

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:	2024/62/91268/E
Site Address:	3, Low Common, Farnley Tyas, Huddersfield, HD4 6ST
Description:	Reinstallation and addition of windows, internal alterations and rooflights
Recommending Officer:	Molly Storer

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 22-Aug-2024

Officer Report

Site Description

The application site relates to 3 Low Common, a split level (part two storey, part three storey), terrace property in the area of Farnley Tyas, Huddersfield. The property is accessed via a track and due to the topography of the site, the ground and first floor of the property is situated at a higher ground level than that of the rear garden. The garden is accessed from the ground floor by steps down.

The site is located adjacent to a public footpath (KIR/162/10).

Description of Proposal

The application is seeking planning permission for the reinstallation and addition of windows, internal alterations and rooflights.

This includes:

- Internal alterations
- Window added on first floor of Southwest Elevation
- Re-install windows in existing ashlar on Northwest Elevation
- Rooflights added on Northwest Elevation

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

No relevant planning history.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting a public right of way on the Council's website, by neighbor notification and by site notice.

The expiry date of the publicity period was the 2nd August 2024.

No representations were received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

- Kirkburton Parish Council – Support

Allocation and 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 within the Kirklees Local Plan however is located within an area with a known presence of bats.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 - Achieving Sustainable Development
- LP2 - Place Shaping
- LP22 - Parking
- LP24 - Design

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed & beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents

House Extensions & Alterations SPD (adopted June 2021)

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all pertinent material planning considerations.

2 – Impact on character and appearance of the area

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.

The proposed additional window on the first floor of the southwest elevation would match the design of the existing windows on the same elevation on the attic floor. The re-installed windows on the northwest elevation would be ashlar windows to match that of the other windows on the ground and first floor on this elevation. The roof lights on the northwest elevation would be

minimal in scale and subservient to the roof plane. The design, materials, and detailing of the alterations are acceptably in keeping with the host dwelling and the local character and are therefore considered acceptable from a visual amenity perspective.

The submitted information details the intended materials of construction. Whilst the colour finish is not specified it is not considered necessary to manage this via condition in this case given the scale and nature of the development proposed.

Taking into account the compliance of the scheme in terms of the SPD and the overall appearance of the building, it is considered that the alterations would appear as a subordinate and harmonious addition to the building. Therefore, it is considered that the proposal would not have a detrimental impact on visual amenity and would accord with Policy LP24 of the Kirklees Local Plan and policy contained within Chapter 12 of the NPPF in terms of design.

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.

2 Low Common is the only residential dwelling in close proximity to the application site. This property adjoins 3 Low Common to the south.

The proposed first floor window in the southwest elevation would be in close proximity to the first-floor windows at No.2, however plans show that this window will serve a shower room. In the event that planning permission is approved, a condition is recommended to ensure that this window is obscurely glazed. Due to the windows in the basement floor being a reinstalment of existing windows, these are not considered to have any added adverse impact. In addition, the roof lights are also considered to have limited impact as they will not be easily visible from No.2. Given the limited scale of the proposal, it is considered to have no significant impact on the residential amenity of this neighbour.

The amenity space would not be impacted therefore, an appropriately sized and useable area of private outdoor space would be retained for current and future occupants.

It is therefore considered that in terms of residential amenity, the development is acceptable and complies with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan and policies contained within chapter 2 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 Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off-street parking / waste storage areas are retained and are also considered to be relevant.

There is no increase in bedroom provision for the property as a result of the works and therefore there is no increased demand for off-street parking.

In terms of bin storage, there is adequate provision within the site boundary to accommodate domestic waste bins.

It is therefore considered that the proposal would comply with Key Design Principles 15 and 16 of the SPD, Policies LP22 and LP24 of the Kirklees Local Plan and advice within the NPPF.

5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Biodiversity-

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.

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 the proposal is small in scale with little opportunity for bats to be affected. 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.

Public right of way-

Public Right of Way (PROW) Footpath (KIR/162/10) is located adjacent to the east of the site. Given the nature of the proposed works of alterations to the existing house, although it will be in close proximity, it will not affect the PROW, the setting or their users. In the event that planning permission is approved, a note is recommended to ensure this is not impacted upon and outlining the legal duties on applicants regarding PROW.

7. Representations

No representations have been received.

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

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/91268

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 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 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 & LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15 and 16 of the House Extensions and Alterations SPD and advice within Chapters 12, 13, 14 and 15 the National Planning Policy Framework.

3. The window to the shower room on the southwest elevation as shown on drawing number 3574 (0-) 02 shall be obscurely glazed and be non-opening.
Reason: In the interests of residential amenity and in accordance with Policies LP2 and of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

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 license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Public footpath KIR/162/10 is located to the east of the development site/form access to the 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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	3574 (LP) 01	-	01/07/2024
Location plan	3574 (LP) 01	A	21/05/2024

Plan Type	Reference	Version	Date Received
Existing plans and elevations	3574 (0-) 01	-	03/05/2024
Proposed plans and elevations	3574 (0-) 02	-	03/05/2024
Application form	-	-	03/05/2024
Climate change statement	-	-	21/05/2024
Details of work	3574	-	21/05/2024

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 amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 3rd August 2024