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:	**2023/62/91002/W**
Site Address:	Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR
Description:	Erection of two storey rear extension incorporating a roof terrace, single storey side and rear extensions incorporating a roof terrace, two storey feature entrance, garage/home office outbuilding and landscaping works including the formation of a tennis court with associated fencing and the creation of pedestrian access and alterations.
Recommending Officer:	William Simcock

DECISION – CONDITIONAL FULL PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 06-Feb-2024

Officer Report 2023/91002
Corby, Birkby Road

Site Description

Corby is a large, detached dwelling situated on the southern side of Birkby Road. It is principally two-storey with a hipped roof. It has a large single-storey addition to its eastern end which also extends back behind the rear wall and contains a swimming pool, and a small garage extension to its western end. The dwelling is placed near the middle of a plot roughly 45m square, which has a paved area at the front with a vehicular access point near its western end and extensive garden to the rear which slopes down towards the southern boundary.

Description of Proposal

The proposal is for the erection of two storey rear extension incorporating a roof terrace, single storey side and rear extensions incorporating a roof terrace, two storey feature entrance, garage/home office outbuilding and landscaping works including the formation of a tennis court with associated fencing and the creation of pedestrian access and alterations.

The rear extension would project outward by 3.9m. The extension to the western side of the building, to create a plant room and prayer room, would bring the western elevation in line with that of the garage, which would become a cinema room, the garage door being walled up.

The feature entrance would be 4m wide and project 900mm and would be placed around the existing front doorway. A 3m x 4m extension would be created to the rear of the swimming pool.

The tennis court would be located near the south-eastern corner of the curtilage and would require the formation of a series of short terraces or retaining structures to accommodate the natural variation in ground levels, especially at the northern corner. The proposed outbuilding would be an L-shaped structure with an east-west alignment, located between the swimming pool extension and the tennis court.

A new opening in the highway boundary wall would be made so as to form a centrally-placed pedestrian access. The original access would be walled up. A small area of the existing hardstanding near this entrance would have grass laid in its place, and there would be a small extension of the existing driveway up into the north-eastern corner to form a turning head.

History of negotiations/amendments received

06-Jul, 26-Jul-2023: New block plan and culvert investigation report.

14-Sep-2023: Reduction in height of stone second-floor balustrade. Minor changes to first-floor internal layout.

28-Nov-2023: Amended site plan showing details of culvert.

15-Dec-2023: Amended site plan clarifying ground levels near outbuilding.

None of the above plans were re-advertised since they were not considered to raise significant new issues requiring new public consultation.

Relevant Planning History

2018/93326 – Demolition of existing dwelling and erection of 5 detached dwellings with garages. Refused and appeal dismissed

Representations
Final publicity date expires: 25-May-2023 (publicity by site notice and press advertisement in addition to neighbour letter as the application is judged to affect the setting of a Conservation Area)

Three representations received from third parties, all objecting.

Summary of concerns raised:

- Work has already commenced on what appears to be a new vehicular access which is not included in the original application.

- Noise and dust during construction, which has already occurred during vegetation clearance last summer.

- Any new vehicular access would significantly impact on the flow of traffic on Birkby Road in both directions.

- The noise from the tennis court is close to neighbouring boundaries and will affect peace and quiet, possibly late into the evenings, with possible nuisance from stray balls.

Consultation Responses

- KC Arboricultural Officer – No objection subject to condition.

- KC Conservation & Design – No comment (informal response)

- KC Lead Local Flood Authority – The latest plan has overcome concerns previously expressed about the culvert. No further objection. (Informal comments)

- Historic England / English Heritage – No objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Plan (adopted 8th December 2021)

Kirklees Local Plan

The site is without designation on the Local Plan. It is adjacent to the Edgerton Conservation Area.

Most relevant Policies:

LP 21: Highways and access
LP 22: Parking
LP 24: Design
LP 28: Drainage
LP 30: Biodiversity and geodiversity
LP 33: Trees
LP 35: Historic environment

Supplementary Planning Documents:

- KC House Extensions and Alterations (2021)
- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Requiring good design
- Chapter 14 – Planning for 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 are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development:

The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety, the protection of trees, and flood prevention will also be considered as required by the LP policies listed above.

The site is adjacent to the Edgerton Conservation Area and the implications of this will be considered in Part (2) of the Assessment having due regard to LP35 of the KLP and chapter 16 of the NPPF.

The Householder Extensions and Alterations SPD is also a material consideration and any departure from the Key Design Principles (KDP) and other guidance contained within it must be clearly justified.

2 – Impact on visual amenity:

Under the Householder Extensions and Alterations SPD, extensions should be in keeping with the local character of the area and the street scene (KDP1) and should not dominate or be larger than the original house (KDP 2).

Part 5.1 states that two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, 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 4 metres from the rear wall of the original detached house; preferably not be within 1.5 metres of the property boundary, or if they are, eaves height to be below 3m. Larger extensions may be acceptable in certain circumstances if this can be justified, such as where neighbouring houses have already been extended, and will be considered on a case-by-case basis.

Part 5.2 advises that front extensions are not normally acceptable unless the house is well set back or screened, and that the extension is subservient and well designed.

Part 5.3 recommends that single-storey side extensions should 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.

Outbuildings are dealt with under Part 5.6, which says that they should be subservient to the main building, set back, and reflect the style and architectural features of the existing house.

Whilst the scheme of extensions must be viewed as a whole since they will cumulatively have a greater impact on the host building than they would individually, each will first be examined separately.

Rear extension.
The proposed rear extension would project just under the recommended 4m maximum. It is noted that it would cover the entirety of the existing rear elevation and would incorporate rear-facing gables (whereas the existing house has a hipped roof). However, the two-storey part would not project beyond the existing main side walls and would be a continuation of the existing side roof slopes.

It is considered that as originally submitted it would have looked too imposing; changes made since then (the addition of downpipes, additional windows, and the lowering of the stone parapet at balcony level) although small in scale, are considered to have significantly improved its appearance. With these amendments, and as it would be seen in the context of a building with a high roof, and with a large separation distance between the building and its rear and side boundaries, it is considered that it would not seem overly massive or imposing and would not dominate the existing building, and that the design details, including roof style, would be appropriate to the context.

Side extensions
The matching single-storey side extensions would comply with the above requirements. Whilst the flat roof with a terrace would not closely match the features of the existing building, it would be acceptable in this context since they would be relatively small and in an angle formed by the existing building and its proposed rear extension, which would result in them not appearing visually prominent.

The extension to the rear of the swimming pool (which can be treated as a side extension since it is beyond the side elevation of the original building) would be a very small structure, subordinate both to the original and the swimming pool extension and is considered acceptable in its layout and design details.

Front extension
Large, two-storey feature entrances are not very common on 1930s houses, but it is considered that the proposed front extension, being well-designed and centrally-placed, would enhance the front elevation of the property. The house is well set back from the highway and the extension would be clearly subordinate to the building as a whole, thereby complying with the aims of paragraph 5.2 of the House Extension and Alterations SPD.

Proposed outbuilding
The outbuilding (office / garage) would be of modern appearance owing to its flat roof, timber cladding and fenestration but would be clearly subordinate to the house (even before extension) and its curtilage. Furthermore, it would be discreetly located so that it would not be clearly visible from the public highway. It is considered that it would be compliant with the advice in part 4.6 of the SPD, that the council will support innovative and modern design approaches which are of a high-quality and appropriate to the local context.

Tennis Court
The proposed tennis court is not a building or extension and is therefore not covered by the guidance in the SPD. It has been modified during the course of the application – the stepped terrace that was to have formed part of the proposal has been deleted and the land will be graded down to make up the difference in levels. It is considered that the excavation and levelling works would not have a detrimental effect on local character. The proposed fencing, at 2.75m, is higher than would normally occur in a domestic setting, but is considered reasonable given the intended use, so as to minimise the risk of balls being lost and having to be retrieved and being of lightweight design and located near the bottom of a slope, it is considered it would not be excessively prominent or appear inappropriate to its setting.

Visual amenity – conclusion:
In conclusion, the overall scale, layout and appearance of the extensions, having regard to previous extensions at the property, would be in keeping with the character of the local area and would not give rise to the appearance of overdevelopment or result in the original dwelling being dominated by extensions, thereby complying with the aims of policy LP24(a&c) of the KLP and Principles 1 & 2 and part 5.2 of the SPD.

The application form, under the heading “Materials”, confirms that stone and tile will be used for building the extensions, and that the outbuilding will be timber-clad with a membrane roof. The architect has clarified that clay tiles will be used on the two-storey extension (reusing the existing ones where possible). These materials are all considered acceptable.

2(A) – Impact on heritage assets:
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Development outside a Conservation Area, but which may affect views into or from it, may be deemed to affect its setting,

and decision-makers have a duty to ensure that such negative impacts are avoided or mitigated.

Chapter 16 of the NPPF states that harm to heritage assets (including Conservation Areas and buildings within them) should not be allowed without a proportionate justification based on public interest. Turning to the Local Plan, LP35 states that development proposals must preserve or enhance the significance of designated heritage assets, maintain local distinctiveness whilst allowing innovative design where it would not harm heritage assets.

The site lies next to the boundary with the Edgerton Conservation Area. The development would be visible from within the Conservation Area. The main rear extension would however be an average of 33m from the Conservation Area boundary (measured along a line perpendicular to the rear elevation) and the outbuilding, 28m. Furthermore, the part of the Conservation Area that is adjacent to the site consists of modern development, that whilst not detracting from the character of the Conservation Area, does not make a strongly positive contribution to it. The tennis court would be somewhat closer but it is considered that neither this feature, nor the extensions and outbuilding, would have a detrimental impact on its setting since none would seem excessively large or overbearing within the context of a large plot. This is subject to no external lighting being installed in connection with the tennis court, which can be conditioned.

To as to ensure that the regrading of the land to form the tennis court does not give rise to unsightly features, it is recommended it be conditioned that any new slopes are sown with grass.

In conclusion, the proposal is considered to be compatible with the aims of policy LP35 of the KLP, NPPF Chapter 16, and the Council's duties under the Act.

3 – Impact on residential amenity:

KDP 3 (Privacy), 4 (Habitable rooms and side windows), 5 (overshadowing & loss of light) and 6 (preventing overbearing impact) within the SPD are to be taken into consideration, and in relation to overshadowing and outlook the following paragraphs are especially important:

> 4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.
>
> 4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.

> 4.19 Consideration of the outlook of neighbouring properties will also be considered in assessments of extensions and alterations. Dominance and outlook relate to how an extension will change the character of the neighbouring house and garden and affect the outlook from a neighbour's window. Proposals which would result in a poor or reduced outlook from neighbouring properties are unlikely to be acceptable.

The main outlook from the dwelling, as extended, would be to the rear or south, as is the case at present. The rear-facing windows would be closer to the southern boundary than they are at present but would still comfortably comply with the recommended minimum distance of 21m between facing habitable room windows set out in paragraph 4.10 of the SPD. There would also be west-facing windows including the first-floor bedroom window. This would however be a minimum of 14m from the boundary which it is considered is sufficient to avoid intrusive overlooking.

Paragraph 5.28 of the House Extensions and Alterations SPD states that balconies and terraces must be positioned, and screened if required, so that they do not overlook neighbouring homes or gardens. It is considered that the roof terraces – both the second-floor rear-facing terrace and the side-facing ones at first-floor – proposed as part of this scheme would be positioned far enough away from property boundaries (roughly 15m to the side boundaries and 28m to the rear boundary) to avoid giving rise to a loss of privacy.

The south-facing window in the outbuilding would be approximately 24m from the southern site boundary which is again considered sufficient for privacy purposes.

The rear extension would comply with the 45-degree guideline referenced above, and it is considered that all elements of the proposal, including the outbuilding which would be at least 2m from the common boundary, would avoid giving rise to an oppressive impact on neighbouring properties, causing obstruction to light or loss of outlook.

It is considered that the layout of internal space within the property as extended would allow future occupants to enjoy a high standard of amenity and that a rear garden of suitable size would be retained.

It is considered that the physical works to form the tennis court would not have an impact on residential amenity, but nighttime use of the court might give rise to noise disturbance through balls being struck or rebounding. It is considered appropriate to impose a condition that the tennis court shall not be artificially illuminated. This would ensure that use is restricted to hours when there is sufficient natural light (until around 9:30pm in mid-summer) and would also guard against the possibility of glare, light trespass and light spill which could also affect residential amenity and the character of the area.

In summary it is considered that, through the use of appropriate conditions, the proposals would avoid harm to residential amenity or to neighbouring land

and would thereby accord with the aims of Policy LP24(b) of the KLP as well as chapter 15 of the NPPF.

4 – Impact on highway safety:

The increased living accommodation may give rise to an increased demand for parking spaces. The new garage would provide space for two cars (it adheres to the standard internal dimension of 6m by 6m) and there is in addition room to park cars on the driveway and the forecourt of the property. It is therefore considered that sufficient space to park cars would be maintained within the property curtilage and that it would not give rise to uncontrolled parking on the public highway. Means of access to the highway would remain unchanged.

It is therefore considered that it would have no impact on highway safety and would accord with the aims of policies LP21-22 of the KLP and of Principles 15-16 of the SPD.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. It is not in any other specially protected zone for wildlife conservation purposes. It is therefore considered that it would be neutral in its impact on biodiversity. The site does not lie close to extensive semi-natural habitat networks but is in an area in which there are many large gardens and street trees. The opportunity exists to deliver enhancement in the form of a bat roosting feature. This could be attached to the eastern elevation of the property so as to be sheltered from prevailing winds, but to be effective it would have to be not positioned directly above a window, door or roof terrace where it would experience disturbance. Being attached to one of the mature protected trees would be an acceptable alternative. It would thereby meet with the aims of KDP 12. The standard precautionary note will also be added to the decision notice.

Trees:
There is a line of trees down the eastern side of the property which are protected by Tree Preservation Order 46/90 and a further belt of protected trees outside, but adjoining, the southern boundary, reference 17/85/a2. The Arboricultural Officer, early in the application process, noted that the proposed garage appears to encroach into the root protection area of the eastern line of trees, and that it was unclear whether the proposal would be compatible with the planting of a replacement tree which was a condition of consent for tree works 2022/92801.

In response, and Arboricultural Report, Impact Assessment and Method Statement were supplied. It confirms that the proposed garage will be constructed outside the root protection areas of the protected trees, there is a

need to extend the current tarmac by 1.5m, surfacing the periphery of one tree, T6, which it is predicted will have minimal impact.

The tree consultant acknowledges that the replacement tree may shade the tennis court and deposit leaves, seeds and twigs in future decades but that it will never overshadow any domestic dwelling (on- or off-site). Since no living accommodation would be affected by the new tree this would be unlikely to lead to pressure for pruning or removal. It is, for the same reason, considered unlikely that the trees adjoining the southern boundary would be affected, directly or indirectly, by the proposals.

It is recognised that the existing driveway has been tarmac surfaced for some time, although the garage being moved to along this boundary will foreseeably mean the increase of cars and other vehicles being parked along this boundary and under the canopies of the trees. This could lead to increased nuisance factors like honeydew, bird droppings and seasonal debris affecting them while parked. Both the consultant and the Council's Arboricultural Officer agree that these factors would not provide a justifiable case for pruning or removing these trees in future, and it is therefore considered that the granting of planning permission would allow the Council to ensure their future retention, health and integrity.

Subject to it being conditioned that development proceeds in line with the methodology provided in section 5 of the Arboricultural Method Statement and labelled on the Tree Protection & Planting Plan at the rear of Appendix 3, the aims of Policy LP33 of the KLP would be met.

Drainage and flood risk:
The site is not in an area known to be at risk of flooding. The current plans do not involve a significant net increase in the area of hardstanding, and it is therefore considered that the standard condition on new hardstanding being permeable would not be justified.

A culverted watercourse crosses the site. The Lead Local Flood Authority initially expressed concerns about how this would be affected by the excavations to form the tennis court but have now confirmed that the improvements shown on plan RG 304 BR1 (including a new manhole and the installation of a plastic pipe to replace a section of the concrete culvert) are acceptable. It is recommended that these be conditioned in the interests of controlling possible future flood risk and that the development would thereby accord with the aims of policy LP27 of the KLP.

Climate Change:
On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies.

The Climate Change Statement does not propose any specific carbon reduction measures beyond reusing existing stone, but also expresses the view that in complying with current Building Regulations for extensions the energy performance of the house as a whole would be improved. It is considered that in the circumstances, since the proposal is solely for the enhancement of an existing dwelling, the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above and set out in NPPF Chapter 14.

6 – Representations:

Concerns relating to highway safety have been examined in the main part of the assessment but are highlighted here with other issues raised and officer responses.

Summary of concerns raised along with the officer response:

- Work has already commenced on what appears to be a new vehicular access which is not included in the original application.
  Response: The architect has confirmed that the purpose of creating a new opening in the wall at the eastern end of the site is to allow the contractor to bring skips on to the site, not to create a new vehicular access for future users and accepts that the creation of such an access would need a separate application for planning permission.

- Noise and dust during construction, which has already occurred during vegetation clearance last summer.
  Response: It would not be reasonable to refuse on this issue. Noise and dust during construction, if they occur at unreasonable levels, can be tackled as a statutory nuisance under environmental health legislation. The submission of a Construction Environmental Management Plan is sometimes imposed for major development, but to do so for a scheme of domestic extensions and alterations would be disproportionate.

- The noise from the tennis court is close to neighbouring boundaries and will affect peace and quiet, possibly late into the evenings, with possible nuisance from stray balls.
  Response: It is considered that it would not be possible to justify a refusal on the basis of normal daytime use. Whilst it would be fairly close to the plot boundary (within 10m), the noise arising from normal use would not be exceptional or unreasonable in a residential area since it is normal for people to use their back gardens for sport or leisure activities which can generate noise. Late night use could however give rise to noise disturbance, but this can be prevented by appropriate conditions. The fence will prevent or at least limit the possibility of nuisance from stray balls.

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 **Conditional full permission**

Decision Authorisation - Delegated Powers

Application Number: **2023/91002**

Officer Recommendation: Conditional full permission

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 Policy LP21, LP22, LP24, LP27, LP33, LP35 and LP52 and of the Kirklees Local Plan and Key Design Principles 1-6 and 13 of the House Extensions and Alterations Supplementary Planning Document (SPD) as well as the aims of the National Planning Policy Framework.

3. The external walls of the extensions hereby approved, and the roofing materials used on any new pitched roof, 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 1 & 2 of the House Extensions and Alterations SPD as well as chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the tennis court hereby approved shall not be artificially lit at any time.
Reason: So as to retain adequate planning control over the site in the interests of ensuring that inappropriate outdoor lighting does not give rise to loss of amenity to neighbouring properties or harm to environmental quality arising from light spill, light trespass or glare, and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Any works with the canopies of protected trees shall be undertaken in full accordance with the approved Arboricultural Method Statement.
Reason: To ensure that protected trees are not harmed during construction, in accordance with the aims of Policy LP33 of the Kirklees Local Plan and Key Design Principle 13 of the House Extensions and Alterations.

6. Before the development is first brought into use, a single artificial bat roosting feature, made of a durable weatherproof material, shall be installed on the eastern elevation of the dwelling, not directly above a door, window or roof terrace and a minimum of 4m above ground level, or on a mature tree within the site a minimum of 4m above ground level, and this shall thereafter be retained.
Reason: To ensure that the development contributes to the ecological enhancement of the site and the area, in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the House Extensions and Alterations and Chapter 15 of the National Planning Policy Framework.

7. Before the development is first brought into use, the existing solar panels shall be re-sited as shown on plan RG324 / PL06 and made operational, and thereafter retained as such.
Reason: To ensure that the development continues to make a contribution to reducing carbon emissions, in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan, Key Design Principle 10 of the House Extensions and Alterations and Chapter 14 of the National Planning Policy Framework.

8. The measures to repair the culvert and facilitate its future maintenance as shown on plan RG 304 / BR01 shall be implemented before the works to form the tennis court are substantially complete and shall thereafter be retained as such.
Reason: To ensure that the development does not contribute to flood risk and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Any new slopes formed as part of the works to form the tennis court shall be seeded with grass in the first sowing season following the substantial completion of the works.
Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

NOTE: Bats - There is the potential for a bat roost to 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.

NOTE: Tree Preservation Order - A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down

- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the local planning authority's consent. In this case, the resurfacing of the driveway could impact on roots of the protected trees and therefore may require TPO tree works consent from the council prior to being carried out, notwithstanding the granting of planning permission.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			
Location plan	RG324 / LP01		03-Apr-2023
Existing site plan	RG324 / EX05		06-Apr-2023
Existing elevations	RG324 / EX03		03-Apr-2023
Existing elevations	RG324 / EX04		03-Apr-2023
Existing ground floor plan	RG324 / EX01		03-Apr-2023
Existing first and second floor plan	RG324 / EX02		03-Apr-2023
Proposed ground floor plan	RG324 / PL02	D	03-Apr-2023
Proposed first floor plan	RG324 / PL03	F	14-Sep-2023
Proposed second floor plan	RG324 / PL04	C	03-Apr-2023
Proposed south and east elevations	RG324 / PL06	D	14-Sep-2023
Existing and proposed site plans with tennis court sections and culvert information	RG324 / BR01	B	28-Nov-2023
Site plan, outbuilding elevations and levels	RG324 / PL07	C	15-Dec-2023
Arboricultural report and method statement	Ross Cannon		06-Jul-2023
Culvert investigation report	COM-CCTV26037		06-Jul-2023
Further tree information			15-Dec-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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested

amended plans in order to address concerns about the design of the extension, drainage issues and potential impacts on trees.

Report Dated: 02-Feb-2024