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:	**2024/62/91434/W**
Site Address:	60, Yew Tree Road, Birchencliffe, Huddersfield, HD3 3QR
Description:	Demolition of existing conservatory and erection of single storey rear extension and first floor extension
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: 16-Jul-2024

Officer Report

Site Description

The application site relates to 60 Yew Tree Road, a two storey detached property in the area of Birchencliffe, Huddersfield. The property is constructed from stone and has a slate tiles roof. The site benefits from garden amenity space to the front and rear and located to the side of the property there is an existing attached garage.

The property is located within a residential area, however there is not a strong sense of similarity within the street scene as the surrounding properties vary in terms of design and construction materials. Many of the property's in the area have been altered or extended in some form

Description of Proposal

Demolition of existing conservatory and erection of single storey rear extension and first floor extension.

First floor side extension:

The proposed first floor extension will be erected above the attached garage/utility, matching the existing width. This extension will have a width of metres and a full length of 8.7 metres. The height of the extension will be 4.8 metres, resulting in a total height of 7.9 metres to the east elevation, set down from the existing roof ridge by 0.2m. The extension will be constructed from stone to match the appearance of the original dwellinghouse and the roof will be of a gable roof design constructed from slate tiles. This will create space for two extra bedrooms and a bathroom.

Single storey rear extension:

The proposed single storey rear extension will project 3.5 from the existing rear wall of the dwelling, have a width of 9.4 metres and a height of 2.1 metres to the eaves with an overall height of 3.3m with a lean-to roof design.. The extension will be constructed from stone and will have a slate tiled roof. Glazing is proposed on the rear elevation in the form of a regular window and glazed bi-folding doors, the appearance of both will be in keeping with detailing on the host dwelling. In addition, roof lighting is proposed in the form of three roof lanterns erected within the roof.

Within the interior of the dwelling, the extension will create space for a snug and dining room.

History of Negotiations / Amendments Received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

No relevant planning history

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 5th July 2024 – No representations were received.

Consultation Responses

No consultations were required.

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 in Unallocated on the Kirklees Local Plan.

Kirklees Local Plan

LP1 - Achieving Sustainable Development
LP2 - Place Shaping
LP21 - Highway and Access
LP22 - Parking
LP24 - Design
LP51 - Protection and Improvement of Local Air Quality

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.

Chapter2 Achieving sustainable development
Chapter4 Decision-making
Chapter9 Promoting sustainable transport
Chapter12 Achieving well-designed & beautiful places

Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance
House Extensions & Alterations SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

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.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

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.

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

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

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.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

Section 5.6 of the SPD relates specifically to single storey rear extensions and provides the following advice:

5.6 Single rear storey extensions should:

- be in keeping with the scale and style of the original house.
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings).
- not exceed 4 metres in height.
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties.

- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Section 5.20 of the SPD relates specifically to two storey side extensions and provides the following advice:

5.20 Two storey side extensions should:

- not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighboring property; and
- be set back at least 500mm from the front wall of the house.

In this instance although a 1 metre will not be retained, this is an existing relationship between the dwellings whereby the two houses are already in close proximity to each other and the existing attached garage is already built up to the boundary. Furthermore, given the extent to which the proposed extensions will harmonise with the host dwelling in relation to appearance and form (with matching materials and eaves heights), the proposed works will be visually appropriate and therefore, will be subservient when viewed in conjunction with the host dwelling.

Due to the single storey extension located to the rear and the first-floor extension harmonising with the existing dimensions of the front elevation, as well as being slightly set down from the existing roof pitch, it is considered that the works will not cause undue bulk or massing. As such it is considered the impact of the proposal upon the host property and wider locality is acceptable.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections 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.

The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 62 Yew Tree Road

This property is located to the east of the application site, set on a lower ground level.

With regards to any overbearing or overshadowing impact, given the single storey nature of the proposed rear extension, as well as the existing hedge present on the boundary where this extension would be located, it is considered no undue overbearing or overshadowing will be caused by this element of the development. The proposed first-floor extension, given its height being similar to the existing height of the dwelling, there will be limited impact in the extent of overbearing and overshadowing to that previously caused as a result of the presence of the host dwelling itself. However, it is important to note that as the first floor element would now be closer in proximity to this neighbour and there would be some additional shading. As the additional shading would be limited in the late hours of summer months it is not considered reasonable to refuse.

With regards to privacy and the single storey rear extension no glazing is proposed on the side elevation of this extension and therefore, the rear extension poses no detriment to neighbouring privacy in terms of overlooking.

Finally, the first-floor extension poses limited detriment to neighbouring privacy in terms of overlooking as the window proposed in the side elevation will be obscurely glazed.

Impact on 58 Yew Tree Road
This property is located to the west of the application site.

Given that the proposed first floor extension is to be located to the eastern side elevation of the dwelling, it poses no impact to the residential amenity of this property. In addition, the proposed extension to the rear poses no detriment in terms of overbearing or overshadowing, given its single storey nature and separation distance of 2.2m to the boundary and 4.6m to the property at No.58 . Furthermore, there is an exciting rear projection in the form of the conservatory which is situated where the single storey rear extension will be located on this section closest to No.58. Therefore, it is considered that the proposed extension will not cause any further impact to that which currently exists. In terms of privacy, no glazing is proposed in the side elevation. Finally, it should also be acknowledged that boundary

treatment is erected between the application site and this neighbouring property, in the form of a tall hedge, further mitigating any potential impacts.

Impact on 4 and 5 Birchington Close

These properties are located to the south (rear) of the application site.

Due to the extent of separation distance present between these neighbouring properties and the application site of ~28m, no undue overbearing or overshadowing will be caused as a result of the proposed works. In addition, the proposed works will have no impact upon residential privacy in terms of overlooking, with the windows being located at a significant separation distance to eliminate any harm. Finally, boundary treatment is present to the rear of the application site, in the form of hedging, working to further mitigate any potential impacts.

Having considered the above factors, the proposals are not considered to result in any significant impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

The proposed works will increase the domestic use of the dwelling by two extra bedrooms. However, the plans show that there will be additional parking spaces provided by widening the driveway in the front garden. This is considered acceptable due to the front garden already being hard landscaped. In addition, the garage space will be retained. Therefore, it can be concluded that a sufficient extent of parking is retained at the property, with the works causing no impact to the existing parking arrangements. In addition, the extensions do not alter the existing access to and from the property in conjunction with the existing highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

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.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will 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.

6. Other Matters

No other matters for consideration.

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: 2024/91434
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 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 & LP51 of the Kirklees Local Plan and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey rear extension and the first floor side extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Date Received**
Existing plans	2433-0101-P01	30/05/2024
Proposed plans	2433-0301-P02	30/05/2024
Application form	-	30/05/2024
Climate change statement	-	30/05/2024

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: 19th July 2024

Coal – high