

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:	2024/62/90180/W
Site Address:	43, Cherry Nook Road, Deighton, Huddersfield, HD2 1JD
Description:	Erection of front extension with basement conversion and associated 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.

Emma Thompson

AUTHORISED OFFICER

Date: 07-Aug-2024

Officer Report

Site Description

2024/90180 – 43, Cherry Nook Road, Deighton, Huddersfield, HD2 1JD

The application site relates to a two-storey, end-terraced property with understorey and external steps so the property is on elevated ground relative to the ground. It is built of natural stone and tile roof. The property has gardens front and back; to the front, a medium height stone wall consists as its boundary feature in common with the surrounding area.

The locality has similarly built residential properties with a strong building line.

Description of Proposal

Erection of front extension with basement conversion and associated alterations

All figures are approximate and in metres.

It is proposed to expand and convert the basement to ancillary living quarters by way of a single-storey, flat roofed, front extension to have a kitchen/dining room with W.C. lit by two roof lights. The extension would be windowed and to have a glazed door to the front only.

The front extension would extend 3.5m from the front elevation and 6.3m wide and be 2.1m height from its new ground level. It would have its parapet roof detail finishing 2.1m height from lower ground level (lowered through ground works) and it would appear ~0.4m above the natural ground level. The scheme would finish below the existing stone cills of the property.

External steps would extend 6.9m from the front elevation overall and run along the side elevation and would have adjacent steps to the basement.

Materials would be natural stone with stone heads and cill detailing to windows and doors and flat stone coping detail to parapet roof and stair tops.

History of negotiations/amendments received

No other similar schemes have been carried out locally to serve as a precedent so Officers considered the application on review and sought amendments to minimise the impact of the design on the host and the streetscene..

Relevant Planning History

No previous planning applications for this site.

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, site notice and press publicity which had a final expiry date of 22/03/2024

One representation have been received Objecting; a summary of the comments received is set out below:

- Scheme will affect bushes and wall serving as a shared boundary for security.

Officer note: Plans indicate that the applicant are aware of their duties under the Party Wall Act and will notify. Officers do not have controls over hedges or bushes of this limited length. The scheme was reduced in projection to minimise impact and there remains potential for a limited fencing arrangement or private arrangement between parties involved to resolve the matter outside of this planning application.

- Existing private right of way affected.

Officer note: This is a legal matter and Officers are unable to take this into consideration. A footnote would be attached reminding the applicant of discharging their lawful responsibilities allowing access.

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Health and Safety Executive – No Objection.

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 land for development on the Kirklees Local Plan. It is within a Bat Alert layer and close to a Kirklees Wildlife Habitat Network. It is within a Low Risk Coal area for development, the Middle H0396 Health and Safety Executive notifiable zone and an identified risk area for historic landfill. It is within Flood Zone 1. Cherry Nook Road is also a PROW, ref: HUD/40/10.

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 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)
- Biodiversity Net Gain in Kirklees Technical Advice Note (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 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.

- 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

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
- 6) Representations
- 7) Conclusion

1 – Principle of development:

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 and 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, and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 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. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

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 SPD notes that *“front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.”*

Paragraph 5.14 of the SPD (page 27) states that they are usually unacceptable due to the impact on the character of the area and will not be permitted unless the house is well set back from the pavement or is well screened, the extension would be small and subservient to the property, be well designed and have materials matching the existing features of the original house in order to respect the original character of the host and area. The proposal would be of limited projection from the front, be of low profile being set back considerably from the highway and set modestly above existing ground level ensuring subservience to the host. The parapet roof design would be set below existing features of the front elevation ensuring that the fenestration and doors would not appear visually cramped. Materials would be high quality and in keeping with its setting complementing the host and serving as a sensitive addition to the streetscene.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site.

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 Local Plan, the Key Design Principles of 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 135f) of the National Planning Policy Framework 2023 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 sets out requirements for extensions to avoid loss of privacy, outlook and prevent overlooking, overshadowing and overbearing for excellent standards of residential amenity.

The proposal would be set below the ground floor level of the host and its neighbouring properties and facing outwards only to the highway with no houses opposite to ensure that there would be no concerns with regard to overlooking, overshadowing and overbearing. The roof could potentially be used as an informal terrace but this would be of a similar height to existing adjacent ground levels and limited projection with similar effects to the existing arrangement and therefore it would be unreasonable to condition this to avoid use of the area as a roof terrace.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, 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 of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site, nor intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees 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.

Public Right of Way

The highway is a PROW and as such Officers recommend a footnote to be applied to ensure that the works proposed would not block or obstruct the PROW in the interests of public access.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest to lower ground level and therefore considered unlikely that the proposals would have an impact on the 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.

The small scale of the proposal would be on an existing limited area of low biodiversity with 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.

Contaminated and unstable land

The site is within potentially contaminated land and proposes ground works which may lead to discovery of unexpected contamination during works. Officers recommend a pre-cautionary condition to be applied ready for this eventuality to satisfy the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Health and Safety Executive

The site is within a HSE notification zone and HSE were formally consulted raising no concerns in relation to the proposed.

6 – Representations:

One representations had been received and answered within the limits of available planning powers.

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: 2024/90180

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, LP24, LP30 and LP53 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, 4, 12, 14 and 15 of the National Planning Policy Framework

3. The external walling materials of the extension and external steps 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.

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: Public footpath Huddersfield HUD/40/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team email address is publicrightsofway@kirklees.gov.uk

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 and access should be respected and 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. 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 and Existing Elevation, Floor and Section Plans.	Sheet no. 001.	A	23/01/2024
Proposed Site, Elevation, Floor and Section Plans.	Sheet no. 002.	C	31/07/2024
Climate Change Statement	-	-	05/02/2024

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 other similar schemes have been carried out locally to serve as a precedent so Officers considered the application on review and sought amendments to minimise the impact of the design on the host and the streetscene..

Report Dated: 31/07/2024