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:	**2023/62/91287/W**
Site Address:	10, Fulneck Close, Fixby, Huddersfield, HD2 2LJ
Description:	Erection of detached building to create dwelling forming annex accommodation associated with 10, Fulneck Close, Fixby, Huddersfield, HD2 2LJ
Recommending Officer:	Katie Chew

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: 28th July 2023

Officer Report

Site Description

10, Fulneck Close, Fixby, Huddersfield, HD2 2LJ

The application site relates to a detached two-storey brick-built dwelling located at the end of the cul-de-sac named Fulneck Close. The site benefits from off-street parking to the front within the driveway and integral double garage, with a large amenity area located to the rear.

The site is surrounded by other residential properties to the east, south and west with woodland and golf course to the north.

The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of a detached building to create dwelling forming annex accommodation associated with 10, Fulneck Close, Fixby, Huddersfield, HD2 2LJ.

The proposed annexe is to be located towards the end of the garden on the existing patio area. The annexe building is to measure approximately 9.2m x 5.6m, with a ridge height of 3.3m. The building would comprise of a double bedroom, bathroom, kitchen and lounge area.

The annexe is to be externally constructed from cedar boarding and natural stone, with proprietary through colour render and a sedum roof. A new stone retaining wall with a box hedge is proposed to the front of the building with roof mounted PV units also installed on the rear roof slope. An existing hot tub would be re sited and retained within a raised patio area, with steps down to the existing lawned area beyond.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2003/91659 – Erection of conservatory. Approved 16th June 2003.

89/03429 – Erection of 52 4 bedroomed detached houses with garages/ 10 3 bedroomed detached bungalows and garages and access roads. Approved 8th December 1989.

88/03664 – Outline application for residential development. Approved 27th January 1989.

Consultation Responses

KC Ecology Unit – Comments received 27th June 2023. No objections subject to a condition requiring the installation of a bat and sparrow terrace box to ensure a biodiversity net gain at the site.

KC Highways Development Management – Comments received 11th July 2023. No objections.

KC PROW – No comments received within statutory timescales.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expires:

Neighbour Letters – Expired 11th July 2023.

Site Notice – Expired 13th July 2023.

Press Notice – Expired 14th July 2023.

5 representations have been received in objection to the proposals (all representations are from the same objector). Comments are summarised below.

- Concerns in respect of noise, light and air pollution arising from the proposals.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Concerns in respect of residential amenity.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Concerned that the proposed annexe may not be genuinely ancillary to the host property.

Officer note: Noted. Should planning permission be granted a condition will be attached tying the annexe to the host property and ensuring that the annexe cannot be sold, let or severed, or used as holiday accommodation.

- The proposals will impact on adjacent planning approvals at neighbouring properties.

Officer note: Noted this is discussed in more detail within the residential amenity section of this report.

- The development will impact on the future value of neighbouring properties.

Officer note: Noted. Unfortunately, this is not a material planning consideration and therefore this has not been assessed within the report.

- No details regarding the number of parking spaces to provided are shown on plan, this is required to help determine whether or not there is enough parking provision to accommodate the existing dwelling and the proposed annexe.

Officer note: Noted. This is discussed in more detail within the consultee responses and highway safety sections of this report.

- The submitted details outline that the detached building will replace an existing decked area that runs the full length of the back garden, whereas only 50 to 60% of the area is decked.

Officer note: Noted.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to an application for a Public Right of Way to the north. However, the right of way is only a 'claimed' route rather than a public right of way as defined on the definitive footpath map. (HUD/dmmo app168/10). It is also set away from the northern boundary of the application site and the proposed building would not impact on the setting or use of this claimed route.

Planning Policy Background

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 within a Bat Alert Area. It is also important to note that to the north of the site there is an application in at the Council for the provision of a new Public Right of Way however, this is yet to be decided.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highway Safety**
- **LP22 - Parking**
- **LP24 - Design**
- **LP26 – Renewable Energy**
- **LP30 – Biodiversity & Geodiversity**
- **LP51 - Protection and Improvement of Local Air Quality**

Other Guidance Documents

- Kirklees Highways Design Guide SPD (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-design places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development
1) Scale, design and visual impact of the proposed development
2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
3) Impact on highway safety
4) Other matters
5) Conclusion

1 – Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 - Impact on Visual Amenity:

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 beautiful and sustainable 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".

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 the development in the local area, thus retaining a sense of local identity.

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

"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…".

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

Paragraphs 5.29 and 5.30 of the above SPD relate to outbuildings and annexes. They state that these buildings can have as much of an impact on the appearance of the building as any other extension, and that 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. Annexes should be subservient in footprint and scale to the original building, 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 following a general principle that no more than 50% of garden space should be lost.

Principle 7 of the Kirklees House Extensions and Alterations SPD highlights that new development should ensure that an appropriately sized and useable area of private outdoor space is retained.

In this instance, the application site is surrounded by several residential dwellings which are all similar in age and design. The annex is to be located within the rear garden of the host dwelling on the existing patio/decked area. The annex would be subservient in both footprint and scale to the original building and would not impact on the street scene, retaining more than 50% of the existing private amenity space. The outbuilding would not benefit from permitted development rights for extensions, roof alterations or porches as it is not the 'original' dwelling.

Whilst it is acknowledged that the annex would have a more modern design when compared to the host dwelling and surrounding properties, with its use of a low sedum roof, large panels of glazing and mix of materials which include natural stone, cedar boarding, through coloured render and powder coated aluminium fascia's, Officers consider that the incorporation of the natural stone softens this modern look and is reflective of the existing dry stone boundary walls around the property. Furthermore, given its location to the rear, it is to be somewhat hidden from public view and would also be read as a separate 'outbuilding' which is visually detached from the host dwelling. Officers therefore take a balanced approach and conclude that the proposals in this location would be acceptable on this occasion. The use of sedum roofing, outside the areas proposed for pv panels, would assist in tying the roof into the soft landscaped areas of the remaining garden and the woodland beyond.

In conclusion, the proposals are considered, on balance, to be appropriate in size, scale and design in this location and would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principles 1, 2 and 7 of the House Extensions and Alterations SPD.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Impact on no. 7 Fulneck Close

This neighbouring dwelling is located to the south of the application site, approximately 14m away. As no windows are proposed within the southern elevation of the annexe Officers have no concerns in respect to overlooking or the loss of privacy. However, it is noted that views may be had towards no. 7 from the windows located within the eastern elevation, although these views are similar to those that can be had from the patio area as existing and therefore this would not be sufficient to recommend refusal of the application.

Furthermore, given this neighbouring property's southern location there are also no concerns with respect of overshadowing or the loss of light. Finally, the proposed annexe is to be single storey in height and set back away from no. 7, therefore Officers do not consider the proposals to appear overbearing or overly dominant in this location.

Impact on no. 40 Ganton Way

This neighbouring dwelling is located to the west of the application site, approximately 3m away. Whilst there is a minimal separation distance between the proposed annexe and no. 40 (around 0.6-0.9m), the existing boundary treatment is considered to screen the majority of the building from this neighbouring dwelling given its raised height due to the sloped topography of the area, measuring approximately 2.9m in height. The annexe is also to be stepped back from the existing boundary treatment by on average 0.8m and given the low-level roof Officers do not consider the proposals to appear overbearing or overly dominant on no. 40 in this instance. Furthermore, as no windows are proposed within the western or southern elevations of the annexe Officers have no concerns in respect to overlooking or the loss of privacy. The glazed lantern light in the roof of the bathroom can be conditioned to be obscurely glazed to prevent the perception of overlooking and loss of privacy. Finally, whilst the proposals will result in some minor overshadowing, this would not be too dissimilar to what currently

exists at the site given the height of the existing boundary treatments between the properties. It would also only occur during a short period in the morning and would not significantly impact upon any habitable room windows, therefore Officers do not believe that this would be sufficient to recommend refusal of the application on this occasion.

Furthermore, it is important to note that there is an extant planning permission at no. 40 Ganton Way for a single storey rear extension. Whilst the proposed annexe would be in close proximity to this extension, should it be constructed within the relevant timeframe, Officers would draw similar conclusions as to the acceptability of the current application to those outlined above and therefore deem the proposals to still be acceptable.

Concerns have also been raised in respect of noise, light and air pollution arising from the proposals. Given the residential nature of the annexe and that conditions will be implemented should planning permission be granted, to restrict the use and operation of the annexe to ensure it is not sold or let to anyone other than the owners of no. 10 Fulneck Close, Officers cannot see any reason why there would be undue disturbance due to noise, light or air pollution from the ancillary occupation of the outbuilding. The only light visible would be from the lantern light in the bathroom.

In conclusion, taking the above into account it is considered that the proposed development would not result in significant harm to the amenity of neighbouring properties, complying with Policies LP24 of the Kirklees Local Plan (b), principles 3. 4, 5 and 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

The application seeks approval for the erection of a detached building within the rear garden of no. 10 Fulneck Close to create annexe accommodation. The proposed building includes one bathroom, kitchen, lounge, bathroom and patio. The Council’s Highways Team were consulted and raised no objections. This is due to the location of the dwelling at the end of a cul-de-sac and as the proposal is for annexe accommodation and the existing house has an integral double garage with additional off-street parking to the front no additional off-street parking is required in this instance. Furthermore, it is

considered reasonable to assume that existing bin storage and collection arrangements are to remain as is.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other Matters:

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 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.

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.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'Renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
c. the statutory protection of any area would not be compromised by the development; d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;

e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

The application is supported by a Climate Change Statement which outlines that the annexe will be fitted with solar panels, battery storage and LED lighting throughout. The annexe will also be heated using infrared heating panels and a smart home control system, with a green roof and permeable paving installed. In addition, as a minimum the annexe would be constructed in accordance with the latest building regulations guidance.

Taking the above assessment into account the proposed development is therefore considered to comply with Policies LP24 and LP26 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

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 also states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity. LP33 is an adopted Policy regarding trees.

The application site is located within a bat alert area with an area of woodland close by; therefore, the Council's Ecology Officer was consulted. they raised no objections to the proposals as the proposed scheme would have negligible impact on ecological receptors. However, to ensure that the proposed development is able to achieve a net gain a condition is recommended which requires the installation of 1 bat box and 1 sparrow terrace to the proposed annexe building. Subject to the conditions the proposals are considered to accord with LP30 of the Kirklees Local Plan, Principle 12 of the House Extensions and Alterations SPD and Chapter 15 of the NPPF.

There are no other matters for consideration.

6 – 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

proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve with conditions.

Decision Authorisation – Delegated Powers

Application Number: 2023/91287

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.

1. 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, LP3, LP21, LP22, LP24, LP26, LP30 and LP51 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 14 and 15. Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, and 16 of the House Extensions and Alterations Supplementary Planning Document.

2. Notwithstanding the approved plans and information, 1 new bat box similar to the Schewegler type 3FE bat boxes, shall be installed integral to the new annexe during the period of construction on the southern elevation at least 2 metres above ground and not directly above doors or windows. One House Sparrow terrace box shall also be installed integral to the new annexe during the period of construction at least 2.5 metres above ground and not directly above doors or windows. Thereafter the bat box and sparrow terrace box shall be retained.
   Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, Principle 12 of the House Extensions and Alterations Supplementary Planning Document and LP30 of the Kirklees Local Plan.

3. The lantern light proposed to serve the bathroom shall be first installed with obscure glazing (minimum grade 4). Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) the lantern light shall be retained with obscure glazing (minimum grade 4).
Reason: To prevent overlooking into the bathroom or the perception of overlooking from the bathroom in the interests of residential amenity, to accord with Policy LP24b of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 3 and 4 of the House Extensions and Alterations Supplementary Planning Document.

4. The annexe accommodation hereby approved shall be used by the occupants or relatives of the dwelling house known as 10 Fulneck Close, Fixby, Huddersfield, HD2 2LJ and shall at no time be sold, rented or severed to be occupied as a separate independent dwelling unit or used as a holiday let.
Reason: To ensure that the annexe is used solely as ancillary accommodation to the main dwellinghouse in the interests of highway safety and residential amenity of future and adjacent occupiers, in accordance with LP21, LP22 and LP24 of the Kirklees Local Plan, Chapters 2, 9 and 12 of the National Planning Policy Framework and Principles 3, 5, 6 and 15 of the House Extension and Alterations Supplementary Planning Document.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing Plans and Elevations	TNB - XX - XX - XX.XX - D - A - 0001 _ (S0 - P1)	-	2nd May 2023
Proposed Plans and Elevations	TNB - XX - XX - XX.XX - D - A - 0002 _ (S0 - P1)	-	2nd May 2023
Site Sections	TNB - XX - XX - XX.XX - D - A - 0003 _ (S0 - P1)	-	2nd May 2023
Proposed Site Block Plan	-	-	30th May 2023
Design and Access Statement – Supporting Information	-	-	2nd May 2023
Climate Change Statement – Supporting Information	-	-	15th May 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 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. In this instance no amendments were sought as the proposals were deemed to be acceptable upon submission.

Report Dated: 18th July 2023.