

**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:	2023/62/93347/W
Site Address:	2, Hermitage Park, Fenay Bridge, Huddersfield, HD8 0JU
Description:	Demolition of existing garage, conservatory and porch and erection of side and rear extensions and replacement porch
Recommending Officer:	Joanna Rednall

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: 19-Jan-2024

THE SITE

2 Hermitage Park is a two storey detached dwelling located in Fenay Bridge. The exterior walls of the application property are constructed from stone with a concrete tile roof. No.2 is located within a wider residential area where neighbouring properties share similar exterior appearance. The property is located on the junction of Hermitage Park and Rowley Lane. Boundary treatments consists of hedges and 'open plan' frontage.

THE PROPOSAL

The applicant is seeking planning permission for the demolition of existing garage, conservatory and porch and the erection of side and rear extensions and replacement porch.

Porch

The front porch would be constructed from oak frame with a 'slate' roof and would project ~0.9 metres from the front wall of the dwellinghouse and have an eaves height of ~2.4 metres reaching an overall height of ~3.1 metres.

Two storey side extension

The proposal would have a width of ~4.8 metres to match the existing and would be set back from the front of the dwelling by ~0.45 metres. This extension would be two storeys in height with an eaves height of ~5 metres reaching an overall height of ~6.8 metres to the ridge of the pitched roof. The two storey extension would project ~6.3 metres along the side of the existing dwellinghouse, and would join on to the single storey rear extension. The extension would be ~1.5 metres from the south east facing boundary and the external walls would be constructed using stone with a 'slate' roof covering.

Rear extensions

The extension to the rear of the two-storey side extension would be single storey with a width of ~5 metres and ~8.5 metres in length. The eaves height would be ~2.5 metres and a total height of ~4.4 metres to the ridge of the gable pitched roof. The rear ~3.7 metre by ~2.4 metre conservatory would be demolished and rebuilt using stone to be ~3.8 metres to ~2.5 metres with two south-west facing and north-west facing aluminium sliding doors on the rear and side elevation with two rooflights on each side. The rear facing elevation would be single storey and have an eaves height of ~2.3 metres with a total height of ~4.2 metres to the ridge of the lean-to roof.

HISTORY OF NEGOTIATIONS

PLANNING HISTORY

Relevant planning history for this site is summarised as follows:-

- 2007/94642 – Erection of a conservatory – Full conditional permission

PUBLICITY & REPRESENTATIONS

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 25th December 2023. No representations were received as a result of this publication. Kirkburton Parish Council – no comment.

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

The site is unallocated in the adopted Kirklees Local Plan.

The site is designated as lying within a Coal Authority Referral Area and a Bat Alert Zone.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 – Biodiversity
- LP51 – Air Quality

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 December 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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”.

In this case, the principle of demolishing the existing garage, conservatory and porch and erection of side and rear extensions and replacement porch is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, 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. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Assessment

The proposed development would result in a two-storey extension which located on the side elevation of the property. The proposed development would include the demolition and replacement of the front porch and rear conservatory and replace this with a single storey rear extensions.

The front porch is proposed to be constructed from new oak with a slate roof covering to match existing construction materials. The side, rear and front elevations would be constructed using Yorkshire stone to match and would be considered acceptable in this case as it is in keeping with the existing dwelling in terms of materials and details.

The design of the two-storey side extension would have a pitched roof to match the existing with the pitch ~0.45 metres below the existing ridgeline, and would be set back from the front elevation by ~0.45 metres to allow for a visual break. The side extension would be approximately 1.5 metres from the neighbouring boundary and would leave an acceptable level of space between this boundary and retain external access to the rear garden. This is likely to maintain the sense of space and local character in the residential neighbourhood and comply with Key Design Principle 1 and 2 in the SPD and policy LP24.

The rear extensions would be constructed using stone for the walls with a slate roof and be adequately in keeping with the original house in terms of scale, materials and detail, noting that it would result in a variety of forms.

While the height of the extensions would reach a total height of ~4.2 metres and exceed the parameters set out in paragraph 5.2 of the SPD, given the large size of the site and existing dwelling it would be considered acceptable in this case. The total projection from an original rear wall would be ~2.1 metres and would not cover over half the total area around the original house. The proposed rear extensions would be subservient when the works are viewed in conjunction with the host dwelling, complying with Key Design Principle 1 and 2.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Assessment

Impact on No.4 Hermitage Park

No.4 is the neighbouring property on the south-east facing elevation. In terms of residential amenity, there are no proposed openings within the side elevation of the extension facing No.4. The front ~6.3 metres of the side extension would be two storeys in height and the remaining ~8.4 metres would be single storey in height. No.4 has no openings facing No.2 and due to the rear extension being single storey in height, it is unlikely to cause any undue overshadowing/overbearing on this neighbour. There are windows in the rear of the original garage, but these face the rear garden and the property is at a higher level.

A gap of ~1.5 metres would be retained between the extension and the boundary and No.4 which is acceptable. The existing garage of the application property is ~2.3 metres in height with a flat roof, and the proposed rear extension would have an eaves height of ~2.5 metres with a total height of ~4.4 metres to the pitched roof. The roof design is likely to limit the degree of overshadowing on this neighbour and due to the land levels, the height of the extension at the application property would be less oppressive/overbearing on No.4. In addition, the north-west facing elevation of No.4 is a single storey garage so the extension is unlikely to have an overbearing impact on this neighbour.

Impact on No.1 Hermitage Park

No.1 is located opposite to No.2. The recommended 21 metres between facing windows of habitable windows would be achieved, and due to this distance the extension is unlikely to have any impact on the privacy, light and outlook of No.1.

Impact on no.14 Rowley Lane

No.14 is located on the rear boundary of the application property and contains 4 windows looking towards the application property. Due to the gradient of No.2 and the significant separation distance between the properties(it is on a significantly higher ground level), the extension is unlikely to have any impact on outlook, overbearing, or loss of light at No.14. The rear proposed elevation of No.2 consists of two full height windows and a sliding door which would face No.14. Neighbouring property No.14 has four north-east facing windows towards No.2, however these would be approximately 30 metres from the proposed works which meets the recommended 21 metres of facing windows of habitable rooms, therefore it is unlikely that the proposal would have impact on the privacy of this neighbour.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Assessment

Internally the garage would measure ~4.3 metres by 4.2 metres which does not meet the minimum standard required for a useable garage. Paragraph 4.42 of the Kirklees SPD sets out the number of parking spaces required depends on the number of bedrooms in the dwelling. In this case, the number of bedrooms would be 3 and therefore the proposed works would need to include a minimum of 2 off-street car parking spaces excluding the garage. It is considered that sufficient parking at the property with the driveway located to the side of the dwelling and the proposed works would not alter the existing access to and from the property and would comply with Key Design Principle 15 of the SPD.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

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. Whilst it is acknowledged that the site is located within an identified bat alert area and the works would impact on the existing roof, it is considered unlikely that the proposals would have an impact on the bat population as the existing roof is well-sealed without reasonable likelihood that it would support a bat population. 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.

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 pre-dates 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 extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change and includes KPD 8, 9, 10 & 11 of the SPD. A Climate Change Statement has been submitted with the application.

6 – Representations:

None 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 Powers

Application Number: 2023/93347

Officer Recommendation: conditional full permission

Conditions

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 (as amended).
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.
2. **Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.
3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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			10/11/23
Location plan			10/11/23
Existing Elevations and Floor Plans	2HM 02		10/11/23
Proposed Elevations and Floor Plans	2HP 01	Amended	04/01/24
Cross Sections	2HP 01		
Climate Change Statement			15/11/23

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 4th January 2024