

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:	2024/62/92731/E
Site Address:	631, Hunsworth Lane, East Bierley, BD4 6PU
Description:	Erection of first floor side extension and front porch
Recommending Officer:	Faiza Bano

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: 19-Nov-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/92731
Location	631, Hunsworth Lane, East Bierley, BD4 6PU
Proposal	Erection of first floor side extension and front porch
Publicity end date	11 th November 2024
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated in the Kirklees Local Plan.
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

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

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Submitted amended plans to include the erection of a front porch. Publicity was conducted including these plans and description
Parish/Town Council comments sought	No	

Planning History	Yes	<u>Application site</u> 2022/92535 - Erection of single storey side and rear extension including front canopy and alterations to fenestration - Approved <u>629, Hunsworth Lane</u> 2020/90850 - Erection of extensions - Approved
Consultations required	No	

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraphs 5.16 and 5.20 on pages 28 and 29 (and listed below) and if they do not, they need to be justified. In addition, the proposal site lies within a corner plot and therefore paragraph 5.23 of the SPD is also of relevance:

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Proposed extension is set back from the frontline of neighbouring property 629, it does not overshadow any windows of neighbouring properties, thus, ensures no significant impact to the levels of natural light neighbouring properties receive.	

Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	As the first floor of the property is set back from the front elevation of the ground floor and neighbouring dwelling, the outlook from the proposed bedroom window will have no significant impact upon the neighbouring property.	
Two storey side extensions should:		
Not take up all or most of the space to the side of a house		The first-floor extension would not be small in size but remain subservient to the existing building on site. The width of this extension would be limited to the width of the existing single storey side extension. It is also noted that several semi-detached properties nearby have had an extension of a similar size, including the adjoining semi. The proposed side extension would mirror this and balance the symmetry of the pair. Acknowledging that, it is considered that the scale of development as proposed could be supported from a visual amenity perspective in this instance.
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property		As outlined above, whilst not maintaining a 1m gap, the lack of a gap of this scale has been established by the existing ground floor

		side extension and is therefore acceptable in this instance.
be set back at least 500mm from the front wall of the house		The proposal is not set back from the front wall of the house, however, the neighbouring property, 629, has erected a similar two-storey extension that also lies flush with the front elevation of the building. As a result, the proposed extension would not adversely affect the character of the street and is acceptable in this instance.

The Kirklees SPD sets out that single storey front extensions should comply with certain parameters set out at paragraph 5.14 on page 27 (and listed below) and if they do not, they need to be justified:

Single storey front extensions:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
The house is set well back from the pavement or is well screened; and	Yes – the house is well setback from the pavement. It benefits from a front garden that includes a drive way.	
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	Yes – the extension would appear subservient and has been designed with a pitched roof, in-keeping with host property.	
The materials and design match the existing features of the original house; and	Yes – materials would match existing	
The extension would not unreasonably affect the neighbouring properties.	Yes – the modest scale would result in minimal impact on neighbouring property.	

Design and Visual Amenity:

Summary of local street scene/character:

This application relates to number 631 Hunsworth Lane, Birkenshaw; a two-storey brick built semi-detached property. The property benefits from a hardstanding area to the front for on street parking, a driveway to the side and a garden to the rear. The boundary treatment comprises brick walls and timber fences.

The site and its surroundings are purely residential characterised by two storey semi-detached properties of similar appearance and materials. Some have already been extended. Hunsworth Lane is located opposite a recreation area, which is designated as an Urban Green Space in the Kirklees Local Plan.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The dwelling is located in a residential area, that includes similar extensions to the one proposed. The materials used are to match the existing building.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The extension is not overbearing to the original property and uses matching materials, ensuring there is no significant impact to the original property.	✓

Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Two-storey in height and lies flush to the original building, appearing proportionate to the host property.	✓
Facing materials and detailing	• KDP 9 of the SPD	Brickwork and uPVC doors and windows are to be used, matching the existing building.	✓
	• Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF		
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	A tiled roof will be used on the extension to match the existing building.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Proposed uPVC windows and doors to the front and rear of the property are in proportion with those existing and well-aligned.	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – no amendments are to be made regarding accessibility.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

• 629 Hunsworth Lane – Adjacent property and shall see the construction of a first-floor extension, to include a window in the front elevation, and the erection of a front porch. 629 Hunsworth Lane has a similar extension and due to the space and relationship no issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) Chapter 12 of the NPPF	Acceptable for the reasons set out above. There will not be any significant impact on the neighbours' privacy.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) Chapter 12 of the NPPF	The set back nature of the property means there will be no significant loss of outlook or light for neighbours to deal with.	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) Chapter 12 of the NPPF	The set back nature of the property means there will be no significant overbearing or overshadowing onto neighbouring properties.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) Chapter 12 of the NPPF	An acceptable amount of garden space will be retained at the property, including a modest garden space to the rear and front of the dwelling.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The building is set back far enough from Hunsworth Lane to have no significant impact upon highway safety.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Maintains appropriate access and parking.	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) Chapter 12 of the NPPF	There is nothing specific outlined in the plan, however, there is enough space on the site to facilitate adequate waste storage.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	The proposal is not close enough to have any significant impact upon trees.	✓

Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	N/A	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for runoff. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
None		N/A

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: CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2024/92731

Officer Recommendation: Conditional Full Permission

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.

1. 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 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. 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.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council’s adopted House Extensions and Alterations Supplementary Planning Document 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 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:-

Plan Type	Reference	Version	Date Received
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Location Plan	Location Plan	-	25/09/2024
Proposed Site / Block Layout	24/116 - Site Plan	-	25/09/2024
Existing Plans and Elevations	22/121 - Existing	-	25/09/2024
Proposed Plans and Elevations	24/116 - Proposed	-	25/09/2024
General	Justification Statement	-	08/10/2024
General	Climate Change Statement	-	25/09/2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 18/11/2024