's House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the Council's House Extensions and Alterations SPD, and guidance contained within Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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.

FOOTNOTE:
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for
  Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			05.07.2022

Plans, Elevations & Site Plan as Existing	01		05.07.2022
Plans, Elevations & Site Plan as Proposed	02		05.07.2022

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 26.08.2022