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:	**2022/62/92538/W**
Site Address:	One Oak, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Conversion and extension of existing roof space to create an attic room with new velux windows (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 29-Sep-2022

Officer Report 2022/92538
One Oak, Daisy Lea Lane

Site Description

One Oak is a large, detached house on a corner site. Its front elevation faces south towards Daisy Lea Lane across an extensive garden. Its eastern side elevation faces towards East Avenue. The main, or original part of the house, dating from 1926 according to the heritage statement, is two-storey and has a single gable at the front and twin gables at the rear. A later addition, to its western side, is also two-storey but with a much lower eaves and the upper floor accommodation mostly in the roof space. There is also a double garage to the east end. It is built in coursed stone, with a slate roof.

Description of Proposal

The proposal is for the extension of the existing roof space to create an attic room, and the installation of roof lights. The works will be carried out between the two rear-facing gables, forming a flat-roofed structure joining the two gables, 3.4m in width, and reaching the same height as the existing main roof. It would be externally clad in matching slates. Three rooflights would be formed.

Relevant Planning History

97/91805 – Erection of two-storey extension. Approved.

2015/93414 – Erection of extensions and demolition of part of garage and boundary wall. Approved.

Representations
Final publicity date expires: 24-Sep-2022 (publicity by site notice and press publicity in addition to neighbour letter as the site is in a Conservation Area)

One representation was made, which was in support of the application. Comments made:

- All material planning issues have been addressed, I fully support this application.

Consultation Responses

- KC Ecology – No objection subject to condition
- KC Conservation & Design – No objection

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within the Edgerton Conservation Area within the Local Plan.

Local Plan:

LP 21: Highways and access
LP 22: Parking
LP 24: Design
LP 30: Biodiversity and geodiversity
LP 35: Historic environment

Supplementary Planning Documents:

- KC House Extensions and Alterations SPD

Edgerton Conservation Area Appraisal.

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 12 – Requiring good design
- 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 (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Under Chapter 16 of the NPPF and Policy LP35 of the Local Plan, any harm to or loss of the significance of a designated heritage asset requires clear and convincing justification.

Other policies of relevance are Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers, and LP30, which states that the Council will seek to conserve and enhance the biodiversity of Kirklees.

The relevant parts of the Householder Extensions and Alterations SPD will be taken into consideration.

2 –Impact on visual amenity: Part 1.11 of the SPD states that the council "…will be flexible where innovative and contemporary designs which enhance the appearance and character of an area are proposed".

Part 5.4 advises that roof extensions should avoid making a building appear top-heavy, cluttered or asymmetrical. This should be taken into account in addition to the generally-applicable design advice set out Key Design Principles 1 & 2 of the SPD.

The proposed extension would be sited to the rear of the building and in a position where it would not be plainly visible from the public highway. Whilst the form of the extension, with its flat roof linking two gables, is unusual, it is discreetly sited and clearly subordinate to the existing dwelling and roof structure in scale. Furthermore, it does not exceed the height of the existing roof, and would avoid making it appear cluttered, asymmetrical or top-heavy. It is judged not to detract from the character of the building or the Conservation Area, subject to matching roofing slates being used, which can be conditioned.

It is thereby considered to accord with the aims of Policy LP24(a&c), LP35, Chapter 16 of the NPPF and the Council's duties under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity: Key Design Principles 3-6 of the SPD are applicable:

> 3 – Privacy: Extensions should avoid overlooking and undue loss of privacy, having regard for the recommended minimum separation distances and site levels.
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> 4 – Habitable rooms and side windows: Design and layout of habitable and non-habitable rooms to reduce conflict relating to light, privacy and outlook.
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> 5 - Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens. When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines.
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> 6 – Extensions and alterations should not unduly reduce outlook from a neighbouring property. Regard will be given to the established character of an area and existing feeling of openness. The extension would be in the north-facing elevation which is approximately 6.5m from the property curtilage boundary. The neighbouring property, Virginia Lea, is placed a further 9m in from the common boundary, minimum, and does not have its windows facing directly towards the site.

At present there are no rear-facing dormers or attic-level windows. The first-floor windows might give rise to a degree of overlooking of the neighbouring property's garden, and such a close relationship would probably not be deemed acceptable for a new house. But the line of sight is interrupted by trees and bushes near the boundary line. The proposed accommodation would be lit by rooflights only. As precautionary measure it is recommended that permitted development rights for the insertion of windows in the northern face of the extension should be removed since it is considered that an attic-level window so close to the plot boundary could be perceived as intrusive.

It is considered that it would have no impact upon natural light or outlook.

Subject to the above it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b&c) and with KDP 3-6.

4 – Impact on highway safety: The site plan indicates that there is room to park three cars within the site. This would be unchanged as a result of the

development. It is therefore considered that the development would have no impact upon the free or safe use of the highway and would accord with the aims of Policies LP21-22 and KDP 15 of the SPD. Facilities for the storage of wastes would be unaffected by the development.

5 – Other matters:

Biodiversity:
A bat survey, including an emergence survey, was undertaken before the application was submitted. It concluded there were no bat roosts in the building. The Ecology Officer concurs with these findings, recommending only that a single artificial bat roost be installed as an enhancement measure. This is considered reasonable as an enhancement measure in line with the aims of LP30, KDP 12 and NPPF Chapter 15. It is recommended that this be in the form of a standard prescriptive condition for the sake of simplicity. Earlier versions of the elevations as proposed showed two bat boxes either 3m above ground in the western elevation, or above a window in the northern elevation, neither of which are optimal for attracting bats.

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 KDPs 8-11 of the SPD.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The proposal is for a modest extension to an existing dwelling and as such would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: One representation was made, which was in support of the application.

- All material planning issues have been addressed, I fully support this application.

Response: It is considered that all aspects of the design are acceptable and that conditional approval can be granted.

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: **2022/92538**

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, to ensure the satisfactory appearance of the development on completion, and to ensure that the development conserves the character and appearance of the Edgerton Conservation Area, in accordance with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations Supplementary Planning Document, and Chapters 12 and 16 of the National Planning Policy Framework.

3. The external facing materials for the outer wall of the extension hereby approved shall in all respects match those used in the construction of the roof of the existing building.
Reason: In the interests of visual amenity and the significance of the Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

4. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no windows shall be formed in the northern elevation of the proposed extension at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document.

5. Before the extension is first brought into use, one artificial bat roost feature made of woodcrete or another durable weatherproof material shall be installed on the building at least 4m above ground on the northern, western or eastern elevation of the building, not above a window or door, and this shall thereafter be retained.

Reason: So as to deliver an appropriate level of ecological enhancement in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			28-Jul-2022
Heritage assessment			28-Jul-2022
Bat report	220657/1		28-Jul-2022
Location plan	EX0001		28-Jul-2022
Site plan as existing	EX0002		
Ground floor plan as existing	EX0010		28-Jul-2022
First floor plan as existing	EX0011		28-Jul-2022
Attic floor plan as existing	EX0012		28-Jul-2022
Roof plan as existing	EX0013		28-Jul-2022
Section as existing	EX0031		28-Jul-2022
Elevations as existing	EX0020		28-Jul-2022
Elevations as existing	EX0021		28-Jul-2022
Site plan as proposed	AL0002		28-Jul-2022
Ground floor plan as proposed	AL0010		28-Jul-2022
First floor plan as proposed	AL0011		28-Jul-2022
Attic floor plan as proposed	AL0012		28-Jul-2022
Roof plan as proposed	AL0013		28-Jul-2022
Elevations as proposed	AL0020		28-Jul-2022
Elevations as proposed	AL0021	B	27-Sep-2022
Section as proposed	AL0031		28-Jul-2022
3-D visuals as proposed			28-Jul-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 requested an amended plan deleting or re-siting the proposed artificial bat roost features since on the original version they were not optimally placed to attract bats.

Report dated:

27-Sep-2022