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:	**2022/62/93440/W**
Site Address:	16, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA
Description:	Erection of single storey rear extension and detached outbuilding
Recommending Officer:	Lucy Taylor

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.

Stuart Howden

AUTHORISED OFFICER

Date: 18-Jan-2023

Officer Report.

Reference: 2022/93440

Location: 16, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA

Proposal: Erection of single storey rear extension and detached outbuilding

Site Description.

16 Rutland Road is a two-storey detached property located in Milnsbridge, Huddersfield. The site is located on a corner of Rutland Road. The external walls of the property are faced in brick under a tiled roof. The dwelling benefits from previous additions, specifically a two-storey side extension approved in 2019. Within the wider curtilage of the site, the property benefits from outdoor amenity space to the rear and on-site parking amenity space to the front.

Within the wider streetscene there is a strong sense of similarity established. This is because all of the properties share a similar style of design and construction, two-storey and detached, faced in matching exterior construction materials.

The application site is adjacent to the boundary of the Milnsbridge Conservation Area (which is to the east). In addition, an Allocated area of Urban Green Space is located to the rear of the site.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension and a detached outbuilding.

The proposed single storey rear extension will project ~3 metres from the rear elevation of the main body of the host dwelling, with a width of ~8 metres. The height of the single storey rear extension will be ~3 metres, with a flat roof above. The extension will effectively square off a gap between to the rear of the original dwelling and the side of the two storey rear extension. The external walls of the extension will be faced in matching brick and the roof will be constructed from GRP/rubber. The extension proposes glazing to only the rear elevation, in the form of glazed bi-fold doors. The bi-fold doors will be double glazed and will be framed in UPVC. Within the interior of the dwelling, the extension will function as a day lounge.

The outbuilding will be located to the very eastern corner of the site, within the existing outdoor amenity space. The outbuilding will have a height of ~2.5 metres, a width of ~5.8 metres and a length of ~8 metres. The outbuilding will be constructed from vertical timber cladding and stone. An access door is proposed to the northern elevation of the outbuilding and windows are proposed to the western elevation of the outbuilding. A roof lantern is also proposed within the roof of the outbuilding.

History of Negotiations.

The case officer sought amended plans in more on line with the House Extensions and Alterations SPD, specifically recommending that the proposed extension be set back 1 metre from the shared boundary with No. 18 Rutland Road.

The applicant did not submit amended plans however, they did provide a written justification to support the scheme, and these are summarised as follows:

- A 1m setback would reduce the space down internally by a substantial amount, creating an awkward space, cutting light from the lounge and leaving wasted space in the garden and would look unbalanced;

- Seems to conflict and contradict current permitted development policies and leads to badly designed extensions and poorly planned out spaces;

- Plenty of recently approved neighbouring extensions on the same street are exactly the same as proposed, with a precedent previously established;

- The house is detached and the neighbouring property is setback, therefore it results in no overshadowing, loss of light or overbearing impact issues.

These arguments have been considered in the assessment of the application and the acceptability of the proposal is discussed in greater length in the 'Assessment' section of this report. However, the application is, on balance, considered to be acceptable.

Relevant Planning History.

At the application site:

- **2019/92335** – Erection of two storey side extension. *Granted Conditional Full Permission.* This has been implemented.

To neighbouring properties:

- **93/02162** – 14 Rutland Road – Erection of detached double garage. *Granted Conditional Full Permission.*

Publicity/Representations.

We are currently undertaking 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, a site notice and

within the newspaper, which collectively expired on 9th December 2022 – one representation has been received, which objects to the application.

The representation sets out that the comments raised relate to the proposed outbuilding and not the rear extension. This representation is summarised as follows:

- There is a very large and mature tree currently located in the lower garden near the proposed siting of the proposed outbuilding. The proposal would involve removing this tree. The tree in question is attractive, a mature asset to the location, enhances the area, is aesthetically pleasing and can be enjoyed by all who take pleasure from walking in the area, by those using the area for recreation and local residents thus, enhancing residential and recreational amenity. The tree is also of biodiversity value, cultural value and high amenity value.

- Given the size of the tree, the root system may be extensive and any permanent structure requiring the digging of foundations may damage the tree roots and potentially the tree. A less permanent outbuilding structure; there is already a less permanent structure present, an outbuilding located elsewhere within the extensive grounds of the property or amended plans to accommodate the tree and its root system may be a more appropriate solution.

- The tree shows signs of damage to its lower limbs due to improper pruning, poor care, and the inappropriate felling of some of its branches. This is not detrimental to the tree and can be rectified with a more sympathetic approach to management.

- It is unnecessary to destroy a mature and beneficial tree to build the proposed outbuilding, given the existence of ample living space within the existing property and the proposed rear extension. Removing this tree is unnecessary.

Consultation Responses.

KC Trees – Have no objection to the proposal. The white poplar tree to be removed to facilitate the construction of the outbuilding is of structurally poor condition and low value.

Policy/Legislation.

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 application site is located outside the boundary of the Milnsbridge Conservation Area. In addition, an Allocated area of Urban Green Space is located to the rear of the site.

The site falls in an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:
The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, together with Circulars, Parliamentary 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment.

The following matters will be considered as part of the assessment of this proposal. These considerations will be looked at in detail individually:

1) Principle of development
2) Impact on visual amenity (including impact upon the historic environment)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this instance, it could potentially be stated that the principle of development is acceptable, but this is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity (Including Impact upon Historic Environment)

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should*

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'

and

- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.1 of the House Extensions and Alterations SPD provides specific advice for rear extensions and states that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Section 5.6 of this SPD also provides specific advice for outbuildings and states the following:

"Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.

Outbuildings should normally:

- *be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
- *be set back behind the building line of the original building so that they do not impact on the street scene; and*
- *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost."*

Single Storey Rear Extension:

The proposed rear extension to 16 Rutland Road is considered to be a subservient addition to the existing dwelling, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a flat roof, by form, naturally reduces the potential for undue bulking or massing from the overall appearance of the extension.

With regard to fenestration detailing, the proposed bi-fold doors to the rear elevation are considered to be acceptable visually, in keeping with the contemporary style of the host dwelling, whereby modern glazed features have previously been established, including glazed doors and Juliet balconies.

Although a previous two-storey extension has been constructed at 16 Rutland Road, it is not considered that the erection of the proposed single storey rear extension would result in overdevelopment of the site. This is predominantly because of the size/scale of the extension being proposed, as well as the infill sitting of built form, which help to promote some subservience and sympathetic harmonisation with the architectural style of the dwellinghouse in its current form.

For these reasons, it is concluded that the design of the proposed rear extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the property.

Although the proposed single storey rear extension does not retain a 1 metre gap from the shared boundary as set out in the House Extensions and Alterations SPD,
It should be noted that permitted development rights have not been removed at 16 Rutland Road for the erection of extensions. In turn, in the instance of

this application, a permitted development fallback position can be given some weight, whereby a very similar proposal could be constructed without the need to acquire planning permission from the Local Authority. Such an arrangement is also considered not to relate in a cramped appearance at the site. It is however, noted that a 1 metre gap is also recommended for residential amenity reasons which shall be discussed in the subsection below.

Within the wider streetscene of Rutland Road, the proposed extension will not be clearly visible. In turn, the erection of the proposed extension would not disrupt the existing character of the locality visually.

Outbuilding:

The proposed outbuilding at 16 Rutland Road is considered to appropriately comply with the design criterion of the House Extensions and Alterations SPD. Although the shed will not be set completely behind the rear wall of the dwelling, as the site is on a corner and the outbuilding is located to the east of the site, it will not appear to compete with prominence with the existing dwelling (i.e. it would be somewhat site away). The location of the proposed outbuilding is therefore considered acceptable from a visual amenity perspective.

With regard to the design of the proposed outbuilding, although the size/scale of the structure is relatively large, the total garden space at the property is of a sufficient area to support it without appearing cramped and the outbuilding will be set to a lower topographical ground level, with the garden to be excavated and stepped access down to be created. Furthermore, the outbuilding will have a flat roofing form, of a maximum height of only 2.5 metres. In turn, the sitting and design works to mitigate undue bulking or massing from the overall appearance of the outbuilding. It should also be noted that the extent of outdoor amenity space around the building is not impacted unduly.

The position of the proposed shed within the curtilage of 16 Rutland Road will be located adjacent to a detached stone garage at the neighbouring property of 14 Rutland Road. This further promotes the visual acceptability of the proposed outbuilding at the application site, with the principal of a detached structure previously established in a significantly more prominent position in the streetscene.

The proposed outbuilding will not be overtly visible from public vantage points along Rutland Road, due to the significantly set back position of the dwellinghouse itself, as well as the proposed siting of the outbuilding and the forms of boundary treatment erected around the site.

The style, shape and architectural features of the proposed outbuilding appropriately reflect the host property and its surrounding environment. The use of timber cladding to face the outbuilding is considered to be an acceptable material, commonly used for this type of development and appropriately harmonising with the external garden environment within which

the outbuilding will be erected. The timber cladding will match the appearance of the existing parameter fencing.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

Due to the site's location just outside the boundaries of the Milnsbridge Conservation Area, Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".*

The proposed rear extension and outbuilding have been concluded to be visually acceptable with regard to their size/scale, sitting and design. The extensions would not be highly visible from publicly accessible vantage points in the conservation area too. It is therefore considered that the proposal would not lead to harm to the significance of the Milnsbridge Conservation Area.

For these reasons, the proposed development at 16 Rutland Road is considered to have an acceptable impact with regard to the heritage significance of the Milnsbridge Conservation Area (i.e. it would avoid harm to the significance of this designated heritage asset). Therefore, it is concluded that the proposal complies with policies within Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Principle 7 of this SPD also requires that a suitable level of amenity space remains as part of developments.

The proposal would see a slight reduction in the overall extent of outdoor amenity space at 16 Rutland Road, however, the rear garden in its entirety will remain largely unaffected by development with sufficient private amenity space retained. Therefore, the proposals are considered to appropriately comply with Key Design Principle 7 of the SPD.

It is considered that the properties most likely to be affected by development are those which directly neighbour the site, these being No's. 14 and 18 Rutland Road. It is considered that the proposed works would be a sufficient distance from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect. Of note, there is a field to the rear of the site.

No. 14 Rutland Road the north east:

This property will not be unduly affected by the proposed rear extension to No. 16 with regard to overbearing, overshadowing and overlooking. This is due to the proposed sitting of the rear extension to the host dwelling and the locational relationship of these two neighbouring properties. That is, the proposed extension would be largely screened by the existing two storey extension and it would be sited away from the shared boundary.

The proposed outbuilding will be set adjacent to the stone detached garage within the curtilage of No. 14. The height of the proposed outbuilding will be lower than the height of the garage at No. 14, therefore, the solid side elevation of the garage will sufficiently mitigate any detrimental impacts of overbearing or overshadowing. In addition, the outbuilding does not present any detrimental impacts of overlooking, a result of its sitting and relationship to No. 14, as well as the minimal forms of glazing proposed.

It should also be noted that fencing is erected between No.16 and No.14. This boundary treatment will further work to mitigate against any potential impacts of development.

No. 18 Rutland Road to the west:

This property will not be unduly affected by the proposed outbuilding to No. 16 with regard to overbearing, overshadowing and overlooking. This is predominantly due to the proposed sitting of the outbuilding, to be set approximately 25 metres from the shared boundary of curtilage, and given its limited height.

The proposed rear extension will retain only a 0.2 metre gap from the shared boundary with No.18. In addition, the development will bring the rear wall of No.16 further beyond the rear wall of No.18 than existing. However, it is not considered that the development will result in undue impacts of overbearing of overshadowing. This is firstly because the extension is to be single storey in height, with a flat roofing style which works to reduce the potential of undue bulking or massing. In addition, the extension is to be set adjacent to the rear of the detached garage within the curtilage of No. 16 Rutland Road and away from the dominant area of usable garden/patio space within the curtilage of No.18. the dwelling house at No.18 is also set away from the shared boundary. For these reasons, it is not considered that the rear extension would result in undue levels of overbearing, loss of light or overshadowing for the occupiers of No. 18 Rutland Road.

To further support this conclusion, desktop sunlight calculator software has been used. This software demonstrates that any potential overshadowing from the extension would be limited to between only approximately 06:00-10:00am in the summer. There would be no obvious material increase of potential overshadowing in the winter.

No glazing is proposed in the side elevation of the extension facing this neighbouring property, resulting in no detrimental impacts to residential privacy as a result of overlooking.

For these reasons, the proposal is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

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 proposed development will not directly increase the domestic function of No. 16 Rutland Road (with no new bedrooms proposed), nor will it materially alter the existing parking arrangements on site or access to and from the adjoining highway, therefore, the proposal is considered to be acceptable from a highway safety perspective.

It is also considered that waste storage and collection arrangement would likely remain as is as a result of the proposal, in compliance with Principle 16 of the House Extensions and Alterations SPD

In turn, erecting the proposed rear extension and outbuilding at 16 Rutland Road would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

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.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would not see any works or alterations to the existing roofing forms at 16 Rutland Road. In turn, the proposed developments have a very low potential for disrupting any roosting bats which be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

The loss of the tree could be compensated by the provision of a bat box on the dwelling which could be conditioned.

Trees:

Policy LP33 of the Kirklees Local Plan states that: *"The Council will not grant planning permission for developments which directly or indirectly threaten tress or woodland of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity."*

Further to this, Policy LP24(i) of the Kirklees Local Plan states that proposals should promote good design by ensuring *'the retention of valuable or important trees'.*

As part of the determination process for this application, KC Trees were formally consulted with regard to the presence of a tree in close proximity to the location of the proposed outbuilding, which would likely be felled as part of the construction process.

KC Trees confirmed that they had no objection to the proposal at 16 Rutland Road. The reason for this was because the white poplar tree to be removed to facilitate the construction of the outbuilding is of structurally poor condition and low value. Officers do not see any reason to disagree with this conclusion after visiting the site. In conclusion, it is considered that the proposal complies with policies LP24(i) and LP33 of the Kirklees Local Plan and Chapter 12 of the NPPF.

6) Representations

One representation was received, which raised concerns regarding the loss of a tree as part of the erection of the proposed outbuilding. The representation is set out in greater detail in the above ‘Publicity/Representations’ section of this report. In response to this representation, the Local Authority refer to the consultation response received from KC Trees, which raised no objections to the proposed scheme, a result of the white poplar tree been of low value and in structurally poor condition. Officers concur with this conclusion from KC Trees.

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: 2022/93440
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP33, LP35 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external walls of the rear extension hereby approved shall in all respects match those used in the construction of the existing dwelling and be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

4. The external walls of the outbuilding hereby approved shall be faced in timber cladding and stone. The materials of construction shall be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

5. Prior to the first use of the outbuilding hereby approved, one bat box shall be incorporated into the dwelling; the box shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground. Once installed, the bat box shall thereafter be retained.
   Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document.

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**
Existing Plans	2227 A(00)-01	-	20.10.22
Proposed Plans	2227 A(10)-01	-	20.10.22
Proposed Outbuilding Plans	2227 A(10)-02	-	20.10.22

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 preapplication 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 amended plans so that the proposal was more in line with advice contained in Council's adopted House Extensions and Alterations SPD, specifically recommending that the proposed extension be set back 1 metre from the shared boundary with No. 18 Rutland Road. The applicant did not submit amended plans however, they did provide a written justification to support the scheme in accordance with the 'comply or justify' basis of the House Extensions and Alterations SPD. Officers considered that the lack of such a set back would not result in harm that would constitute a sufficient reason for refusing the application.

Report Dated: 18.01.23