

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:	2022/62/93778/W
Site Address:	3, Gisbourne Road, Bradley, Huddersfield, HD2 1SD
Description:	Erection of single storey rear extension
Recommending Officer:	Tom Hunt

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: 09-Mar-2023

Officer Report

Site Description

2022/93778 – 3, Gisbourne Road, Bradley, Huddersfield, HD2 1SD

The application site relates to a two-storey semi-detached dwellinghouse which is faced with cream render finish and has a concrete tiled side gable roof. It has a lean-to roofed single-storey side extension acting as an infill extension to a flat roofed, original, previously detached structure. It benefits from a driveway with front amenity space and a garden to the rear with patio. Properties in the area are similarly finished.

Description of Proposal

Erection of single storey rear extension

All figures are in metres and approximate.

The proposed single storey rear extension with a lean-to roof would have the dimensions of:

3m projection from the rear x 6.015m width and a roof ridge height of 3.825m and eaves of 3m measured from ground level.

Openings would be restricted to the rear elevation and to two rooflights. Materials would be to match the host with cream render finish and concrete roof tiles

This would serve as a living room extension joining the kitchen and dining room.

History of negotiations/amendments received

The case officer considered the application on review and sought to have the impacts of the originally proposed two-storey rear extension reduced for visual and residential amenity.

Relevant Planning History

No previous planning applications for this site.

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 which expired on: 03/01/2023

No representations have been received.

The amended plans were not readvertised given the greatly reduced impacts on visual and residential amenity.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Ecology – Advised Preliminary Roost Assessment to assess the original larger scheme's impacts.

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.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 4 – Decision-making
- 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, KDP 1 and 2 of the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*” and detailed design guidance on single-storey rear extensions are set out in para. 5.1-5.6 of the House Extensions and Alterations SPD to aid good design.

The proposal design would comply with all design limitations in the SPD except retaining a 1m gap to the property boundary on the southeast neighbouring boundary. Notwithstanding this, the property hosts full Permitted Development Rights and could therefore construct a rear extension of a very similar size up to the boundary, subject to conditions, without the requirement of planning permission. As such, there is a realistic fall-back position and

therefore, it is proposed that the single-storey extension is acceptable subject to further consideration of residential amenity.

Its single-storey design would be set behind the original host, have a lean-to roof, similar matching fenestration and be finished in render to match the host ensuring a harmonious and subservient design which is in-keeping with the host and of low visual impact within the streetscene. It would comply with KDP 1 and 2 of the SPD.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan, KDP 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

KDP 3-7 of the SPD provide further detailed guidance on achieving excellent standards of residential amenity.

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

No. 5

The proposed single-storey rear extension's position and design, in relation to this neighbour, would achieve a sufficient separation distance to the shared boundary and with no windows to its side elevation so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

No. 1

The proposed single-storey rear extension would be close to the shared boundary partially screened by a vertical boarded boundary fence. It would have no side elevation windows, be positioned to the northwest and would be adjacent to a large window. Due to its orientation and its restricted projection and height, it would have very restricted impact on overshadowing, overbearing and no impact on overlooking in order to achieve a good neighbourly design. The dining room window in the neighbouring property would still have an open outlook and direct sunlight until late afternoon.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a proportionate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy and use.

In conclusion, the proposal would therefore be in general conformance with LP24b and the principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces/bin arrangements within the site, nor intensify use and therefore would not cause additional harm to highway safety complying with LP21 and 22 of the Local Plan, KDP 15-16 of the House Extensions and Alterations SPD KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, and the increased daylighting through rooflights, the proposal would be of benefit to the original building's envelope and would contribute positively towards carbon reduction.

Biodiversity and Strategic Green Infrastructure Network

It is acknowledged that the site is located within an identified bat alert area and KC Ecology recommended a bat survey due to its proximity to potential sites of interest and the SGIN. The revised and significantly reduced proposal is relatively modest with no disturbance to original eaves proposed and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

It would have an extension within an existing area of patio/hardstanding, although some additional hard surface would be required to gain access to the rear amenity space. As such it would be unlikely to detrimentally impact on biodiversity and existing vegetation. For the limited scale of development which may be carried out under existing Permitted Development Rights subject to conditions, Officers are satisfied that no biodiversity net gain would be required for this site. The proposal, with the informative attached, would

therefore comply with KDP 12 –13 of the SPD, LP 30 and LP 31 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Coal

The site is within a high coal risk area for development and as such, for a modest householder application, an informative has been attached advising the applicant on this matter to satisfy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

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

Application Number: 2022/93778

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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30, LP31 and LP53 of the Kirklees Local Plan, KDP 1-17 of the House Extensions and Alterations SPD and Policies within Chapters 2, 4, 12, 14 and 15 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, KDP 1 and 2 of the Council's House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that the works carried out is lawful.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected

species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
Location Plan.	Drawing No. GR01.#	Unamended	28/11/2022
Existing Site Plan.	Drawing No. GR02.#.	Unamended	25/11/2022
Existing Floor and Elevation Plans.	Drawing No. GR03.#	Unamended	25/11/2022
Proposed Floor and Elevation Plans.	Drawing No. GR05.C.	C	09/03/2023

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 considered the application on review and sought to have the impacts of the originally proposed two-storey rear extension reduced for visual and residential amenity. The amended proposal was assessed to be adequate given the guidance set out in relevant policies considered.

Report Dated: 09/03/2023