

**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:	<b>2024/62/90692/W</b>
Site Address:	19, Spa Bottom, Fenay Bridge, Huddersfield, HD8 0BB
Description:	Erection of first floor rear extension with projecting balcony and front porch
Recommending Officer:	Laura Yeadon

**DECISION – CONDITIONAL FULL PERMISISON**

**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: 02-Jul-2024**

## **Officer Report**

[Website](#)

### **Site Description**

19 Spa Bottom is a detached dwelling located within an area defined as Unallocated Land within the Kirklees Local Plan. There is a small yard to the front of the property with a driveway to the side leading to a detached prefabricated garage. To the rear of the property is a garden area with a single storey extension which has external access via steps. The property is finished with a cream coloured render and has a blue slate roof. Access to the property is via a privately owned, unadopted road which runs along the front and the rear of the property with the unadopted road to the rear also being defined as a Public Right of Way (PROW) KIR/160/20.

Surrounding development is comprised of mainly detached properties directly to the north, east and south and beyond the properties to the south and the west of the site are open fields which are designated as being Wildlife Habitat Networks within the Kirklees Local Plan.

### **Description of Proposal**

The application is for the erection of a first floor rear extension with a projecting balcony and a front porch. It is also proposed that 2 no. first floor windows would be inserted into the south side elevation of the property and one new window with the north side elevation.

#### *First floor extension*

The proposed first floor extension would lie flush with the existing ground floor side and rear elevations and therefore would project 3.1 metres from the rear elevation of the property. The eaves height would be set down by 1.1 metres below the existing eaves height with the roof height being set 0.3 metres below the existing eaves. It is proposed that the extension would be finished in painted render with a blue slate roof.

#### *Balcony*

The proposed balcony would be in a cantilever style and would project off the rear elevation by 1.2 metres at first floor level. It is proposed that 1m high balustrade would be installed on the rear elevation of the balcony with 1.8m high opaque glass screening to each side of the balcony.

#### *Porch*

It is proposed that a porch would be located on the front elevation of the property lying flush with the south side elevation of the property. The porch would be contained within and would lie flush with the front boundary wall of the property projecting 2 metres and being a width of 2.6 metres. The eaves height would be 2.5 metres with the overall height of the lean-to roof being 3.6 metres. It is proposed that the porch would be painted render with a blue slate roof.

### **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

### **Relevant Planning History**

2011/92623 Erection of single storey rear extension and side extension to create carport and first floor accommodation and raised timber deck to rear  
*Conditional Full Permission*

### **Representations**

We are currently undertaking the legal 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.

Final publicity date expired 13<sup>th</sup> June 2024

Kirkburton Parish Council – no response received to date

As a result of the public consultation period two representations have been received with the summary of comments set out below:

- Loss of privacy from additional proposed windows in south elevation overlooking habitable space in neighbouring property – suggested that the en-suite window is as small as possible and top opening only and with appropriate privacy glass
- Entry way on proposed porch opens directly onto the road which is the approximate width of 2 cars with no paved area on either side
- Some information on application form relating to 'pedestrian and vehicle access, roads and right of way may be incorrect
- High risk of serious harm/injury from exiting the property directly onto the road from proposed porch doorway into the path of moving vehicles – suggest that the porch is reduced in depth to prevent exiting directly onto the road/moving vehicles
- Original conveyancing states that a right of roads and on all occasions over and the road into and out of the said highway is in place therefore no obstruction should occur during any work being undertaken in connection with the proposed construction
- Access for emergency service should be maintained at all times to avoid possible delays resulting in harm

- Works will have a significant impact on available parking as there will be a loss of one parking space outside the property
- Residents have enjoyed 'agreed' parking areas for over thirty years in the immediate vicinity of the proposed porch entrance on the east elevation (nearest being approximately 3 metres above and below the proposed doorway). Longstanding parking arrangements for the area may impede clear sight of moving vehicles approaching the doorway / entrance to the proposed porch doorway leading to injury / harm
- To the best of our knowledge the area of freehold land marked in red on the plans submitted is incorrect as per current land registry title plans
- Description of proposed works states, has work already started without consent, yet builders confirmed that the chimney breast within the property requesting planning permission was removed in March 2024 when scaffolding was erected to the east elevation and the chimney breast/stack was taken down/removed
- Construction working times should be restricted
- The proposed raised balcony would reduce the privacy in neighbouring garden and create a feeling of being overlooked
- Proposed extension extremely close to neighbouring property and would feel invasive, particularly when outside and also create an overshadowing effect in home office
- Would create shade and reduce direct sunlight to outdoor living areas due to height and proximity which would have an adverse impact including ability to hang washing outside promoting the growth and moss on path and lawn in areas where sunlight is reduced and making it not possible to maintain a healthy lawn due to increased shade
- Reduced sunlight would increase heating costs and result in a cooler home

Whilst the site is within close proximity to a PROW which runs along the rear of the property, it was not considered that the footpath would be affected by the proposed works and therefore it was not considered to advertise the proposal by site notice and newspaper article. However, a footnote can be attached to the decision notice that the PROW should be kept clear and free from obstruction at all times.

### **Consultation Responses**

None required

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan but is within an area of low risk from coal mining activity and also within the Strategic Green Infrastructure Network and 'bat alert' layer within the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminate and unstable land

### Supplementary Planning Documents:

- 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 15 – Conserving and enhancing the natural environment

### Legislation

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 27<sup>th</sup> February 2019).

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking

- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front extensions, rear extensions and balconies, the SPD states:

### Front Extension

The SPD clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported 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.

### Two storey rear extensions

Whilst the application is for a first floor extension, it would result in a two storey structure and therefore this section of the SPD is relevant. In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes onto refer to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;

- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary

### Balconies

Section 5.28 of the SPDD refers to balconies and roof terraces and states that these should not negatively affect neighbouring properties or alter the local character of the area. It states that balconies and roof terraces should be:

- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens
- Sited away from locations that are sensitive to additional noise levels or disruption

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

### 2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

In terms of the proposed porch, this would be located on the front elevation of the property. With reference to the SPD and the requirements for front extensions, the house and the immediate neighbouring properties are located on an unadopted highway. The access then joins a part adopted highway (Spa Bottom) whereby it joins to the adopted highway to the east which is known as Fenay Bridge Road, therefore, it can be stated that the property is set back and screened from the adopted highway by other properties. The extension is considered to be small in scale and would be read as a subservient structure due to being single storey in height and the part-width of the original dwelling. The proposed construction materials would match the host property and it is not considered that visually, the extension would unreasonably effect neighbouring properties within the street scene.

In terms of the first floor rear extension, this would sit upon the existing ground floor extensions side and rear elevations projecting 3.1 metres from the rear elevation of the property. The property is a detached dwelling and therefore, this would comply with the SPD in terms of being less than 4 metres in projection. Paragraph 4.5 of the SPD explains that proposals for two storey extensions should be smaller in scale than the original property, set down from

the ridge and eaves lines and generally smaller in footprint. In this instance, the submitted plans demonstrate that this is achieved and therefore appears to be compliant with Key Design Principles 1 and 2 of the SPD. Also, the proposed construction materials would match and therefore the works would comply with Key Design Principle 9 of the SPD. In addition, it is not considered that the resultant works would result in an overdevelopment of the plot as a useable outdoor space would be retained which would accord with Key Design Principle 7 of the SPD.

With regard to the proposed balcony, this would be located on the rear elevation of the extension of the property and would have a limited projection of 1.2 metres. The balcony would be cantilever in its design with opaque glass to each side elevation giving a lightweight appearance. In terms of visual amenity, this is also considered to be acceptable.

The extensions and balcony are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 1, 2, 7 and 9 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of 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.

With regards to the proposed porch, due to its siting and position, it is not considered that this element of the scheme would have an undue impact on residential amenity in terms of overlooking, overshadowing or by being overbearing and therefore, this element of the scheme is considered acceptable in terms of Key Design Principles 3, 4, 5 and 6 of the SPD.

In terms of the proposed first floor rear extension, it is noted that the application site sits due south of the neighbouring property, No. 21. With regards to the requirements of the SPD, due to the existing building lines, the side elevation of the property forms the boundary with No. 21 and therefore, due to the characteristics of the site layout, to step the extension in from the boundary by 1.5 metres would result in a visually awkward appearance which would affect visual amenity.

Key design principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this

instance, the submitted plans indicate that with the inclusion of the balcony, the 45 degree lien would not be cut from the openings within the rear elevation of No. 21 in this case.

There is a raised terraced area to the rear of No. 21 and due to the orientation, the rear elevation of the existing first floor of the host property is set back from the rear elevation of the neighbouring property. The presence of the first floor extension and balcony is likely to cause some level of overshadowing to the terraced area of No. 21 however this is mitigated as far as practicable by virtue of the roof line and eaves height being set down from the existing, the projection being limited to 3.1 metres and the side of the balcony being glazed, albeit opaque. Whilst some level of harm would be created due to the presence of the structure, it is not considered to be so harmful that there would justify the refusal of permission in this case.

1.8 metre high opaque glass is proposed to the side elevations of the balcony, as demonstrated on plan, however this can be conditioned to ensure that privacy levels are met. It is also proposed that windows would be created in the side elevations of the existing property. Due to the proximity of these openings to neighbouring dwellings, it is considered reasonable and necessary in this instance to condition that these are also obscurely glazed.

Therefore, it is considered that the proposed extensions and balcony are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within 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.

In this case the property would result in a 3 no. bedroom property. The SPD is clear that for 3 no. bedroom dwellings, 2 no. off-street parking spaces are required.

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. There is an existing garage set to the rear of the property which is not of sufficient size to meet current standards (3m x 6m) and therefore this cannot be deemed as a useable space in this instance. However, there is an existing driveway to the side of the property which has a length of

~12.5 metres. Therefore, 2 no. car spaces can be provided within the site which would meet the requirements of the SPD.

Therefore, in terms of highway safety and parking provision it is considered that the proposal is acceptable and would therefore meet the requirements of the Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the SPD.

#### 5 – Other matters:

*Climate Change* - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. However, a Climate Change Statement has been submitted which demonstrates that additional insulation would be used and that the materials would be locally sourced.

*Biodiversity* – Paragraphs 180, 186, 187 and 188 of 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.

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

*Culverted Watercourse* – A culverted Watercourse would be approximately 3m from the proposed development. It is considered this would be sufficient distance to ensure the development would not have a significant impact in this regard.

*Coal legacy* – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. 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. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

## 6 – Representations:

Two representations have been received with the summary of comments set out below and LPA response:

- Loss of privacy from additional proposed windows in south elevation overlooking habitable space in neighbouring property – suggested that the en-suite window is as small as possible and top opening only and with appropriate privacy glass

Response: This has been addressed above and a condition can be attached to ensure that the openings are obscurely glazed and top opening only

- Entry way on proposed porch opens directly onto the road which is the approximate width of 2 cars with no paved area on either side

Response: Noted, the impact of the proposal upon access and highway safety is set out within the 'Impact upon highway safety' section of this report.

- Some information on application form relating to 'pedestrian and vehicle access, roads and right of way may be incorrect

Response: Noted, the impact of the proposal upon access and highway safety is set out within the 'Impact upon highway safety' section of this report. It is considered sufficient information is submitted / available to the LPA to enable the application to be determined.

- High risk of serious harm/injury from exiting the property directly onto the road from proposed porch doorway into the path of moving vehicles – suggest that the porch is reduced in depth to prevent exiting directly onto the road/moving vehicles

Response: The porch would be located within the confines of the site boundary and the plans indicate that the doorway would be inward opening. This is considered to suitably mitigate the risk associated with this element of the proposal in relation to highway safety.

- Original conveyancing states that a right of roads and on all occasions over and the road into and out of the said highway is in place therefore no obstruction should occur during any work being undertaken in connection with the proposed construction

Response: This is a private legal matter outside the remit of the planning process. Refusal on such a basis could not be substantiated in this case.

- Access for emergency service should be maintained at all times to avoid possible delays resulting in harm

Response: This is a matter to which limited weight can be afforded in the consideration of this application given the scale / nature of the proposal and the limited impact during the construction phase.

- Works will have a significant impact on available parking as there will be a loss of one parking space outside the property

Response: The impact on parking provision has been assessed above within the 'impact upon highway safety' section of this report.

- Residents have enjoyed 'agreed' parking areas for over thirty years in the immediate vicinity of the proposed porch entrance on the east elevation (nearest being approximately 3 metres above and below the proposed doorway). Longstanding parking arrangements for the area may impede clear sight of moving vehicles approaching the doorway / entrance to the proposed porch doorway leading to injury / harm

Response: The impact on parking provision has been assessed within the 'impact upon highway safety' section of this report. Any informal parking arrangements, and whether they have led to an established right, is a separate civil matter between the relevant parties. However in this case such a matter is not considered to be a consideration material to the determination of this application and the LPA is able to determine this case on the basis of the submitted detail.

- To the best of our knowledge the area of freehold land marked in red on the plans submitted is incorrect as per current land registry title plans

Response: Matters relating to land ownership and the red line boundary of the site were addressed at the validation stage of the application whereby the Agent confirmed that all the land was in the ownership of the applicant. It is considered further investigation into land ownership is not necessary in this case for the purposes of determining this planning application. The submitted detail is accepted in good faith on the basis of the submitted application form.

- Description of proposed works states, has work already started without consent, yet builders confirmed that the chimney breast within the property requesting planning permission was removed in March 2024 when scaffolding was erected to the east elevation and the chimney breast/stack was taken down/removed

Response: In this case planning permission would not be required to demolish a chimney

- Construction working times should be restricted

Response: A note would be attached to the decision notice with regard to construction working times. A condition restricting such hours would not be considered reasonable / proportionate in this case given the scale / nature of the proposed development.

- The proposed raised balcony would reduce the privacy in neighbouring garden and create a feeling of being overlooked

Response: This has been assessed within the 'Residential Amenity' section of this report.

- Proposed extension extremely close to neighbouring property and would feel invasive, particularly when outside and also create an overshadowing effect in home office

Response: This has been assessed within the 'Residential Amenity' section of this report.

- Would create shade and reduce direct sunlight to outdoor living areas due to height and proximity which would have an adverse impact including ability to hang washing outside promoting the growth and moss

on path and lawn in areas where sunlight is reduced and making it not possible to maintain a healthy lawn due to increased shade

Response: This has been assessed within the 'Residential Amenity' section of this report.

- Reduced sunlight would increase heating costs and result in a cooler home

Response: It is considered the impact of the development in this regard would not be of such significance as to warrant refusal of planning permission.

## 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:** 2024/90692

**Officer Recommendation:** Approve

### **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 51 of the Planning and Compulsory Purchase Act 2004.

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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 9, 12, 15, 17 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 12 and 15 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 be retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

4. The balcony shall not be brought into use until the side elevations have been installed with 1.8m high obscure glazing to a minimum Grade 4. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) this balcony shall thereafter be retained the 1.8m high obscure glazing.

**Reason:** So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and advice in the National Planning Policy Framework.

5. The first floor rear extension shall not be occupied until the first floor windows inserted within the north and south elevations of the building have been obscure glazed to a minimum Grade 4 and shall be top-opening only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

**Reason:** So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, Key Design Principles 3 and 4 of the House Extensions and Alterations SPD and advice in the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

**NOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with

a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**Note:** Public footpath KIR/160/20 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. Contact via email can be made at [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**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 to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, existing and proposed site plans, elevations and floor plans	23 J 20 – 01D		2 <sup>nd</sup> June 2024
Climate Change Statement	Appendix A		23 <sup>rd</sup> April 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:**

1<sup>st</sup> July 2024

Coal – low

