

**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:	2023/62/93799/W
Site Address:	7, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Alterations to existing dwelling to create two storey dwelling with rooms in the roof space including removal of roof and erection of first floor with rooms in the roof space, erection of two storey extension to front and part two storey part single storey extensions to side incorporating integral garage and single storey extensions to rear incorporating balcony and associated works
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 11th October 2024

Officer Report.

Reference: 2023/93799

Location: 7, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS

Proposal: Alterations to existing dwelling to create two storey dwelling with rooms in the roof space including removal of roof and erection of first floor with rooms in the roof space, erection of two storey extension to front and part two storey part single storey extensions to side, incorporating integral garage and single storey extensions to rear incorporating balcony and associated works

Site Description.

7 Inglewood Avenue is a detached bungalow, constructed from stone under a slate roof, in an established residential area that is characterised by detached houses of various styles. The property is set back from the road with a garden to the front and drive to one side leading to a flat roofed double garage, and a further garden to the rear.

The land drops gently from east to west. The site is located on the outer bend of a residential access road. The rear boundary borders wooded garden associated with Norwood Grange (which forms part of a Wildlife Habitat Network). The property itself is located outside of the Edgerton Conservation Area, however, the site borders it to the south.

Description of Proposal.

The works consist of:

- Raising the ridge height of the roof above the host dwelling by 2.4 metres, to create a gable roof with a ridge height of 8 metres.
- Erection of two-storey extension to front, with a projection of 1.3 metres, a width of 3.6 metres and a ridge height of 7.3 metres.
- A gable roofed extension will be erected to the western side elevation of the dwelling, with a projection of 5.3 metres and a ridge height of 5.2 metres. The gable roof will host a dormer to the front elevation, with a depth of 2.6 metres, a width of 3 metres and a height of 1.85 metres.
- To the rear elevation of the aforementioned extension, a two-storey gabled roofed extension will be erected, with a ridge height of 5.2 metres. This extension will host a dormer within the eastern facing roof slope.

- To the rear elevation, a single storey lean-to extension is proposed, with a projection of 3 metres, a width of 6.6 metres and a ridge height of 3.5 metres.
- The second single storey extension proposed to the rear elevation will have the same projection (3 metres), with a width of 3.6 metres. This extension will have a ridge height of 2.5 metres, with a balcony on the roof space.
- The extensions will be constructed using stone and roofing forms will be constructed from slates. All windows and doors to the host dwelling and to the extensions will be dark grey upvc.
- Vehicle access and parking arrangements will remain the same.

History of Negotiations / Amendments Received.

Officers raised concerns with the overall scale and design of the development from a visual amenity perspective and with regard to impacts to residential amenity, specifically in relation to No. 9 Inglewood Avenue. As a result of officer negotiations, the planning agent / applicant submitted revised plans.

Furthermore, following formal consultation responses from KC Ecology, further ecological information and surveys were submitted.

Given that the submitted amendments retained the same description of proposal and saw an overall reduction in the extent of built form, it was not considered necessary in this instance to carry out re-advertisement of the application.

Relevant Planning History.

At the application site:

- 2010/91303 – Extensions and roof alterations and conservatory (modified proposal). *Approved.*
- 2010/90304 – Increase in height of roof and erection of dormers to provide 1st floor accommodation, erection of conservatory and porches. *Approved.*
- 2020/93246 – Erection of extensions and exterior alterations. *Approved 2nd March 2021.*

To neighbouring properties:

- No. 9 Inglewood Avenue – 2018/91542 – Erection of two-storey rear extension, porch to front and alterations to roof. *Approved.*

- No. 9 Inglewood Avenue – 2024/91805 – Deemed application via enforcement appeal APP/Z4718/C/24/3347031 for erection of extensions and alterations to a dwelling. *Under Consideration.*
- No. 5 Inglewood Avenue – 2021/90148 – Erection of extensions and alterations to existing dormer bungalow to create two storey dwelling. *Approved.*
- No. 5 Inglewood Avenue – 2022/93497 – Erections of extensions to existing dormer bungalow to create two storey dwelling. *Approved.*

Representations.

This application was advertised via neighbour notification letters, site notice and within the newspaper.

Final publicity date expired: 16th February 2024.

In response to publicity, one objection was received, which raised the following concerns:

- The application for extensions shows building out on the west side and all the way to the boundary with No. 9. This will make the side of No. 9 a dark corridor type space which is not found in any other house on Inglewood Avenue. No. 9 has kitchen windows and bedroom windows which now have light coming in. After extension built, they will be faced with a wall and windows overlooking within touching distance from bedroom window to bedroom window.

Officer Response: Noted. The concerns raised with regard to the impacts of development to neighbouring properties will be addressed in full within assessment section 3 of this officer's report, namely 'Impacts on Residential Amenity'.

- The drawings show No. 7 extending from boundary to boundary using every inch of space on the sides. Certainly not in keeping to the nice spaced-out homes on Inglewood Avenue.

Officer Response: Noted. The concerns raised with regard to the impacts of development on visual amenity will be addressed in full within assessment section 2 of this officer's report, namely 'Impacts on Visual Amenity'.

- Object to the retaining wall between No. 7 and No. 9 being altered in any way. This is a 2.5m retaining wall.

Officer Response: Noted. The submitted documents do not include any details of alterations to existing boundary treatments and therefore, officers do not consider that alterations to this retaining wall form any part of this application. Notwithstanding this point, it is noted that permitted development rights set out in part 2 of schedule 2 of the Town and Country Planning

(General Permitted Development) Order 2015 (as amended) are in place and amendments to boundary treatments by virtue of these rights is possible in any event.

- Will not allow access to accommodate the build up to the boundary.

Officer Response: This is a private matter and is not considered to be a consideration to which significant weight can be placed upon in the determination of this application.

- Potential movement / subsidence as a result of the development / works to retaining structures.

Officer Response: This matter is addressed within the 'land stability' section of the assessment set out in the following report.

- The garage is on the boundary and presumably would need to be demolished and rebuilt. No objection to building over the original footprint providing moved a few metres from the boundary.

Officer Response: It appears likely part(s) of the existing structure could be utilised to accommodate the proposed development. Notwithstanding this point it is also noted that complete demolition could also form part of the proposal's construction process. It is considered this would primarily be a building control matter, relevant to that stage, rather than a matter the LPA would need to have detailed at this stage.

- If permission is to be approved in the current format, then we would file a fully prepared objection by a expert planning consultant showing all regulations etc. We wish to be fully consulted before any permission is given as we maintain the right to any legal action if we see fit.

Officer Response: The objection received is noted, the decision of the LPA in relation to this application is available to view on the Council's website. The fact there exists rights of legal challenge are noted.

- We have no objection to the front back or the height extensions.

Officer Response: These observations are noted.

- Number 7 should consider in raising the house an extra floor into the loft. They are taking the roof off in any case to add 1 floor and they should be able to add an extra floor at a much lower cost

Officer Response: The application is assessed on the basis of the scheme as submitted, and the relevant merits of the scheme.

Consultation Responses.

The following consultations were undertaken, with a summary of their comments being set out below.

KC Trees (formal) – no objections from a trees perspective and no need to include tree related conditions.

KC Highways Development Management (formal) – the proposals are acceptable from a Highways perspective.

KC Ecology (formal) – recommended that a single dusk emergence survey is undertaken at the site, to confirm the presence/likely absence of roosting bats.

KC Conservation & Design (informal) – no objections.

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 abuts the Edgerton Conservation Area.

The site is located within an area with a known presence of bats.

A culverted watercourse runs across the site, to the front of the property.

The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment.

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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 instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, the historic environment and highway safety, and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity (including heritage considerations)

Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 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.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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

LP24 states that proposals should promote good design by ensuring:

- *‘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 and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

- Key Design Principle 1 – Local character and street scene. *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.*
- Key Design Principle 2 – Impact on the original house. *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 detail.*

Section 5.7 of the House Extensions and Alterations SPD refers to bungalows, with paragraph 5.31 setting out that: *“Careful consideration should be given to two storey and first floor extensions to bungalows. These can*

cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.”

Paragraph 5.32 goes further to state: *“Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene (see Figure 31) and is usually unacceptable where the roof pitches and heights in the street scene are consistent.”*

This application seeks planning permission to make No. 7 Inglewood Avenue two stories in height, with accommodation in the roof space. When considered in the context of the surrounding streetscene, it is concluded that the proposals to raise the ridge height of the dwelling are acceptable from a visual amenity perspective, with the site surrounded by dwellings of multiple stories, including the properties which directly neighbour the site to either side.

As part of this application, a plan entitled ‘proposed and existing massing comparison and also street section’ was submitted. This plan further supports the conclusions in the above paragraph. This plan shows that No. 7 would exceed the ridge height of No. 7 Inglewood Avenue to the east by 1 metre, which is considered to follow the natural sloping topography of the street. The plan also shows that the ridge height of No. 7 would be the same as the original ridge height of No. 9 to the west and be of a lower ridge height than the dwelling which is currently under construction.

It is noted that officers are taking both the original dwelling of No. 9 into consideration upon the determination of this application, as well as the dwelling currently under construction at the site of No. 9, due to a live enforcement case. The enforcement notice served to No. 9 issues a remedy to return the dwelling to its previous condition, prior to unauthorised works taking place, however, there is currently a deemed application under consideration at the site, referenced 2024/91805.

Section 5.2 of the House Extensions and Alterations SPD refers to front extensions, setting out that two-storey front extensions are usually unacceptable due to the impact that they pose to the character of the area and visual amenity, not normally permitted unless:

- the house is set well back from the pavement or is well screened; and
- the extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- the materials and design match the existing features of the original house; and
- the extension would not unreasonably affect the neighbouring properties.

Whilst the proposed two-storey extension to the front of 7 Inglewood Avenue is not considered to be a wholly subservient addition, the extension will be set

back from the highway and the design / materials will harmonise with the overall appearance of the dwelling following the works proposed, as well as harmonising with the contemporary design of other properties located along Inglewood Avenue. Therefore, on balance, this element of the proposal is considered to be acceptable from a visual amenity perspective.

Section 5.3 of the House Extensions and Alterations SPD refers to side extensions.

The side extensions proposed to the western side of No. 7 Inglewood Avenue are considered to be of a subservient appearance. The extensions will be set back from the principal elevation of the host dwelling by approximately 2.2 metres and, following the increase in roof height, will be set down from the host ridge height by approximately 2.7 metres.

Whilst officer's note that the side extensions will go up to the boundary, based on the individual merits of the application, site and streetscene, this design is considered to be acceptable in this instance. From a visual amenity perspective, it is not considered that building up to the boundary would result in built form which would appear overtly cramped, with the site considered to be of a size / scale to support such developments, retaining an appropriate sense of openness, with soft landscaped garden amenity space to be retained to the site frontage, as shown on the submitted 'proposed aerial views' plan.

It is noted that, the impacts of building up to the boundary are explored and assessed further within the next section of this officer's report, 'Impacts on Residential Amenity'.

Section 5.27 of the House Extensions and Alterations SPD sets out that dormer windows should:

- relate well to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The dormer proposed to the front elevation of the side extension will be visible from the streetscene. However, it is considered that this dormer is of an appropriate size / scale, set up from the eaves and down from the ridge height of the roof. Given the set down roof height to which the dormer is to be erected, as well as it's size / scale, it is not considered that it would appear as overtly dominate within the principal roof slope of the extension. The eastern facing dormer to the side extension would not be visible from public vantage points and therefore, is not considered to pose any detriment from a visual amenity perspective. Nonetheless, for reasons of securing high standards of

design, both dormers will be conditioned to be of a colour finish to match the roof tiles.

The single storey extensions to the rear of the dwelling, including the balcony, would not be clearly visible from the public domain of Inglewood Avenue and are considered to be compatible in terms of scale, design and appearance with the dwelling.

Officers consider that the single storey rear extensions would appropriately accord with the design recommendations as set out in the House Extensions and Alterations SPD, by way of size / scale and design, this is with regard to both section 5.1 on rear extensions and section 5.5 on balconies.

It is noted that all the extensions would be faced in stone and the roofs would be infilled with slate tiles. These materials are in keeping with the existing design of the host dwelling and a condition shall be imposed upon any grant of permission in relation to matching materials.

Given the above assessments and the relatively generous size of the site, it is considered that the proposal would not represent an overdevelopment of the site. Further to this, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. Thus, the proposed development is considered to comply with Local Plan Policy LP24, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Heritage Considerations:

The site abuts the Edgerton Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

As part of the determination of this application, an informal consultation was undertaken with KC Conservation and Design. The Conservation and Design Officers raised no objections to the proposals, concluding the following:

- Most of the properties within the area are of a scale the same as what is proposed.

- When the site is viewed within the context of the street it's situated on, a precedent for the type of dwelling proposed has previously been established.
- Increase in scale, but not clearly visible from other public vantage points.
- Does not impact setting of Conservation Area.

For the reasons set out above, it is concluded that the proposal would not cause harm to the significance of the Edgerton Conservation Area to the rear of the site, or its setting. As such, the proposal is considered to comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3) Impact on Residential Amenity

Section B and C of LP24 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 135 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.

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.

The proposal is most likely to impact upon the two neighbouring properties to the side, these being No. 5 and No. 9 Inglewood Avenue. The proposed development is considered to be sufficiently sited so as to prevent undue harm to any other neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an oppressive / overbearing effect.

It is noted that officers are taking both the original dwelling of No. 9 into consideration upon the determination of this application, as well as the dwelling currently under construction at the site of No. 9, and which is also the subject of a live enforcement case. The enforcement notice served to No. 9 issues a remedy to return the dwelling to its previous condition, prior to unauthorised works taking place, however, there is currently a deemed application under consideration at the site, referenced 2024/91805.

Firstly, it is noted that raising the roof height of the host dwelling would not result in undue impacts of overbearing or overshadowing towards No. 5 or No. 9 Inglewood Avenue.

No. 5 is currently under construction, assumed to be associated with the grant of planning permission referenced 2022/93497. The dwelling, following the raise in ridge height, would retain the same separation from the shared boundary with this property, with officer's noting that no glazing is proposed in the adjacent elevation of No. 5 under the permission granted 2022/93497.

With regard to No. 9, impacts of overbearing and overshadowing are assessed later in this section of the report, taking the proposed side extensions into consideration.

The proposed single storey rear extensions would be sited in between the proposed extensions (to the west) and the conservatory (to the east) and would not extend beyond the rear walls of these elements. It is therefore considered that the single storey rear extensions would not cause undue harm to No's. 5 or 9 in terms of loss of light, overshadowing or the creation of an overbearing effect.

In addition, the proposed extensions to the west of the dwelling would mitigate any views from the proposed rear balcony towards No. 9 Inglewood Avenue, with the ridge height of these extensions approximately 2.7 metres above the ground level of the balcony.

To protect the privacy of occupiers of No. 5 Inglewood Avenue, especially in relation to their rear garden amenity space, upon any grant of approval, a condition shall be imposed, requiring the stone wall to be built up to 1.8 metres, to form a privacy screen along the eastern side elevation of the balcony. Officer's note that the erection of a privacy screen along the eastern side elevation of the balcony would not impact upon any habitable rooms within the interior of the host dwelling, with the adjacent first floor windows shown to serve the landing and a storage area on the submitted floor plans.

With regard to the eastern facing dormer windows, upon any grant of approval, a condition shall be imposed to obscure glaze these windows, as they would face directly towards the rear amenity space serving No. 5. It is noted that a rear window would serve the same bedroom, which would not be conditioned to be obscure glazed.

With regard to the front extension, this is of a relatively minimal projection and is considered to retain sufficient separation from either shared boundary to mitigate any undue impacts of overbearing or overshadowing towards No. 5 and No. 9 Inglewood Avenue.

The glazing proposed in the side elevations of this extension, to serve the family snug, would not be directly adjacent to any habitable room glazing or private amenity at No. 5 Inglewood Avenue.

However, the glazing proposed in the side elevation of the two-storey front extension, serving a habitable room internally, would be opposite glazing on the adjacent side elevation of No. 9 Inglewood Avenue (both as under

construction and originally), which projects forward of the principal elevation of No. 7.

Although there is uncertainty surrounding the design of No. 9 at present, officer's note that the adjacent glazing to the side elevation of the original dwelling of No. 9 served a habitable room internally, based from the existing floor plans submitted for application 2018/91542, which shows the adjacent first floor window to serve a bedroom internally. Therefore, upon any grant of approval, a condition shall be imposed so that the glazing to the front extension, facing towards No. 9 Inglewood Avenue shall be obscure glazed.

With regard to the extensions proposed to the western side of No. 7, whilst officer's note that they would pose some degree of impact towards No. 9 Inglewood Avenue, it is not considered that the impacts would be sufficient to justify refusal of the application. The justifications are explained in further detail below:

Firstly, officer's note that the site of No. 7 Inglewood Avenue benefits from Permitted Development Rights for the erection of extensions (Permitted Development Rights removed with application 2010/91303 relate to doors, windows and openings only). Therefore, it is considered that there is a fallback position present in this instance, with scope to carry out a level of development to this side elevation in any event.

In the original dwelling, the ground floor windows in the adjacent side elevation served a dining room and TV room, based on the existing floor plans submitted for application 2018/91542. Whilst it is acknowledged that the dining room window in the original dwelling would face the blank side elevation of the extensions, this window is located towards the front of the dwellinghouse and therefore, whilst the proposed extensions will impact on outlook from this window, they will not block light to a degree considered to be at such a level as to warrant refusal.

It is considered that the setback of the front of the extension under this application and the design with the roof slope that slopes away from No. 9, will reduce the impact on the dining room window. The same arguments are considered to stand for the window in the adjacent side elevation of the dwelling of No. 9 which is currently under construction. It is also noted that the application site is located on a lower land level than No. 9 topographically, further reducing impacts to the dining room window and the window which occupies a similar position in the house which currently stands within the plot of No. 9.

The second window within the side elevation of the original dwelling of No. 9 Inglewood Avenue served a TV room, based on the existing floor plans submitted for application 2018/91542. Officers consider that this side elevation window serves as a secondary window serving this room, with the conservatory glazing also serving the TV room. As such the impact of the development upon this openings is not considered to be significant given the other opening which provides a light source and outlook for this room.

To protect the privacy of the occupiers of No. 9, upon any grant of approval, the velux windows in the western side extension are recommended to be subject to condition to be obscure glazed. This condition would ensure that it would not be possible for occupiers of the host property to view into first floor openings of no.9.

Given the above assessment, it is concluded that, with the inclusion of the aforementioned conditions, the proposed development would appropriately comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. The Highways Officer drew the following conclusions:

The proposed driveway uses the existing vehicle access to the site and parking is proposed for four vehicles which meets the guidelines for a 4+ bedroom dwelling.

Internal turning has been proposed to ensure vehicles can enter and leave the site in forward gear.

Therefore, for the reasons above, the Highways Officer concluded that the scheme is acceptable in highways terms. Having regard to the Highways Officers' response, and detail submitted, the proposal is considered to be acceptable in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Upon any grant of approval, a condition shall be imposed regarding surfacing and drainage and an informative regarding works within the adopted highway fronting the property.

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.

A Climate Change Statement was submitted as part of this application, which sets out various mitigation measures.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Trees:

There are protected trees to the rear of the site, but it is considered that the development would be a sufficient distance away from these trees so as to prevent damage to these trees. This conclusion is drawn having regard to the fact the Council's Arboricultural Officer has also raised no objections to this proposal.

Land Stability:

Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval.

Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The concerns raised by third parties are noted, the scale of the development and having regard to the para 184 NPPF leads to the conclusion that land stability would be dealt with at the building control stage for any redevelopment of the site and that to require detailed investigations in this regard as part of this application would be an unreasonable requirement in

this case. It is considered that subject to inclusion of informative notes drawing the applicants' attention to land stability and requirements they satisfy themselves in relation to impact of works on land stability, the proposal is considered acceptable in this regard.

As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

Bats / Ecology:

Chapter 15 of the National Planning Policy Framework is 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 states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

A Preliminary Bat Roost Assessment was submitted and, following this, a 'Bat Presence – Absence Survey' was submitted, which concluded that low levels of activity by single common species of bats were recorded during the emergence survey and that, once completed, the extension of the house, and its continued use, is unlikely to increase levels of disturbance of bats.

Therefore, given the conclusions of the submitted surveys, it is considered that the proposals would be acceptable from an ecological perspective. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Furthermore, upon any grant of permission, a condition shall be imposed regarding a bat box to be installed, to secure a form of ecological enhancement as part of the development.

Culverted Watercourse:

Whilst the presence of a culverted watercourse has been acknowledged by officers, no development is proposed over or above this, with built form / development at the site to retain a separation distance of approximately 7 metres from the culvert.

Therefore, given the above, it is not considered that any further considerations need to be assessed in relation to the culvert.

6) Representations

One representation was received to the application.

The objections raised with regard to visual amenity and residential amenity are addressed within the relevant sections of this officer's report, specifically assessment sections 2 and 3.

The other matters raised in representation are addressed within the officer response provided to the summary of each matter raised earlier within this report.

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, on balance, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2023/93799
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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14, 15 & 16 of the National Planning Policy Framework.
3. All extensions to the host dwelling hereby approved, including works to increase the roof height, shall be carried out in materials to match the

host dwelling, including stone to all exterior walls and slate roof tiles. These materials shall thereafter be retained.

Reason: In the interests of visual amenity, to preserve the significance of the Edgerton Conservation Area and its setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

4. The external walls of the dormers hereby approved shall be faced in materials, and be of a colour finish, to match the appearance of the roof tiles within the gable roofs upon which the dormers will be erected. The flat roofs shall be of a colour finish to match the roof tiles within the gable roofs. The matching materials and matching colour finish of the dormers shall thereafter be retained.

Reason: In the interests of visual amenity, to preserve the significance of the Edgerton Conservation Area and its setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapters 12 and 16 of the National Planning Policy Framework.

5. Prior to the rear balcony being brought into use, the stone wall to the eastern side elevation, as shown on the 'proposed front and rear elevations' drawing (Dwg No. 106) shall be built up to 1.8 metres in height, from the ground level of the balcony.

Reason: In the interests of residential amenity 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.

6. The development shall not be occupied until the windows within the eastern facing dormer hereby approved have been obscure glazed. The windows within this dormer shall thereafter remain as obscure glazed.

Reason: In the interests of residential amenity 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.

7. The development shall not be occupied until the glazing within the front extension, facing west towards No. 9 Inglewood Avenue, has been obscure glazed. The glazing within this side of the front extension shall thereafter remain as obscure glazed.

Reason: In the interests of residential amenity 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.

8. The development shall not be occupied until the velux windows in the western side extension, facing towards No. 9 Inglewood Avenue, have been obscurely glazed. The velux windows within the roof slope of the

western side extension, adjacent to No. 9 Inglewood Avenue, shall thereafter remain as obscure glazed.

Reason: In the interests of residential amenity 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.

9. The extensions hereby approved shall not be brought into use until any new areas of hard standing have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10. One bat box, in the form of a Schwegler type 1FR woodcrete bat box or similar, shall be installed on the exterior of the dwelling. The box shall be installed at least 4 metres above the ground and not located above windows or doors. The box shall thereafter be retained.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: If any changes are required to the access within the adopted highway fronting the property, to amend the dropped kerb, this will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges).

You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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.

NOTE: Paragraph 184 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Existing Location Red Lines	100	-	02.01.24
Existing Roof Plan and Views	103	-	02.01.24
Existing Elevations	105	A	10.01.24
Proposed Location Red Lines	101	B	13.02.24
Proposed Front and Rear Elevations	106	G	12.07.24
Proposed Side and Side 1 Elevations	107	G	12.07.24
Proposed and Existing Massing Comparison and also Street Section	110	B	12.07.24
Existing and Proposed Floor Plans	102	EF	12.07.24
Proposed Ground with Dimensions	109	B	12.07.24
Proposed Ground with Dimensions	108	B	12.07.24
Proposed Aerial Views	104	F	12.07.24
Design and Access Report with Planning Statement by Jade Architecture	-	-	02.01.24
Flood Map for Planning	-	-	02.01.24
Climate Change Statement	-	-	10.01.24
Preliminary Roost	-	-	16.03.24

Assessment by Gritstone Ecology			
Bat Presence-Absence Survey by Gritstone Ecology	-	-	19.09.24

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.

Officers raised concerns with the overall scale and design of the development from a visual amenity perspective and with regard to impacts to residential amenity, specifically in relation to No. 9 Inglewood Avenue. As a result of officer negotiations, the planning agent / applicant submitted revised plans.

Furthermore, following formal consultation responses from KC Ecology, further ecological information and surveys were submitted.

Report Dated: 09.10.24