

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2023/70/92978/W
Site Address:	1, Woodsome Drive, Fenay Bridge, Huddersfield, HD8 0JR
Description:	Variation condition 2 (plans) on previous permission 2022/93872 for erection of two storey extensions to both side elevations, roof lift, single storey rear extension and alterations
Recommending Officer:	Lucy Taylor

DECISION – Approve Variation of Conditions

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: 21-Nov-2023

Officer Report.

Site Description

1 Woodsome Drive is a two-storey detached house which has an understorey at the rear and has been extended at each side by the addition of a flat roofed, single garage, but only the right hand one has formal access to the highway by means of a crossing. The front elevation faces east. There is a large rear garden and a small front garden. Land levels fall from east to west and from north to south within the site and the wider area.

Walling materials consist of brick to the side walls, pebble-dashed rendering and artificial stone to the front, and brick to the rear. It is set among mainly two storey houses that are individually designed and use mixed materials but predominantly brick.

Description of Proposal

The application is seeking permission to vary condition 2 of the previous approval under 2022/93872. Amended plans were submitted (ref: A(10)-02) to show the following amendments to the two-storey front extension as granted permission under 2022/93872.

The alterations would include a minor amendment to the design of the two-storey front extension.

The front extension approved under application 2022/93872 had the following dimensions:

- Projection – 1.3 metres
- Width – 2.8 metres
- Maximum height – 6 metres

The front extension proposed under this variation of conditions application proposes the following dimensions:

- Projection – 1.5 metres
- Width – 2.8 metres
- Maximum height – 6 metres

The application 2022/93872 the external walls of the two-storey front extension were to be faced in cement board cladding. This variation of conditions application proposes that the walls be faced in render.

In addition, the side elevations of the ground floor of the front extension are to be infilled, using render and course stone.

Fenestration detailing to the front porch would be altered, with the first floor window to reduce in size to match the existing windows to the host property and the glazing to the ground floor to be changed from a window to two glazed panels either side of the access door.

Relevant Planning History

- 2021/92046 – Erection of single and two storey extensions to side and rear, raising of roof and associated alterations. *Granted Conditional Full Permission.*
- 2022/93872 – Erection of two storey extensions to both side elevations, roof lift, single storey rear extension and alterations. *Granted Conditional Full Permission, 03.04.23.*

Representations

The application was advertised by neighbour letters, which expired on 17th November 2023.

No representations were received.

Consultation Responses

Kirkburton Parsh Council – No comment.

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 allocated in Fenay Beck Corridor Strategic Green Infrastructure Network.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

KC House Extensions and Alterations Supplementary Planning Document (SPD) adopted June 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 5th September 2023, 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

Principle of Development:

In this instance, the principles of the proposal are for the erection of two storey extensions to both side elevations, roof lift, single storey rear extension and alterations, which have already been established through the approval of planning application 2022/93872.

This application looks to vary the design of the two-storey front extension with regard to its projection (to increase by 0.2 metres), design (infilling side elevations of ground floor), its exterior construction materials and its fenestration detailing. It is concluded that these alterations could be acceptable subject to the impacts upon the visual amenities of the locality, residential amenity, highways safety as well as other matters, which will all be discussed below.

Impact on Visual Amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene.

Furthermore, Key Design Principle 2 of the House Extensions and Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Section 5.3 of the House Extensions and Alterations SPD goes into further detail regarding side extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The scale of the proposed two-storey front extension would be increased marginally, with the proposed projection to be increased from 1.3 metres to

1.5 metres, bringing an overall increase in projection of 0.2 metres. The width and maximum height of the two-storey front extension would remain as granted under application 2022/93872. Given the minimal extent to which the projection is to be increased, it is not considered that this alteration would result in any detrimental impacts visually, with the front extension to remain significantly set back from the frontage of the site.

The proposal would see render used rather than cement board cladding. The ground floor of the extension would also be infilled to the side elevations using render and coursed stone. These modifications are concluded to be acceptable visually, with the proposed materials of construction in keeping with the rest of the property, whereby coursed stone and render are to face the front elevation of the dwellinghouse. It is considered that the proposed application of render would be more appropriate visually than the previously approved cement board cladding with regard to the context of the site and wider streetscene.

The modifications to fenestration are also considered to achieve a design which is more in keeping with the architectural form of the dwellinghouse, particularly with regard to the replacement of the large first floor window under application 2022/93872 for a regular window which matches those proposed elsewhere on the dwellinghouse.

In turn, the proposal is considered to be acceptable, in keeping with the architectural design of the dwellinghouse and the vernacular of the streetscene.

Having taken the above into account, the proposed modifications 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.

Impact on 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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The impact of the two-storey front extension has been fully considered as part of the previous application, 2022/93872. Although the current submission seeks to alter the design of the two-storey front extension, it is not considered that the modifications would have any further significant impact on the

amenities of the occupiers of the neighbouring properties when compared to that previously approved.

The two-storey front extension would retain the same extent of separation from the neighbouring properties of No. 3 Rowley Lane and No. 3 Woodsome Drive, and no glazing is proposed to directly face towards any habitable room windows.

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 (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on Highway Safety:

The proposals will result in no intensification of the domestic use. 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 Principle 15 of the House Extensions and Alterations SPD.

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.

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.

Biodiversity:

The application site is located within the Fenay Beck Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

Principle 12 of the House Extensions and Alterations SPD states that: “Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.” Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case.

The application site lies within the bat alert layer on the Council’s GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Representations:

None received.

Negotiations:

No negotiations took place, and no amended plans were sought or submitted.

Conclusion:

This application to vary condition 2 of the approval under 2022/93872 has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the NPPF 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

Decision Authorisation – Delegated Powers

Application Number: 2023/92978

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun before 3rd April 2026.

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 listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. The roofing materials used shall in all respects match those used on the existing building. The brickwork shall in all respects match that used on the existing building and the stonework used shall either match the existing stonework in all respects or shall be coursed natural stone. All rendered areas shall be finished in an off-white through-coloured render. The materials of construction and colour finish shall be thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations

Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

3. The proposed side-facing ground floor WC window shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan Principles 3 and 4 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within 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) (England) Order 2015 (or any order revoking or reenacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the extensions at ground floor at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan Principles 3 and 4 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
5. The proposed integral garage shall be provided before the new first-floor living accommodation is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the garage shall thereafter be retained as such and shall not be converted to living accommodation.
Reason: To ensure that adequate parking space is provided for the dwelling as extended in the interests of highway safety and to accord with the aims of policies LP21 and LP22 of the Kirklees Local Plan.
6. Before the new first-floor living accommodation is first brought into use, a dropped crossing to Woodsome Drive shall be formed in such a way as to facilitate the use of the proposed integral garage and the parking space / driveway associated with it.
Reason: To ensure that adequate parking space is provided for the dwelling as extended in the interests of highway safety and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Application Form	-	-	10.10.23
Plans & Elevations – As Proposed	A(10)-02	-	06.10.23
Plans and elevations as existing (2022/93872	A(00)-01		29.11.22

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amended plans were sought or submitted.

Report Dated:

20.11.23