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:	**2023/62/93711/E**
Site Address:	592, Hunsworth Lane, East Bierley, BD4 6PU
Description:	Erection of single storey rear extension with associated external alterations following demolition of existing conservatory
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-Feb-2024

Officer Report
Reference No. 2023/62/93711/E
Site Address: 592, Hunsworth Lane, East Bierley, BD4 6PU
Proposal: Erection of single storey rear extension with associated external alterations following demolition of existing conservatory

Site Description
The application relates to 592 Hunsworth Lane, a two storey semi-detached property located in East Bierley. The dwelling is faced in pebble-dashed render and incorporates a hipped roof finished in tiles. The property benefits from off road parking to the front and garden areas to the front and rear. The neighbouring properties are of residential use and comprise a combination of single storey and two storey dwellings of varying architectural styles and materials.

Description of Proposal
The application seeks planning permission for the construction of a single storey rear extension with associated external alterations. The existing rear conservatory will be demolished as part of the application. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed additions and external alterations. The proposed works are summarised below:

- Single storey rear extension (projection approx. 3.5m, maximum height approx. 3.21m and eaves height approx. 3.08m)
- Removal of existing ground floor window within the north-eastern side elevation of the dwelling

Relevant Planning History
Not Applicable.

Representations
The application was advertised by neighbour notification letters, which expired on 13th February 2024. As a result of the above publicity, no representations have been received.

Consultation Responses
Not Applicable.

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 located within the designated Green Belt on the Kirklees Local Plan Proposals Map. Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 57 -** The Extension, Alteration or Replacement of Existing Building

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)
- Biodiversity Net Gain Technical Advice Note (adopted 29th 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 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13 -** Protecting Green Belt Land

- **Chapter 14 -** Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. **Principle of development**

   The application site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

   Paragraph 2.11 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

   Paragraphs 153 and 154 of the National Planning Policy Framework state that certain forms of development are exceptions to 'inappropriate development'. One of these is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

   In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce additional built development within the Green Belt which may have some effect on the character and openness.

   The proposed addition would equate to a percentage increase of approximately 13.6% over the original house and would accord with an acceptable volume increase relative to the original dwelling. The proposed development would be subservient and would have an acceptable scale proportionate to the original dwellinghouse. Furthermore, given the size of the host property and its associated curtilage, it is considered that the effect on the Green Belt would be minimal. On this basis, it is considered that the proposed development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policy LP56 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF.

1. **Impact on Visual amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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 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.

Part of Policy LP57 of the Kirklees Local Plan stipulates that 'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'

<u>Single Storey Rear Extension</u>

The proposed single storey extension would project approximately 3.5m from the rear elevation of the original dwellinghouse. The extension would be faced in pebble dashed render to match the appearance of the host property and would incorporate a flat roof. Although this feature would generally constitute poor design, the extension would be concealed by the existing boundary treatments and would have limited visibility from public vantage points. The extension would also project further than 3m, however, it would maintain a sense of space within the plot and would not exceed 4m in height. Furthermore, it is considered that the property and its curtilage would support the extension without it appearing incongruous or amounting to overdevelopment. Therefore, it is considered that the proposal would not have any significant visual impact on the character and appearance of the host property and wider street scene.

<u>External Alterations</u>

The proposal would see the existing ground floor window within the north-eastern side elevation of the dwelling removed and blocked up with materials to match the original build. Therefore, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area.

<u>Summary</u>

Having taken the above into account, the proposed development 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 Extensions and Alterations Supplementary

Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties to the front and rear of the property would be affected by the proposed works.

<u>Impact on 590 Hunsworth Lane</u>

The proposed single storey rear extension would be positioned in close proximity to the common boundary shared with 590 Hunsworth Lane. However, the proposed development would have no detrimental impact on the neighbour's residential amenity. The works would be located adjacent to neighbouring development that would mitigate any impact. Further, the enlargement would comply with the 45 degree rule in relation to the neighbour's fenestration thereby avoiding any detriment to the occupants.

For these reasons, it is considered that the proposal would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

<u>Impact on 594 Hunsworth Lane</u>

594 Hunsworth Lane is a two storey semi-detached property located north-east of the application site. The proposed single storey rear extension would occupy a position approximately 1.6m from the common boundary shared with no.594 and would comply with the 45 degree rule in relation to the neighbour's ground floor fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overshadowing and overbearing impact.

<u>Occupier Amenity</u>

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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 Extensions and Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. Other Matters

Carbon Budget

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

Whilst the site is located in an area identified as being within a ‘bat alert’ layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council’s Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiation

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the erection of a single storey rear extension with associated external alterations at 592 Hunsworth Lane 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 National Planning Policy Framework 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: 2023/93711
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP52 and LP57 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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.

Plan Type	Reference	Revision	Date Received
Existing & Proposed Plans & Elevations	562-01	-	21/12/2023
Climate Change Statement	-	-	21/12/2023

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 15/01/2024