# 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: | **2023/62/93014/W** |
| Site Address: | 2, The Coppice, Fixby, Huddersfield, HD2 2JA |
| Description: | Erection of raised decking and alterations |
| Recommending Officer: | Tom Hunt |

**DECISION – Conditional Full Permission**

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

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 12-Dec-2023**

# Officer Report

## Site Description

2023/93014 – 2, The Coppice, Fixby, Huddersfield, HD2 2JA

2 The Coppice, is a detached bungalow property constructed from stone under concrete interlocking tile roof. The dwelling has 4 bedrooms. The main body of the dwelling is linear in form, and there is a modest gable projection beyond the front wall of the dwelling as well as a large gable projection serving two bedrooms and a conservatory with a gable glazed roof and an adjoining gable projection serving the utility room to the rear of the dwelling. There is raised timber decking with open slat fencing in between the main gable projection and the conservatory to the rear; which with steps joins a narrow strip of decking connecting to a small raised decking area with fence and steps down to the rear garden to serve the utility room door. There is garden space to the front and rear of the dwelling. There is a driveway on the west side of the site which leads to a detached garage building to the rear of the site. The site slopes downwards from the front to the rear and from the east to west.

The site is within an area which is predominantly residential characterised as one storey dwellings in character. The Coppice is a residential street comprising 6 detached bungalow dwellings similar in character to the dwelling at No.2 and this street links The Dell to Viewlands.

The site is not within a conservation area, nor are there any listed buildings within close proximity to the site. To the rear of the site is a wooded area which is protected by a Tree Preservation Order (ref: 06/87/a1).

## Description of Proposal

Erection of raised decking and alterations

It is proposed to have a raised decking area to the rear of the annex extending 2.4m with a width of 5.5m (with chamfered corner). It would be a maximum of ~1.8m height from sloping ground level in off white render with a privacy panel in solid wood 1.8m height to the west boundary and otherwise would have a 1.1m height glass balustrade.

A decking area would be to the glazed link's east boundary projecting 1.3m with a width of 10.1m set within sloping ground so as to be not raised.

To the rear of the single-storey rear extension, joining to a previously approved stone flagged raised area with external steps to the lower ground of the garden, would be a proposed curved decking extending ~3.8m maximum and ~7.3m width. It would be marginally raised a range of 0.2m-0.85m from sloping ground level.

The previously approved timber decking area (ref: 2021/91945) is to be in natural stone flags and stone elevations with a glass balustrade 1.1m height instead of timber decking/elevations with glass balustrade.

The previously approved single-storey rear extension (ref: 2021/91945) is to be in natural stone instead of white render finish.

Rooflights to the annex's east roof slope will be of the same size and spaced out being altered from the 2021/93979 permission.

**Officer note:** Decking was displayed on the plans for the 2021/93979 application however they were not included in the application description and were not included.

A minor discrepancy shows on the Proposed Site Plan versus the Proposed Floor Plan. The measurement has been taken from the latter and is annotated in order to make an assessment of the potential impact.

**History of negotiations/amendments received**

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity. Plans were requested to try and resolve the scaling discrepancy however this did not happen. Officers are satisfied that the proposal can still be assessed adequately with the annotated measurement on the Proposed Floor Plan to proceed.

**Relevant Planning History**

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| 2005/94592 – garage. | Erection of ground floor extension and detached<br><br>*Approved.* |
| 2020/90807 – | Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking.<br>*Refused.*<br>Appeal Dismissed (ref: APP/Z4718/D/21/3267574). |

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| | **Officer note:** The Inspector noted no overlooking to a significant degree was found in relation to the proposal, specifically:<br>"the adjacent property (12B The Dell) is at a slightly lower site level than the appeal property, but that it is located toward the south of that property and there is considerable landscaping between the two dwellings. In addition to this, the adjacent property is not directly behind the appeal dwelling, at an oblique angle with regard to key window positions."<br><br>However the appeal was dismissed assessing the first floor extension to be overly dominant in a single storey property area on grounds of character of the townscape. |
| 2021/91945 – | Erection of single storey rear extension and raised decking.<br>*Approved.* |
| 2021/93979 – glazed link. | Erection of front side and rear extensions with<br><br>*Approved.* |

**Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 04/12/2023

No representations have been received.

**Consultation Responses**

No technical consultees 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. It is within a Bat Alert layer and a Low Coal Risk Area. It is within landfill buffer areas and Flood Zone 1.

**Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 53 – Contaminated and unstable land**

**Supplementary Planning Guidance and other considerations**
- Highways Design Guide SPD
- House Extensions and Alterations SPD (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 05th 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

**Assessment**
The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:
*1.1 Sustainable Development*
Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Key Design Principles 1 & 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host.

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:
In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.
Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality design.
The proposed decking would be various sections of small scale and predominantly be close to ground level, except that portion to the southern most part of the dwelling. It would be largely screened by the host's buildings minimising its visual impacts on the host and streetscene. Materials proposed to decking and other alterations would predominantly use natural and high quality materials and limited use of glass and white render as secondary materials which would be in keeping within its residential garden setting.
The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD and Chapter 12 of the NPPF.
3 – Impact on residential amenity:

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

*"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

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

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD relate to residential amenity.

The proposed alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

*No.4 The Coppice and No.12B The Dell*
Whilst the nearby proposed decking and some steps would be at greater heights above ground than is permitted development, there are already platforms and
steps from the rear of the dwelling leading to the rear garden and there is dense hedging to the shared boundary at least 2m height from ground level sited sufficiently away from the proposed decking areas to ensure that the hedging would not be adversely impacted. In addition, the central raised stone laid patio area would be predominantly screened by the built development from view which would not lead to a significant additional impact on overlooking or loss of privacy overall. The raised patio area to the rear of the extension shall be ~20m distance from the closest elevation of no. 12B and be screened by the hedging satisfactorily to not require a privacy screen to be conditioned to the southeast boundary of the patio for residential amenity; this patio would not affect no. 4 The Coppice due to its position significantly forward of this neighbour and screened by the bulk and massing of the extension already permitted and its hedging.

*No.4 and 6 Viewlands*
No.s 4 and 6 Viewlands is directly to the west of the site and adjacent to the annex previously approved in application 2021/93979. No 6 would not be affected by the raised decking area as this would protrude past its flank boundary. No. 4 has some potential to be overlooked as this would be adjacent to its rear garden boundary; this is satisfactorily mitigated by the privacy screening preventing overlooking or loss of privacy.

*Other Residential Properties*

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

*Future Occupiers*

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

The proposal would therefore be in general conformance with LP24b and the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

<u>4 – Impact on highway safety</u>:

Turning to highway safety, the proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety and be compliant with

Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

*Climate Change*
When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
*Drainage*
The site is within a low probability Flood Risk Zone and has minor development limited to the rear within a substantial soft surfaced garden therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and Chapter 14 of the NPPF.
*Biodiversity*
The small scale of the proposal would have no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward in order to satisfy protection towards bats within the identified bat alert layer.
Contaminated and unstable land
This site is within likely contaminated land as it is within identified historic landfill buffer areas, due to the minor nature of this proposal, a precautionary condition is recommended advising applicants of their requirements should unexpected contamination be discovered in order to satisfy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.
6 – Representations:

No representations had been received.

7 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation** **Approve**

**Decision Authorisation - Delegated**

**Application Number**: 2023/93014

**Officer Recommendation**: Approve

**Conditions and Reasons**

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
**Reason**: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external stone wall of the raised decking areas noted to be faced in stone 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 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4.In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either

(a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or

(b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
**Reason**: To ensure public safety and to comply with LP 53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

5. The 1.8m high privacy screen on the northwest boundary of the raised patio to the rear of the annex, as shown on the hereby approved 'Proposed Site, Floor and Elevation Plans. Drawing no. P201, shall be obscure glazed (to grade 4 level of obscurity) or constructed of vertical close boarded timber before this raised terrace area is first brought into use. The 1.8m high obscure glazed or close boarded privacy screen shall thereafter be retained in accordance with the approved plans.
**Reason:** In the interests of residential amenity for no. 4 Viewlands and to accord with Policy LP24b of the Kirklees Local Plan, Key Design Principle 3 of the House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

**FOOTNOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan. | Planning Portal Reference: PP-12520285v1. | Unamended. | 11/10/2023 |
| Existing Site, Floor and Elevation Plans. | Drawing no. P200. | Unamended. | 16/10/2023 |
| Proposed Site, Floor and Elevation Plans. | Drawing no. P201. | Unamended. | 16/10/2023 |
| Climate Change Statement | - | - | 20/10/2023 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

**Report Dated:** 12/12/2023