

**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>2024/62/92937/E</b>
Site Address:	9A, Sherburn Grove, Birkenshaw, BD11 2JH
Description:	Erection of two storey, first floor and single storey extensions and alterations
Recommending Officer:	Jennifer Booth

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date: 09-Dec-2024**

## **OFFICER REPORT**

### **Site Description**

9A Sherburn Grove is a detached brick built dwelling set within sizeable gardens. The dwelling is orientated such that it has the appearance of the side facing the cul de sac with the front elevation facing towards the detached double garage. The property has existing single storey elements on both the road facing elevation and the far side elevation and a detached garage.

The property backs onto open fields with similarly sized dwellings of differing size, type, scale and design adjacent.

### **Description of Proposal**

The applicant is seeking permission for a two storey extension on the western elevation and two storey & first floor side extension and a single storey side extension to the south / east elevations with the installation of solar panels.

The two storey extension proposed on the road facing elevation would project 6m with a width of 6m and a hipped roof form.

The first floor and two storey extension on the far side would align with the existing single storey element and develop the full depth of the property with a hipped roof form, wrapping around the front of the property at first floor.

The single storey element would wrap around the rear corner with a projection of 4.1m from the side and 1.9m at the rear with a set back of 8.8m from the front. The roof form would be flat.

The walls of the extensions would be constructed using stone with tiles for the roof covering.

### **Relevant Planning History**

2005/90196 - erection of single storey kitchen extensions and roof alterations  
- approved

### **Representations**

The application was advertised by neighbour letters, which expired on 29/11/2024

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

## **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 UNALLOCATED on the Kirklees Local Plan Proposals Map. It is noted however that the rear boundary backs onto Green Belt.

On 12<sup>th</sup> 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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

## **Assessment**

### Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). 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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

### Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state 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 details.

The proposal under consideration consists of three distinct elements which shall be addressed below.

#### *Two storey extension on west side*

Although a side extension would normally be assessed against paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD, in this instance, the extension on the west faces onto the road. As such, whilst the extension would be very prominent in the street scene, it would not follow the traditional lines of a side extension. The extension would be set back from the front elevation of the dwelling thereby forming a subservient addition to the property of a scale which can be considered acceptable. The materials proposed include the use of stone for the walling with tiles for the roof covering which would match the main house. The detailing, including the roof form and fenestration, would be similar to that of the host property. As such, the extension on the West side would form an appropriate relationship with

the host property and the surrounding development and is therefore considered to be acceptable in terms of visual amenity.

#### *Two storey & first floor extension on east side*

As mentioned previously, whilst a side extension is usually assessed against paragraphs 5.15, 5.19 & 5.21 of the house extensions and alterations SPD, given the nontraditional position of this property within the street scene, it is considered to be acceptable the side extension is neither set back nor set down. The property sits within reasonable grounds and as such the extensions proposed would not form over development of the site. The materials proposed would match the main house with the use of stone for the walls and tiles for the roof covering. Therefore, the extension on the east side of the dwelling is considered to be acceptable in terms of visual amenity.

#### *Single storey side & rear extension*

The single storey extension on the east side and rear of the property would be limited in terms of its size and can be considered acceptable in terms of scale. The materials proposed match the main house with the use of stone for the walling. The parapet roof on proposed forms a contemporary addition to the property in line with the other modernisations proposed. The side and rear extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy 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, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. 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 9 Sherburn Grove*

This property is 23m from the proposal, this distance will reduce to 17m, with two openings at first floor level, serving a bedroom, in this elevation. The proposal would see a two storey element which is of a hipped roof design 17m from no.9. Given the orientation of the site, distance which would remain between these properties and the rooms served by the openings it is

considered the proposal would not lead to a significant level of overshadowing / be unduly oppressive to occupiers of no.9. In addition it is considered that the impact from overlooking would not be of such significance as to warrant refusal given the distances, and fact the properties are slightly off set from one another in terms of their orientation.

#### *Impact on 11 Sherburn Grove*

The host property occupies a position which is closer to the road than the adjacent 11 Sherburn Grove. Given this relationship the proposed extensions would have limited ability to result in any significant overbearing, overshadowing or overlooking.

With regards to the impact on the adjacent 11 Sherburn Grove, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse 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.

#### Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the host property has a driveway which could accommodate at least three vehicles off road and as such is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

#### Other matters:

##### *Biodiversity*

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

##### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. It is noted the proposal would accommodate carbon reduction technologies (solar panels) as part of the development which would have a beneficial impact in this regard.

#### *Submitted plans*

It is noted that the orientation of the site plan on the existing and proposed plans differs. The southern boundary on the existing plan accurately reflects that of the ordnance survey (OS) plans whereas the southern boundary of the proposed site plan is such that the site has been reorientated. Notwithstanding this fact, it is clear what the development proposal would consist of, and it is considered sufficient information has been submitted as part of this application to enable the LPA to determine the application.

#### Representations:

None

#### Negotiations:

None

#### Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

#### Conclusion:

This application to erect single storey, two storey and first floor extensions at 9a Sherburn Grove has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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:** 2024/92937

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of 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.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

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

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing plans	01	1062891	14/10/2024
Proposed plans	10	1062892	14/10/2024
Climate change statement	-	1062893	14/10/2024

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 Planning 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. As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

02/12/2024

