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:	**2022/62/92648/E**
Site Address:	4, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ
Description:	Demolition of existing conservatory and erection of part single storey and part two storey rear extension with external alterations
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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Dec-2022

Officer Report

Site Description
The application site relates to the two-storey, detached dwellinghouse at 4 Bluehills Lane, Lower Cumberworth. The dwelling has an attached double garage to the western side, and a rear conservatory. Ground levels rise to the rear (north), with vegetation and agricultural land located behind the property. The dwelling is constructed of coursed stonework. The immediate context of the site is largely of residential use, with properties similar in character.

Description of Proposal
Planning permission is sought for the erection of a part single/part two-storey rear extension. At ground floor, the extension would project 4m from the existing rear elevation and meet flush with both side elevations. At first floor, the extension would project 1.9m from the existing rear elevation and meet flush with both side elevations. Both elements of the proposal would have flat roofs, whilst a section of lean to roof on the existing ground floor side outrigger would be extended rearwards and a parapet formed. The proposal would create an enlarged dining area at ground floor and two enlarged bedrooms and an en-suite at first floor. The extension would be finished in dark grey zinc cladding at ground floor and matching stonework at first floor.

The application includes the installation of air source heat pumps to the side elevation.

History of negotiations/amendments received
This planning application has been assessed based on the amended drawings submitted after the materials of the original proposal were considered unacceptable. No further details or amendments were sought thereafter.

Relevant Planning History
2007/94803 – Erection of 14 no. dwellings with integral garages (modified house types). Section 106 full permission.

Representations
This application was publicised by four neighbour letters, of which the consultation period expired on 06th October 2022. Following this publicity, two objections were received from neighbours, relating to its scale, materials, the loss of light/overshadowing, loss of outlook/overbearing impact of the proposed development, and that it would not be in-keeping with the existing building and surrounding area. The proposed 4no. air source heat pumps were also objected to on the basis of noise/nuisance.

Parish/Town Council comments
None.

Consultation Responses
KC Environmental Health – Contaminated Land – the site is identified as potentially contaminated land due to its proximity to a landfill site.

KC Environmental Health – Noise - concerns raised with the proposed 4 air source heat pump condensers affecting nearby noise sensitive premises.

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
- **LP52** – Protection of environmental quality
- **LP53** – Contaminated and unstable land

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
- Chapter 15 – Conserving and enhancing the natural 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:

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 to promote 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.

Key Design Principles 1 (local character and street scene) and 2 (impact on the original house) given in the Householder Extensions and Alterations SPD reflect the above.

The Householder Extensions and Alteration SPD states 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 4m from the rear wall of an original detached house, be separated from the property boundary by at least 1.5m, and not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary. Larger extensions may be acceptable in certain circumstances if this can be justified, and will be considered on a case-by-case basis.

In this case, the proposed part single/part two-storey rear extension would project 4m from the existing rear elevation and meet flush with both side elevations at ground floor. A gap of 1m would be retained to the common boundaries with both No.2 and 6 Bluehills Lane, whilst 13.8m would be retained to the rear boundary.
At first floor, the extension would project 1.9m from the existing rear elevation and meet flush with both side elevations. A gap of 1m would be retained to the common boundary with No.2 Bluehills Lane, whilst 3.7m would be retained to the common boundary with No.6 Bluehills Lane.

The eaves of the ground floor element of the extension would be 3.1m tall, whilst the proposed first floor eaves would be slightly higher than the main eaves of the dwelling. Although the eaves height would not comply with the guidelines, the proposal would not project beyond the existing side elevations and are considered to be of a modest enough scale as not to appear overly dominant. The proposed development is proportionate to the original dwelling and would retain an adequate sense of spaciousness – it is considered to be of an acceptable scale.

Whilst the proposed flat roofs are not in-keeping with the architectural style of the property, the applicant has justified this by providing comparison drawings that would utilise a hip and valley design for the roof – whilst a hip and valley design would be more in-keeping, it is considered that the resultant scale and massing would have a greater impact on visual amenity. Therefore, on balance, the proposed flat roof is considered acceptable.

The proposed window openings are of acceptable size, style and positioning. The proposal has been amended so that the stonework finish at first floor would match that of the existing property, and surrounding properties, so as not to appear incongruous. The proposal has been amended so that the contemporary appearance of dark grey zinc cladding would be restricted to the ground floor - it is considered acceptable given that it would not be visible within the street-scene and would have a limited impact on neighbouring amenity. The proposed palette of materials, overall, are acceptable in relation to the surrounding context of the property.

The 4no. proposed air source heat pumps would be located at ground level on the east-facing side elevation and would not be visible within the street-scene

or to surrounding properties – there would be no harmful impact on visual amenity form the heat pumps.

The development, therefore, would be acceptable in terms of visual amenity and would accord with key design principles 1 and 2 of the Householder Extensions and Alterations SPD, policy 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.

Key design principles 3 (Privacy), 5 (Overshadowing/loss of light), and 6 (Preventing overbearing impact) of the Kirklees House Extensions and Alterations SPD expand upon Policy LP24 and are discussed below.

At ground floor, the proposed rear extension would project 4m beyond the rear elevation of No.2 Bluehills Lane and slightly further beyond the rear elevation of No.6 given that is set slightly further forward of the application property. Whilst the height of the eaves would be slightly above 3m and within 1.5m of the boundary to both properties, the vast majority of the extension, if not all, would fall within a 45-degree line of sight form the centre of the nearest habitable room windows at both properties. At first floor, the proposed projection is considered modest enough to prevent an unacceptable overbearing or overshadowing impact on the rear elevation or private rear amenity space of either No.2 or 6 Bluehills Lane, particular given that 1m would be retained to both boundaries.

The proposed first floor rear elevation windows would face open agricultural land at the rear and are not considered to cause an unacceptable overlooking impact.

As such, the proposal would comply with Key Design Principles 3, 5 and 6 of the House Extensions and Alterations SPD and Policy LP24 of the KLP in terms of residential amenity.

4 – Impact on highway safety:

The number of bedrooms would remain the same and parking space for at least two vehicles would remain within the curtilage of the proposed 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:

Contaminated Land
The site is identified as potentially contaminated land due to its proximity to a landfill site and therefore a condition relating to the discovery of coal or contamination has been recommended, as well as an informative footnote. Subject to condition the development will accord with Policy LP53 of the Kirklees Local Plan.

Noise
Concerns raised with the proposed 4 air source heat pump condensers affecting nearby noise sensitive premises and recommend a pre-commencement condition for a noise assessment. The applicant has requested that the noise assessment is submitted prior to the installation of the heat pumps rather than construction of the extension, which is considered acceptable. Subject to condition the development will be in accordance with Policy LP52 of the Kirklees Local Plan.

Bats
The site is located within a bat alert layer. After a visual assessment of the building by the officer, the building appeared to be in good order, well-sealed and unlikely to have any significant bat roost potential. A cautionary footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, and Chapter 15 of the National Planning Policy Framework.

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.

6 – Representations:

Two objections relating to the design, scale, materials, overshadowing, overbearing impacts of the proposed development, as well as the 4no. air source heat pumps, were received during the course of this application – these matters have been addressed above.

7 – Conclusion:

This application for a part single/part two-storey rear extension at No.4 Bluehills Lane, Lower Cumberworth 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: 2022/92648
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 and the aims of the National Planning Policy Framework.

3. The external stonework 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.

4. Before the installation of any air source heat pumps, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:
a) an assessment of all of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises.
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: In the interests of residential amenity and to accord with Policies LP52 and LP24 of the Kirklees Local Plan.

5. 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: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

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: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to 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.

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	WYK919101		08.08.2022
Existing Plans	003		08.08.2022
Existing Elevations	004		08.08.2022
Proposed Plans	006		08.08.2022
Proposed Elevations	008	A	06.12.2022

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 materials of the original scheme were found to be unacceptable and a revised proposal was submitted. No further amendments or details were sought thereafter.

Report Dated: 08.12.2022