

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 8 June 2022

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 16 June 2022**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

When a Planning Sub-Committee (Huddersfield Area) member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
A Gregg
D Hall
V Lees-Hamilton
R Smith
M Thompson
J Taylor

Green

K Allison

Independent

A Lukic

Labour

A Anwar
S Hall
M Kaushik
F Perry E Firth

Liberal Democrat

A Munro
PA Davies
J Lawson
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 31st March 2022.

3: Declaration of Interests and Lobbying

7 - 8

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

To receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

7: Review of Planning Appeal Decisions

9 - 16

Report for information.

Contact Officer: Julia Steadman, Planning Services

Planning Applications

17 - 18

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 13th June 2022.

To pre-register, please contact richard.dunne@kirklees.gov.uk / governance.planning@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2022/90680

19 - 30

Erection of single storey extension and summer house at 52 Benomley Road, Almondbury, Huddersfield.

Contact Officer: Tom Hunt, Planning Services

Ward(s) affected: Almondbury

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 31st March 2022

Present: Councillor Terry Lyons (Chair)
Councillor Paul Davies
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Donna Bellamy
Councillor Bernard McGuin
Councillor Susan Lee-Richards
Councillor Manisha Kaushik
Councillor John Lawson

Apologies: Councillor Harpreet Uppal
Councillor Bill Armer
Councillor Timothy Bamford
Councillor Anthony Smith

1 Membership of the Sub-Committee

Councillor John Lawson substituted for Councillor Anthony Smith.

Councillor Manisha Kaushik substituted for Councillor Harpreet Uppal.

Apologies were received from Councillors Bill Armer, Harpreet Uppal, Timothy Bamford and Anthony Smith.

2 Minutes of previous meeting

The minutes of the meeting held on 10 February 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Sarwar, Homewood, P Davies, Sokhal, Ullah and Lyons declared that they had been lobbied on application 2021/93564.

Councillors Homewood, P Davies, Sokhal and Lyons declared that they had been lobbied on application 2021/90126.

Councillors Sokhal and Kaushik declared an "other interest" in application 2021/93564 on the grounds that they knew both the applicant and one of the objectors.

Planning Sub-Committee (Huddersfield Area) - 31 March 2022

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Site visit - Planning Application No: 2020/94096

Site visit undertaken.

7 Site visit - Planning Application No: 2021/93564

Site visit undertaken.

8 Site visit - Planning Application No: 2021/90126

Site visit undertaken.

9 Site visit - Planning Application No: 2021/94645

Site visit undertaken.

10 Planning Application - Application No: 2020/94096

The Sub Committee gave consideration to Planning Application 2020/94096
Erection of 21 dwellings and associated works Land south of, Swallow Lane, Golcar,
Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a
representation from Jonathan Ainley (Agent).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the
Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered
report including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Materials to be the same/match those used in phase 1.
4. Full details of boundary treatments to be submitted and thereafter erected in accordance with details approved.
5. Retention of stone wall to the south/west of the site.
6. Submission of Landscape Strategy.
7. Arboricultural Method Statement to retain identified trees/protect trees during the course of construction.
8. Side facing windows for plots 9, 12, 13 (on west boundary) to be obscurely glazed.
9. Submission of Construction (Environmental) Management Plan.
10. Submission of Construction Management Plan.
11. Swallow Lane frontage footpath to be provided, with details to be submitted and approved.

Planning Sub-Committee (Huddersfield Area) - 31 March 2022

12. Highways Condition Survey.
13. Methods to prevent parking on Swallow Lane, phase 1 junction and new footway.
14. Submission of details of road to adoptable standard.
15. Cycle storage details.
16. Bin collection areas to be provided and retained.
17. Submission of waste collection strategy for the construction phase.
18. Submission of suite of Contaminated Land Reports (further ground investigations and a scheme of remediation).
19. Details of temporary surface water drainage arrangements, during construction.
20. Surface Water Drainage Strategy.
21. Provision of Electric Vehicle Charging Points for all dwellings, to appropriate standard.
22. Development to be carried out in accordance with Ecological Mitigation Measures.
23. Submission of Biodiversity Enhancement Management Plan (BEMP).
24. Remove permitted development rights for extensions and outbuildings for specified dwellings (plots).

2. Secure a Section 106 agreement to cover the following matters:

1. Affordable Housing: 4 affordable dwellings (2 Social Rent, 2 Starter Homes), to be provided in perpetuity.
 2. Public Open Space: On-site 526sqm of Public Open Space and future maintenance and management responsibilities of open space within the site, with off-site Public Open Space contribution of £36,645 to address shortfall.
 3. Education: £37,233 contribution to be spent on upon priority admission area school(s) within the geographical vicinity of the site (vicinity to be determined).
 4. Ecology – £7,245 contribution towards off-site measures to achieve biodiversity net gain.
 5. Management and maintenance: The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
3. Pursuant to (2) above, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors P Davies, Homewood, Kaushik, Lee-Richards, Sarwar, Sokhal, Ullah and Lyons (8 votes).

Planning Sub-Committee (Huddersfield Area) - 31 March 2022

Against: (0 votes).

Abstained: Councillors Bellamy, Lawson and McGuin.

11 **Planning Application - Application No: 2021/93564**

The Sub Committee gave consideration to Planning Application 2021/93564 Erection of two-storey and single1storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Ranjit Kaur and Randeep Singh (objectors) and Mr Abrar (Agent).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within the considered report including:

1. Development in accordance with the plans.
2. No windows to be installed in side elevations at ground floor level
3. Existing white plastic cladding to be replaced with a material that has first been submitted to and approved in writing by the Local Planning Authority.

The following additional conditions:

- The removal of permitted development rights.
- Details of the specific limit to the width of the first floor extension.

A recorded vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, Homewood, Kaushik, Lawson, Sarwar, Sokhal and Ullah (7 votes).

Against: Councillors: Bellamy and McGuin (2 votes).

Abstained: Councillors Lee-Richards and Lyons.

12 **Planning Application - Application No: 2021/90126**

The Sub Committee gave consideration to Planning Application 2021/90126 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Alison Dumville (on behalf of objectors).

Planning Sub-Committee (Huddersfield Area) - 31 March 2022

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation on behalf of Councillor Cahal Burke (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within the considered report including:

1. Standard three-year time frame to commence development.
2. Development to be completed in accordance with approved plans and specifications
3. The external walls and roofing materials to match those use in the construction of the existing outbuilding/host property.
4. The residential annexe accommodation approved as part of this permission shall be used by the occupants or relative of the 1a Dingley Road and shall not be sold/rented separately.
5. One bat box shall be installed within the rear exterior wall of the main property before the development is first brought into use.
6. One electric vehicle recharging point shall be provided within the area of hardstanding before the development is first brought into use.
7. The reporting of any unexpected land contamination.
8. New hardstanding to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas).

An additional condition to require obscure glazing to the first floor bedroom window in the front elevation of the coach house.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, P Davies, Homewood, Lawson, Lee-Richards, McGuin, Sarwar, Sokhal, Ullah and Lyons (10 votes).

Against: (0 votes).

13 Planning Application - Application No: 2021/94645

The Sub Committee gave consideration to Planning Application 2021/94645 Erection of detached dwelling with parking and division of existing garden to provide amenity, parking and bin storage adj, 84, Dalton Green Lane, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Christopher Langford (applicant).

RESOLVED -

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

Planning Sub-Committee (Huddersfield Area) - 31 March 2022

1. Timescale for the commencement of development.
2. Development to be in accordance with the approved plans.
3. Compliance with Arboricultural Method Statement.
4. Hours of construction.
5. Submission of Construction Management Plan.
6. Provision of visibility splays in accordance with submitted site layout plan Prior to commencement.
7. Surfacing of parking and access area (surface water drainage).
8. Details of external facing and roofing materials.
9. Details of boundary treatments (including 2m screen fencing to the northern boundary of the site).
10. Details of Finished Floor Levels.
11. Details for biodiversity net gain (for example bat bricks, boundary treatment to allow the passage of wildlife).
12. Details of scheme relating to layout and external alterations to no.84, including parking spaces
13. First floor north facing windows to be installed with obscure glazing and retained as such.
14. Removal of permitted development rights for new first floor windows in the north elevation.
15. Electric vehicle charging point.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, P Davies, Homewood, Lawson, Lee-Richards, McGuin, Sarwar, Sokhal, Ullah and Lyons (10 votes).

Against: (0 votes).

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.



Name of meeting: **PLANNING SUB-COMMITTEE (Huddersfield)**

Date: 16th June 2022

Title of report: **A Review of Planning Appeal Decision (January 2021 – December 2021)**

Purpose of report: **To inform Members of planning appeal decisions received throughout the district in 2021.**

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Not Applicable
Is it also signed off by the Service Director for Finance?	Not Applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not Applicable
Cabinet member <u>portfolio</u>	Cllr Graham Turner

Electoral wards affected: **All**

Ward councillors consulted: **No**

Public or private: **Public**

Has GDPR been considered? **Yes. There no GDPR implications.**

1. Purpose of report

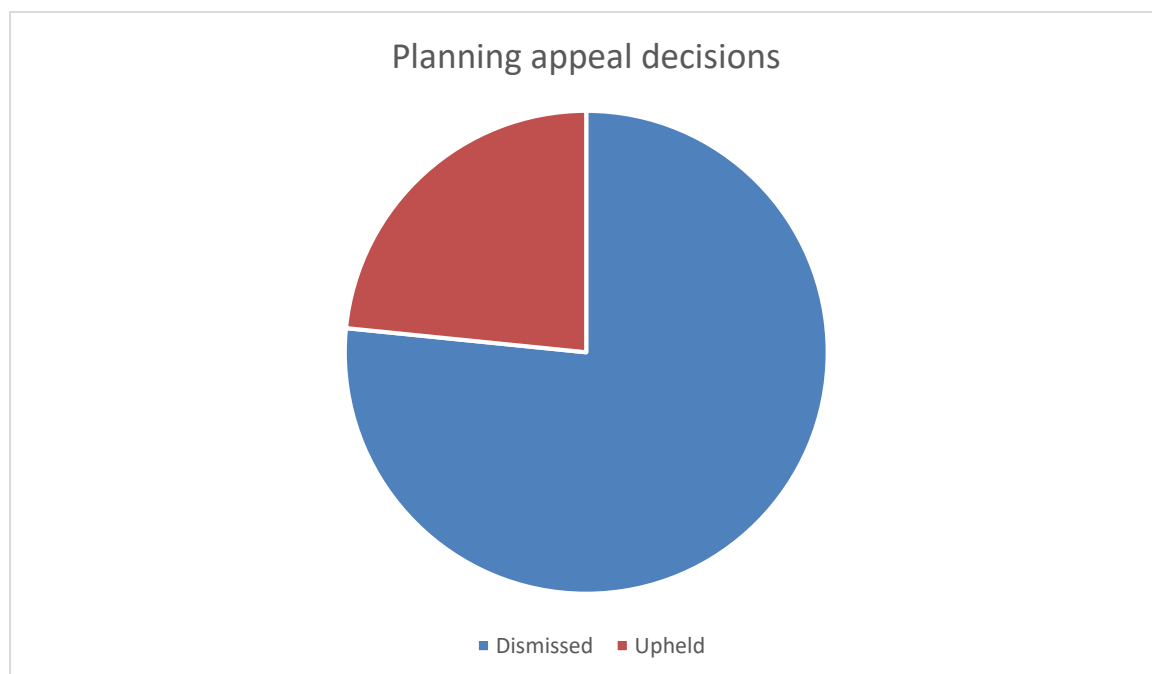
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January 2021 and December 2021, the council received 47 planning appeal decisions in the electoral wards within the Huddersfield Sub-Committee area of the district. Of these, 77% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

2.2. Figure 1 below shows a breakdown of planning application appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld.



Tree appeals

2.3 Of the 47 planning appeals, there were 3 tree works appeals, all of which were dismissed (100%).

Application for award for costs

2.4 One application for an award of costs was lodged against the council. This has been awarded (2020/91146 - Land west of, Wesley Avenue, Netherthong, Holmfirth Outline application for erection of residential development). This appeal relates to an application decided by the Planning Sub-Committee where the decision to refuse permission was contrary to officer recommendation.

Delegated and Committee Decisions

- 2.5 Of the 47 appeals, 3 applications were appeals against the non-determination of applications. 42 applications were determined under delegated powers. Of these, 35 were dismissed (83%). 2 applications were determined by the Planning Sub-Committee, whereby neither were dismissed (0%). Both decisions were contrary to officer recommendation.
- 2.6 Having compared the above data with that from 2020, it has been noted that there has been a reduction in the number of appeals dismissed from 85% to 77%. Whilst this shows a decrease since last year, this percentage is still significantly above the national statistics, which will be outlined in more detail below.

Appendix 1 provides a list of relevant appeals.

Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)

- 2.7 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.8 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.9 To note, the latest published performance tables from the Department for Levelling Up, Housing and Communities and formally Ministry of Housing, Communities and Local Government (September 2020) provides statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of September 2020, a total of 1.8% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 2 decisions on Major applications were overturned on appeal, out of a total of 150 applications. This equates to 1.3% of all decisions at appeal.
- 3.0 The corresponding information for non-major applications was a total of 1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 19 decisions on non-major applications were overturned on appeal, out of a total of 3,908 applications. This equates to 0.5% of all decisions at appeal.

Compliance

- 4.0 Between January 2021 and December 2021, Planning Enforcement have also served 93 enforcement notices. A breakdown of these can be found in table 1 below.
- 4.1 For members to note, between January – December 2020, 142 notices were served.

Type of Notice	No. served
Enforcement Notice	20
Breach of Condition Notice	8
Planning Contravention Notice	56
Temporary Stop Notice	4
Stop Notice	1
Other	4
Total	93

5. **Implications for the Council**
Not applicable
6. **Next steps and timelines**
Not applicable
7. **Officer recommendations and reasons**
To note
8. **Cabinet Portfolio Holder's recommendations**
Not applicable
9. **Contact officer**
Julia Steadman – Group Leader for Development Management
10. **Background Papers and History of Decisions**
Not applicable.
11. **Service Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning appeals including tree works decided between January and December 2021 (Huddersfield Area)

1. 2020/91886 42, Magdale, Honley, Holmfirth, HD9 6LU - Work to TPOs 18/78 within a conservation area – Officer decision – Appeal dismissed.
2. 2019/94055 9, Pontey Cottages, Meltham Road, Honley, Holmfirth, HD9 6RQ - Erection of first floor side extension, new pitched roof with raised eaves to existing rear extension and alterations to windows – Officer decision – Appeal dismissed.
3. 2020/91927 18, Royd Mount, Holmfirth, HD9 2QZ - Work to TPOs 13/20 within a conservation area – Officer decision – Appeal dismissed.
4. 2020/91160 Former police station, Wakefield Road, Moldgreen, Huddersfield, HD5 8DJ - Erection of hot food unit (A5) with associated car parking and landscaping – Officer decision – Appeal dismissed.
5. 2020/91482 57, Underbank Old Road, Holmfirth, HD9 1AS - Listed Building Consent for erection of single storey side extension (within a Conservation Area) – Officer decision – Appeal dismissed.
6. 2020/93042 Land adj Nont Sarahs Hotel, New Hey Road, Scammonden, Huddersfield, HD3 3FJ - Formation of car park – Officer decision – Appeal dismissed.
7. 2020/93623 Former Stable Block/Menage, Deer Hill End Road, Meltham, Holmfirth, HD9 5PU - Demolition of existing stable and erection of detached dwelling – Officer decision – Appeal dismissed.
8. 2020/90807 2, The Coppice, Fixby, Huddersfield, HD2 2JA - Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking – Officer decision – Appeal dismissed.
9. 2020/92428 Rockhouse, 8, Summervale, Holmfirth, HD9 7AG - Erection of decking – Officer decision – Appeal dismissed.
10. 2020/93683 adj, 391, Leeds Road, Huddersfield, HD2 1YB -Erection and display of a freestanding 48-sheet sized digital LED advertising unit mounted on a single column – Officer decision – Appeal dismissed.
11. 2020/93531 Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU - Erection of rear extension and balcony and alterations to holiday let/bed and breakfast unit and garage to create dwelling forming annex accommodation associated with Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU – Officer decision – Appeal dismissed.
12. 2020/93421 Tyre Master, Wasp Nest Road, Fartown, Huddersfield, HD1 6HA - Certificate of lawfulness for existing use of premises for vehicle repairing and servicing – Officer decision – Appeal dismissed.
13. 2020/91325 Adj, 7, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Erection of detached dwelling – Officer decision – Appeal dismissed.
14. 2020/93822 8, White Rose Avenue, Dalton, Huddersfield, HD5 9UE - Erection of two storey and single storey extensions to rear – Officer decision – Appeal dismissed.
15. 2020/92552 adjacent to, 2, Lightenfield Lane, Netherton, Huddersfield, HD4 7WJ - Erection of detached dwelling – Officer decision – Appeal dismissed.

- 16.2020/93365 Land opp, 8, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW - Outline application for erection of residential development – Officer decision – Appeal dismissed.
- 17.2019/91688 adj, 9, Briggate, Dalton, Huddersfield, HD5 9ST - Outline application for erection of residential development – Officer decision – Appeal dismissed.
- 18.2021/91229 Near Law Slack Farm, Penistone Road, Hepworth, Holmfirth, HD9 2TR - Demolition of existing dwelling and erection of detached dwelling – Officer decision – Appeal dismissed.
- 19.2019/93134 Elysium Barn, Copthurst Road, Cartworth Moor, Holmfirth, HD9 2TS - Change of use and alterations to existing barn to form holiday let – Officer decision – Appeal dismissed.
- 20.2021/91367 Land east of, Hillock Farm, Dean Road, Holmfirth, HD9 3XB - Change of use from agricultural to storage and processing of timber, improvement of field access, formation of access track and hardstanding and erection of wood store – Non determination – Appeal dismissed.
- 21.2021/90242 1, Grimscar Avenue, Birkby, Huddersfield, HD2 2TY - Outline application for erection of retail unit with flat above – Officer decision – Appeal dismissed.
- 22.2021/90067 2, Dover Cottages, Dover Lane, Holmfirth, HD9 2SG - Erection of raised decking to rear – Officer decision – Appeal dismissed.
- 23.2020/91611 92, New North Road, Edgerton, Huddersfield, HD1 5QP - Change of use from mixed commercial/residential use to fully commercial (B1 office), demolition of the rear toilet block and associated works (Within a Conservation Area) – Officer decision – Appeal dismissed.
- 24.2021/91972 3, Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG - Erection of detached sunroom – Officer decision – Appeal dismissed.
- 25.2021/9104529, Lamb Hall Road, Longwood, Huddersfield, HD3 3TJ - Erection of Leisure Annex – Officer decision – Appeal dismissed.
- 26.2021/91412 233, Scar Lane, Golcar, Huddersfield, HD7 4AU - Erection of single and two story side extension, raised patio and demolition of existing detached garage – Officer decision – Appeal dismissed.
- 27.2021/90588 16, Netherwood Close, Fixby, Huddersfield, HD2 2LR - Erection of single storey extension – Officer decision – Appeal dismissed.
- 28.2021/90775 15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ - Erection of two storey side and single storey rear extensions and front and rear dormers – Officer decision – Appeal dismissed.
- 29.2021/92222 7, Paget Crescent, Birkby, Huddersfield, HD2 2BZ - Erection of single and two storey extensions – Officer decision – Appeal dismissed.
- 30.2021/91373 - Land Adj, 34, Cliff Road, Holmfirth, HD9 1UY - Erection of 2 detached dwellings – Officer decision – Appeal dismissed.
- 31.2021/91813 100, Leeds Road, Huddersfield, HD1 6NN -Advertisement Consent for erection of 2no. illuminated digital advertisement screens – Officer decision – Appeal dismissed.
- 32.2020/94040 Barnside Farm, Barnside Lane, Hepworth, Holmfirth, HD9 1TN - Change of use from agricultural barn to bunk barn tourist/leisure accommodation – Officer decision – Appeal dismissed.
- 33.2021/90145 adj, 6, Oakfield Road, Birkby, Huddersfield, HD2 2XF - Demolition of existing garage and garden shed and erection of garage to existing dwelling

- and detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
34. 2019/92952 - 32, Sandmoor Drive, Lindley, Huddersfield, HD3 3WF - Work to tree TPO HU1/70 – Officer decision – Appeal dismissed.
 35. 2021/91640 land adj, 35 /37, Dunford Road, Holmfirth, HD9 2DR - Erection of two detached dwellings with integral garages, external works and landscaping – Officer decision – Appeal dismissed.
 36. 2021/92121 30, Clough Park, Fenay Bridge, Huddersfield, HD8 0JH - Demolition of existing garage and erection of one detached dwelling – Officer decision – Appeal dismissed.
 37. 2020/93738 Springfield Barn, Fieldhead Lane, Holme, Holmfirth, HD9 2QJ - Removal of condition 5. (permitted development) on previous permission no. 97/92281 for re-use, extension and adaptation of redundant barn to form dwelling – Non determination – Appeal upheld.
 38. 2020/92196 White Reaps Farm, Slaithwaite Road, Meltham, Huddersfield, HD7 5TY - Erection of ground and first floor extensions – Officer decision – Appeal upheld.
 39. 2021/90312 Woodcock & Wilson Ltd, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA -Prior notification for the installation of 20.00m high valmont slimline climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with 6 no. antenna apertures at 0°/120°/240° and 4 no. proposed 600 dishes and associated ancillary works – Officer decision – Appeal upheld.
 40. 2020/91146 Land west of, Wesley Avenue, Netherthorpe, Holmfirth, HD9 3UL - Outline application for erection of residential development – Committee decision (contrary to Officer recommendation) – Appeal upheld (application for costs submitted by the appellants: allowed).
 41. 2021/90604 85, Swallow Lane, Golcar, Huddersfield, HD7 4NB - Erection of two storey side and first floor extensions – Officer decision – Appeal upheld.
 42. 2021/91578 land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7BP - Erection of 9 detached dwellings with associated works – Non determination – Appeal upheld.
 43. 2021/90865 34, Victoria Street, Lindley, Huddersfield, HD3 3ED - Erection of extensions, raising roof height and associated alterations – Officer decision – Appeal upheld.
 44. 2020/90691 75, Wooldale Road, Wooldale, Holmfirth, HD9 1QG - Erection of chicken shed (Listed Building within a Conservation Area) – Committee decision (contrary to Officer recommendation) – Appeal upheld.
 45. 2020/94406 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - Change of use from ground floor beauty salon and first floor residential flat to a mixed use of tanning/beauty salon and retail – Officer decision – Appeal upheld.
 46. 2020/93290 adj 381 Manchester Road, Huddersfield, HD4 5BR - Advertisement Consent for upgrade of one 48 sheet hoarding sign to digital LED display – Officer decision – Appeal upheld.
 47. 2021/90386 Wilshaw Village Hall, Wilshaw Road, Meltham, Holmfirth, HD9 4DX - Listed Building Consent for installation of replacement windows (within a Conservation Area) – Officer decision – Appeal part upheld/part dismissed.

This page is intentionally left blank

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 16-Jun-2022

Subject: Planning Application 2022/90680 Erection of single storey extension and summer house 52, Benomley Road, Almondbury, Huddersfield, HD5 8LS

APPLICANT

Mr & Mrs Hollinson

DATE VALID

26-Apr-2022

TARGET DATE

21-Jun-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury Ward

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This report relates to the erection of single storey extension and summer house at 52, Benomley Road, Almondbury, Huddersfield, HD5 8LS. It has been brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the applicant is closely related to a council employee who works within the Growth and Regeneration Service.

2.0 SITE AND SURROUNDINGS:

2.1 52 Benomley Road, Almondbury is a detached, two-storey dwellinghouse with a link-attached garage to the fore and conservatory to the rear. It is faced with stone and roofed with concrete tiles. It sits on a cul-de-sac with a driveway and small landscaped amenity space to the front. The rear garden is timber fenced adjacent to the road. The land falls from southwest to northeast gradually.

3.0 PROPOSAL:

3.1 The proposal seeks to erect a single-storey extension to the rear of the attached garage and to the side of the main dwelling house. This would have a lean-to roof and it would be flush with the rear wall and roof slope of the garage. It would be set back from the rear elevation of the host building.

3.2 The extension would project 3m from the side elevation of the main body of the dwelling and have a depth of 4.2m with a roof ridge height of 4.8m and eaves height of 3.3m from ground level.

3.3 The extension would be finished in stone under a concrete tile roof to match the existing dwelling. The extension would have a wrap-around glazed section which would cover the entire width of the rear elevation and part of the side elevation. It would serve to extend an open plan living/dining/kitchen room and the host building would have internal alterations to re-configure rooms.

3.4 In addition, it is proposed to erect a detached, mono-pitch roofed summerhouse within the rear garden, to the eastern corner of the property. Its dimensions would be 2.44m width and 1.8m depth and its mono-pitch roof would have a maximum and minimum roof height of 2.1m and 1.9m from ground level (given these dimensions, it is unlikely this element of the proposal required planning permission).

3.5 It would be finished in timber and have a roofing membrane forming its mono-pitch roof. Openings would be located on the front and side elevations, with none to the rear elevation. A section of new patio would be extended at lower ground level to enjoy the summerhouse.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 89/07030 – Erection of 23 no. detached dwellings with associated road and sewers – Conditional Full Permission on 16/02/1990.

4.2 87/00920 – Outline application for residential development – Granted Conditionally on 14/05/1987.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

6.2 The site is unallocated on the Kirklees Local Plan Proposals Map

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 51 – Protection and Improvement of Local Air Quality

Supplementary Planning Guidance / Documents:

6.3 House Extension and Alterations SPD
Highways Design Guide SPD

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised in accordance with statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. The publicity expired on 01/06/2022. No representations have been received at the time of writing this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None required

8.2 Non-statutory:

None required

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highways safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

10.2 Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

10.3 In line with the NPPF, Policy LP1 of the KLP declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

10.4 In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other relevant material planning considerations, including visual and residential amenity, as well as highway safety.

Urban Design issues

10.5 The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby Paragraph 126 of the NPPF provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.6 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

10.7 Policy LP24 of the KLP states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

and

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

10.8 The Kirklees House Extension and Alterations SPD sets out design guidance of specific relevance to extensions and outbuildings in conjunction with broader principles to support high quality design.

10.9 Principle 1 of the Kirklees House Extensions and Alterations SPD states 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. In addition, Principle 2 of this SPD states 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.

10.10 The property is located on a residential close with other properties of a relatively similar style and material palette, with some of the houses being extended and altered. Officers consider that dependent upon design, scale and detailing, it may be acceptable to extend the host property.

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

Single-storey rear extension

10.12 The proposed extension would technically be both a rear extension, as well as a side extension to the dwelling.

10.13 In respect of single storey rear extensions, the Kirklees House Extensions and Alterations SPD (SPD) outlines that these can have an adverse impact on neighbouring properties and gardens.

10.14 The SPD sets out specific guidance on single-storey rear extensions, and states that these 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 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.”*

10.15 With regard to single storey side extensions, the SPD states that these should:

- *“not extend more than two thirds of the width of the original house;*
- *not exceed a height of 4 metres; and*
- *be set back at least 500mm from the original building line to allow for a visual break.”*
-

10.16 With reference to the guidelines within the SPD, this extension would not project more than two thirds of the width of the original house, nor would it project out more than 4 metres from the detached dwelling (in fact it would be set behind rear wall of the main body of the dwelling still). The extension would also be more than 1 metre away from the side boundary of the property (3.3 metres).

10.17 The extension would however exceed 4 metres in height (4.8 metres). Despite this, Officers consider that the extension would appear to be a modest and subservient addition to the original dwelling. This is due to its single storey height in relation to the main body of the building, its relatively limited footprint and that it would be set back from the rear elevation of the main body of the dwelling. Given its modest scale, its materials to match the existing dwelling and that it would have a flush side wall and roof with the side wall and roof of the existing garage element of the building, it is considered that this extension would appear as a harmonious addition to the existing dwelling.

10.18 In addition, with it being positioned behind the garage and to the side of the main body of the dwellinghouse, it is considered that this extension would be largely screened from the street by the bulk and massing of the existing building.

- 10.19 Further to this, even when taking into account the outbuilding proposed, the property would retain most of its rear garage as a result of the proposal, and external access to the rear garden would be retained.
- 10.20 Officers therefore consider that the proposed single storey extension would form a subservient addition and would be in-keeping with the character of the dwelling. This element is therefore considered to be acceptable in terms of its impact upon the visual amenities of the locality.

Single-storey outbuilding

- 10.21 The SPD states that outbuildings can have as much of an impact on the appearance of the building as any other extension. It goes on to note that wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.
- 10.22 The SPD sets out specific guidance on outbuildings and outlines that these should:
- *“be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
 - *be set back behind the building line of the original building so that they do not impact on the street scene; and*
 - *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and*
 - *follow a general principle that no more than 50% of garden space should be lost.”*
- 10.23 The detached outbuilding would be 2.4m width and 1.8m depth with its mono-pitch roof no more than 2.15m height from ground level. Officers hold the view that this would clearly be subservient in scale and footprint when considering the property is two-storey and has a relatively large footprint. It would be set to the rear and east of the property and behind the building line accordingly. The bulk and massing of the dwelling would screen the outbuilding from view at the front and the 1.8m boundary fencing to the southwest adjacent to the highway and the conservatory closer to the highway would aid in partially screening the outbuilding from the highway. In addition, the property would retain a large garden space for the private amenity of the house occupants. The outbuilding would be faced with timber and have a minor section of patio added to integrate it with an existing patio which would be considered to blend in within its residential garden setting. The outbuilding is also unlikely to require planning permission with reference to the General Permitted Development Order.
- 10.24 It is therefore considered that the proposed single storey outbuilding would form a subservient addition given its size and design and would be in-keeping with the character with the host property when viewed in the context of the existing dwelling's garden. It is therefore considered that the proposed outbuilding would not cause detrimental harm to the visual amenities of the locality.
- 10.25 Given the above, Officers consider that the proposals would accord with Policy LP24(a) and (c) of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extension and Alterations SPD and Chapter 12 of the NPPF.

Residential Amenity

- 10.26 Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

- 10.27 Further to this, Paragraph 130 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.

- 10.28 Principle 3 of the SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Impact on 96 and 98 Benomley Crescent (to the east of the site):

- 10.29 The single-storey side extension and outbuilding would both have windows facing towards the rear elevations of these neighbouring properties. However, these windows would face towards a 1.8m high boundary timber fence and there would be a separation distance of at least 24m metres between habitable windows. It is therefore considered that the proposal would not result in undue harm in terms of overlooking or loss privacy for these neighbouring properties. Given the modest scale of the extension and outbuilding, their set off from these neighbouring properties and dwellings, and the intervening fencing it is also considered that the proposal would prevent undue harm to these properties in terms of loss of light, loss of outlook, overshadowing or the creation of an overbearing effect.

Impact on 48 and 50 Benomley Road (to the rear of the site):

- 10.30 The single-storey rear extension would have a rear window facing towards the rear wall of No. 50 (at a slight angle), with a separation distance of 15m, and this window would face slightly away from the rear wall No. 48's with a separation distance of 15m. In between, at the boundary to these properties, is a close boarded timber fence approximately 1.5m high as well as abundant green screening with trees and shrubbery serving to either obscure or partially obscure the habitable windows of the properties from the site. The rear of the outbuilding would be windowless facing southeast and whilst it would be close to the rear boundary, it would offer no clear views of those properties. It is therefore considered that the proposal would not cause undue harm to these neighbouring properties in terms of loss of privacy or overlooking. Furthermore, given the modest scale of these proposed elements and their siting in relation to these neighbouring properties, it is considered that the proposal would prevent adverse harm to these neighbours in terms of loss of light, loss of outlook, overshadowing or the creation of overbearing effect.

Impact on 62 and 64 Benomley Road (to the west of the site):

- 10.31 The single-storey rear extension would be mostly screened from these properties by being set behind the rear wall of the existing dwelling at No.52, thereby helping to prevent undue overshadowing and overbearing impacts, as well as adverse overlooking. The outbuilding would be more than 24 metres away from these neighbouring dwellings and partially screened from them by a 1.8m high close boarded timber fence on the boundary. It is therefore considered the proposal would not have any detrimental impacts to the occupiers of these properties in terms of loss of outlook, loss of light, overshadowing, loss of privacy or overbearing effects.
- 10.32 Given the above, is considered that the proposals would not cause undue harm to the amenities of any neighbouring properties, in accordance with Policy LP24 (b) and (c) of the KLP and Chapter 12 of the NPPF.

Highway issues

- 10.33 Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highway Design Guide and Principle 15 of the SPD relate to access and highway safety as well as parking standards and are considered to be relevant to the consideration of this application.
- 10.34 It is considered that the proposal would unlikely result in the intensification of the residential property as it would not add any bedrooms or reduce available off-street parking with the double garage remaining in use. It is therefore considered not to have a detrimental impact on highway safety and is concluded to accord with Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highway Design Guide, the SPD and Chapter 9 of the NPPF.

Other Matters

Climate change:

- 10.35 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. This includes key design principles of the SPD, in particular nos. 8-11.
- 10.36 The proposal consists of a single-storey extension and an outbuilding which are relatively small scale and would retain a large proportion of the landscaped garden. However, it would involve construction of low carbon embodied material in natural stone and natural timber. The use of stone, furthermore, is a locally available material that has a long life and which requires little maintenance. This is in accordance with Principle 9 of the SPD.

10.37 As such, no special measures were considered to be required in terms of the planning application with regards to carbon emissions particularly as there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process.

Coal mining legacy:

10.38 The site is within a Low Coal Risk Area and this is a Householder application. The standing advice is that subject to a note appended to a decision notice, there remains no further duty in relation to this Area.

Biodiversity:

10.39 The site is located within an identified bat alert area with likely wildlife corridors formed of wooded areas to the west, south and east of the site. Key Design Principle 12 of the SPD looks for how extensions might contribute towards the enhancement of the natural environment and biodiversity. In this case the proposal is relatively modest with minor alterations to a relatively modern and well-sealed roof and therefore it is considered unlikely that the proposals would have a negative impact on the bat population. Furthermore, the limited height of the proposed extension and elements of glazing would make it unsuitable for bird or bat roosts to be incorporated into the structure. The design and construction of the outbuilding would also be unsuitable to provide features to support biodiversity net gain.

10.40 An informative footnote can be appended to decision notice however should permission be granted, so as to notify that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward fulfilling duties to a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Representations

10.41 No representations have been received from members of the public following publicity.

11.0 CONCLUSION

11.1 This application to erect a single-storey rear extension and a single-storey detached outbuilding to 52, Benomley Road, Almondbury, Huddersfield, HD5 8LS has been assessed against relevant policies in the development plan, the National Planning Policy Framework and other material considerations.

11.2 The proposed development is considered to have an acceptable impact to the residential amenity of neighbouring occupiers and also an acceptable visual impact to both the host property and the wider street scene which is in accordance with Policies within the Kirklees Local Plan, accompanying SPD and national planning policy as discussed within the 'Visual Amenity' and 'Residential Amenity' sections of this report.

- 11.3 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.
- 11.4 It is considered that the development proposals do accord with the development plan and the impacts of granting permission would accord with policies in the NPPF and other material considerations. It is considered that therefore the proposed development would constitute sustainable development and is recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Standard three-year timeframe for commencement of development.
 2. Development to be completed in accordance with approved plans and specifications.
 3. The external walls and roofing materials of the single storey rear extension hereby approved shall in all respect match those used in the construction of the existing dwelling.

Background Papers:

Application and history files:

[Link to application details](#)

Certificate of Ownership – Certificate A signed

This page is intentionally left blank