

**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:	2022/62/92535/E
Site Address:	631, Hunsworth Lane, East Bierley, BD4 6PU
Description:	Erection of single storey side and rear extension including front canopy and alterations to fenestration
Recommending Officer:	Nicole Helliwell

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: 14-Oct-2022

Officer Report

Reference No. 2022/62/92535/E

Site Address: 631, Hunsworth Lane, East Bierley, BD4 6PU

Proposal: Erection of single storey side and rear extension including installation of canopy to front and alterations to fenestration.

Site Description

The application relates to 631 Hunsworth Lane, a two-storey semi-detached property situated in a residential area in Birkenshaw. The dwelling is finished in red brick with a hipped roof form and benefits from gardens to the front and rear. The plans confirm that the property faces towards a recreation ground to the south-east, which is designated as an Urban Green Space in the Kirklees Local Plan. The neighbouring properties are of residential use and comprise two storey dwellings of a similar architectural design, age and style.

Description of Proposal

The application seeks planning permission for a single storey side and rear extension including the installation of a canopy to the front and alterations to the existing fenestration. The proposed single storey side extension would project approx. 2.5m from the existing side elevation. The extension would have a maximum height of approx. 3.8m and a height to eaves of approx. 3m. The proposed single storey rear extension would project approx. 3m from the rear elevation of the original build. It would feature a maximum height of approx. 3.8m and a height to eaves of approx. 3m. The proposed canopy would extend approx. 1.5m from the front elevation and would have a maximum height of approx. 3.5m.

Relevant Planning History

Not applicable.

Representations

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 16th September 2022. As a result of the above publicity, one representation has been received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

Consultation Responses

KC Environmental Health

We have reviewed application 2022/92535 and make the following comments and recommendations.

Contaminated land

The site is not on land identified as potentially contaminated. The proposed development involves ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a condition is necessary to limit the hours of operation for the site.

KC Conservation and Design

The proposed development falls within the setting of the East Bierley Conservation Area. East Bierley has a small historic village centred on a large open green. The buildings within it are of residential use and are predominately constructed in stone. The reason that the Bierley Road Conservation Area extends is to connect the terrace row further up the road for continuity. On this basis, it is considered that the proposal would not harm the significance or detract from the character of the Conservation Area, in accordance with Policy LP35 of the KLP and Chapter 16 of the NPPF.

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 Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving sustainable development
- **LP 2** - Place shaping
- **LP 21** - Highways and access
- **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

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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

2. Visual amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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. Furthermore, Key Design Principle 2 of the SPD goes on to state 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 details.

Single Storey Rear Extension

The House Extensions & Alterations SPD states that single storey rear extensions should, as a guideline, be in-keeping with the scale and style of the original house, not exceed 4m in height, not project more than 3m from the rear elevation (in relation to semi-detached properties) and should retain a gap of at least 1m to the property boundary.

The extension proposed would be single storey in height and would extend 3m from the rear elevation of the original dwellinghouse. The enlargement would incorporate a hipped roof and would be finished in red brick and concrete roof tiles to match the appearance of the host property. Although the extension would have a large width and would exceed the required 2.5m eaves height outlined within the SPD, it would be set away from the property boundaries and would not exceed 4m in height. Furthermore, it is noted that the extension would retain a gap of 0.5m to the common boundary shared with no.633 Hunsworth Lane. Although this would fall short of the 1m recommended within the SPD, it is considered that a sense of space around the extension would be maintained. On this basis, the proposed development would respect the visual amenity of the host dwelling and surrounding area.

Single Storey Side Extension

The House Extensions & Alterations SPD states that single storey side extensions should be offset and should compliment the scale and style of the original house. They should not exceed 4m in height, not extend more than two thirds of the width of the original dwellinghouse and should be set back at least 500mm from the original building line.

The proposed single storey extension would extend approximately 2.5m from the existing side elevation and would be finished in a material palette to match the appearance of the original dwellinghouse. The extension would also incorporate a hipped roof form and would not exceed 4m in height. Although the proposal would accord with the SPD to a certain extent, it is noted that the extension would occupy the full depth of the dwelling and would project forward of the original building line. However, given that a number of properties within the immediate vicinity have erected extensions of a similar scale and design, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the host property and the wider street scene.

Front Canopy

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. As per Paragraph 5.14 of the SPD, single storey front extensions should be small and subservient to the main house, set back from the pavement or well screened and should be in keeping with the appearance of the original build.

The proposed canopy would extend approximately 1.5m from the front elevation of the host property and would be constructed in oak. Although the

submitted plans confirm that the structure would project forward of the original building line, it is noted that the canopy would be set back from the pavement and would not appear overly prominent from public vantage points. Whilst it is acknowledged that front canopies are not a common feature within the street scene, it is noted that the structure would have a modest scale and would appear subservient to the original build. For these reasons, it is considered that the proposed development would respect the character and appearance of the host property and surrounding street scene.

External Alterations

The application also seeks to alter the existing fenestration on the side elevation of the original dwellinghouse. The plans confirm that the landing window would be partially blocked up in brick and reduced in height to accommodate the proposed single storey side extension. Given that the proposed alterations would match the original build and would not detract from the character of the host property, they are considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that there are no properties to the front of the application site that would be affected by the proposed works.

Impact on 629 Hunsworth Lane

The proposed single storey side extension would be positioned close to the common boundary shared with 629 Hunsworth Lane. However, given that the side elevation of no.629 contains no fenestration and that the enlargement would not project forward of the neighbour's principal elevation, it is considered that there would be no overbearing impact. Furthermore, the proposed single storey rear extension would comply with the 45-degree rule in relation to the neighbour's ground floor windows and would have an acceptable impact on their residential amenity.

Impact on 633 Hunsworth Lane

The proposed single storey rear extension would be sited 0.5m away from the common boundary shared with 633 Hunsworth Lane. The plans confirm that the corner of the enlargement would marginally protrude past the 45-degree angle measured from the midpoint of the neighbour's ground floor window. However, given that the enlargement would be set away from the common boundary and partially screened by the existing boundary treatment, it is considered that any impact would be minimal and would not be so significant to warrant a refusal.

Impact on 2 Hurstville Avenue

2 Hurstville Avenue is a residential dwelling sited south-west of the application site. Although the submitted plans confirm that the proposed development would look towards the neighbour's rear outdoor amenity space, it is considered that the neighbouring occupants would not experience any further harm to their residential amenity given that the host property already contains windows facing this direction.

Occupier Amenity

It is noted that the addition of a single storey side and rear extension would reduce the outdoor amenity space available at the site. However, it is considered that the rear garden that remains would be of a functional layout. On this basis, it is considered that the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4. Highway Safety

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. It is also noted that the waste storage arrangement would 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

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were 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 which will require compliance with national standards.

Contaminated Land

The site is not on land identified as potentially contaminated. However, given that the proposed development would involve ground works, it will be necessary to recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works. KC Environmental Health also recommended a condition relating to construction hours; however due to the scale of the development, it is considered that this would be acceptable as a note for the applicant.

There are no other matters relevant to the determination of this application.

6. Representations

One representation was received following the statutory publicity. Although concerns were raised regarding the proximity of the proposed development and the upkeep of waste pipes, it is noted that these matters are not material planning considerations.

7. Negotiations

Amendments were sought during the course of the application. A request was made to set the proposed side extension back at least 500mm from the original building line and to set the proposed rear extension at least 500mm away from the boundary shared with no.633 Hunsworth Lane.

Although the revised drawings did not address all of the concerns raised, the agent did provide full justification as to why the proposed development

would be acceptable. The agent made reference to a number of properties along Hunsworth Lane which feature extensions that project forward of the original building line (no's 629, 627 and 623 Hunsworth Lane). Therefore, given that the street is characterised by extensions of a similar design, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the host property and surrounding area and would be acceptable in terms of visual amenity.

8. Conclusion

This application for the single storey side and rear extension including a front canopy and alterations to fenestration at 631 Hunsworth Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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.

As set out above, 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: 2022/92535

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 with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the 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, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 of the National Planning Policy Framework

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: 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: 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 13.00hours, 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 can 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	Date Received
Location Plan		03/08/2022
Existing Elevations and Floor Plan	22/121	03/08/2022

Plan Type	Reference	Date Received
Proposed Elevations and Floor Plan	22/121	04/10/2022
Proposed Site Plan	22/121	12/10/2022

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 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. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable.

Report Dated: 07/10/2022