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:	**2023/62/90437/E**
Site Address:	55, Yew Tree Road, Shepley, Huddersfield, HD8 8DT
Description:	Erection of single storey side extension
Recommending Officer:	Edward Cheseldine

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: 17-Apr-2023

OFFICER REPORT

Site Description

55 Yew Tree Road is a two-storey, semi-detached house in the village of Shepley. The property dwelling is a modern build which has previously been extended to the front and rear. Currently the plot hosts a modest outdoor space to the front, with room for two vehicles on the driveway, as well as a modest side and rear outdoor space. Residential gardens are situated to the north and west of the site.

Yew Tree Road is a residential road with a variety of stone-built properties on, including similar properties to the application site in terms of age, style and size. Additionally, more historic stone properties are situated to the east and west of the application site. The property is not situated within a conservation area or near a listed building.

Proposal Description

The applicant is seeking permission to erect a single storey side extension to an existing side extension.

The side extension is to project 2.3m, to a length of 3.0m. The height of the extension is to be 2.0m to the eaves, reaching a maximum height including the pitched roof of 3.4m.

The side extension will include a double window on the south elevation and a double window on the north elevation.

Materials of the extension are to be consistent with the materials of the existing property. Walls of the extension are to be made with matching stone, with concrete tiles for the roof. Upvc windows are to be installed which should be in keeping with the existing windows.

Relevant Planning History

2017/90242 - Erection of single storey rear extension and first floor side extension – Full permission granted

2021/91075 - Erection of single storey front extension – Full permission granted

2022/93807- Erection of single storey side extension - Refused

History of negotiations

No amended plans have been considered.

Representations

The application was advertised by neighbour letters, which expired on 30/03/2023. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council were also consulted over the proposed plans who did not have any objections to the proposal.

Consultation Responses

No consultation has been required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

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 Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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 HEASPD 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, and 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 – 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

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

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations Supplementary Planning Document and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Extensions should relate to existing buildings in terms of size, scale and form, appearing as natural enhancements to the streetscape. Considering the additional massing of the building, care should be taken as to not appear dominating to other buildings or the host dwelling.

Policy complying with designed is entrenched within the planning system. National guidelines, found within the National Planning Policy Framework (2021), forms policy regarding design. Chapter 12, Achieving well-designed places, ensures planning decisions take into consideration how development

will add to the overall quality of the area, provide a visual attractiveness and is sympathetic to development's current surroundings.

Additionally, local policy, directed through the Kirklees Development Plan (2019), reinforces the weight given to design. Policy LP 24 states 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;
C) 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;

Side Extension

The House Extension & Alteration Supplementary Planning Document (2021) goes further by outlining what is acceptable for single storey side extensions in paragraph 5.17:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposed side extension will project 2.3m from an existing extension, resulting in a total projection from the side of the original dwelling of 4.8m. This projection extends more than two thirds of the width of the original house, however the length of the extension has been dramatically reduced since 2022/93807, thus the scale of the extension is appropriate as it leaves adequate space and retains a subservience to the original building. Similarly, although the extension is not sunk behind the original principal elevation, the front extension creates the impression the side extension is behind the property line.

A gap between the extension and property boundary of 1.3m will be left at its narrowest point, allowing for access to the rear of the property. This proposal will leave adequate outdoor spacing of over 50% of the plot space.

The materials for the side extension are to match the existing materials of the dwellinghouse.

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

Residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The House Extension & Alteration SPD goes into further detail with respect to outlining principles:

- Key Design Principle 3 states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

Impact to 4, 6 & 8 Yew Tree Road

These dwellings are situated to the south of the application site on the opposite side of Yew Tree Road. There are proposed to be new vistas from the front elevation of the extension. The distance between the application site and No. 4, 6 & 8 is estimated to be over ~21m thus there will not be a significant impact to privacy. Similarly, there will not be an overbearing or overshadowing impact.

Impact to 25, 27 & 31 Yew Tree Road

These dwelling are situated to the west of the application site which are separated by residential gardens. There are no proposed openings on the side elevation, therefore privacy relations will not be altered. A 1.3m gap between the extension and property line will result in mitigation against an overbearing or overshadowing impact.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (c) in terms of the amenities of neighbouring properties, Key Design Principles 3, 4, 5, & 6 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use through extensions to the existing living space. However, the parking to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the front of the house and would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Biodiversity

The proposal is for the construction of a single storey side extension which will not affect the roof of the existing dwelling. As the site is situated in an area that is known to include bat habitats, care should be taken if construction was to commence. As such, if signs of bat habitats were found, expert advice should be taken and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Conclusion

This application to erect a single-storey extension at 55 Yew Tree Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.
NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	2022-014-(20)001	1	09/02/2023

Grouped Plans and Elevations	2022-014-(20)002	1	09/02/2023

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 Planning Authority has, 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. No amendments were sought.