

**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: 2020/62/90340/W

Site Address: 36, Bland Street, Lockwood, Huddersfield, HD1 3RA

Description: Erection of extensions to front, side and rear,
detached garage, covered area and engineering
works

Recommending Officer: Laura Yeadon

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: 17-Nov-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90340>

Site Description

36 Bland Street is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone with a pebble dash render. The roof is blue slate with its design being hipped. The floor level of the property is set up from the roadside and the property is set within a sloping site from front to rear with a small garden area being located to the front of the property and a larger elongated garden area to the rear which is tiered. The rear garden boundary forms the boundary with Linekar Street which runs to the rear of the properties on Bland Street and also the rear of the properties on Victoria Road.

The surrounding area is comprised of mainly residential properties consisting of terraced rows and semi-detached dwellings. Directly to the west of the site is an area of Urban Greenspace which is a children's play area and the front of the property faces the rear of a Mosque.

Description of Proposal

Permission is sought following the refusal of planning permission 2018/93974 for the erection of extensions to front, side and rear, detached garage, covered area and engineering works. As part of this resubmission, the plans have been amended and the front extension and covered area have been omitted from the scheme.

Side extension

The proposed side extension would be set back from the front elevation of the property by 0.3 metres and would span the full depth of the property. The projection to the side would be 1.6 metres abutting the boundary of the site. The eaves height would match the existing with the ridge of the lean-to roof being set down from the existing roof by 0.2 metres.

Rear extensions

The proposed rear extension would be part single storey and part two storey and would project off the rear elevation by 4 metres for the full width of the rear elevation. The two storey section would be a width of 4 metres from the side elevation facing the play area with an eaves height to match the existing with the roof ridge being set down from the existing by approximately 1.5 metres. The single storey extension would project a width of 3.2 metres with an eaves height of 2.3 metres and overall height of 3.5 metres to the ridge of the lean-to roof.

Garage

A garage is proposed to be located to the rear of the property accessed off Linekar Street. The garage would have a footprint of 3 metres by 6 metres with an eaves height of 2 metres and overall height of 2.6 metres to the ridge of the pitched roof.

Engineering works

Engineering works are proposed to the garden area to provide amenity space for the property due to topography.

History of negotiations/amendments received

Concerns were raised with the original plans as, whilst the dormer and front extension which were evident on the previously refused scheme had been omitted from the scheme, the proposed rear extension was larger than within the previous scheme and therefore the works were not considered to overcome the previous concerns regarding overdevelopment. In response the plans were amended which included a reduction in projection of the rear extension and also reduced the footprint of the garage. The amended plans were not re-advertised as there was a reduction in the built form of development from that originally advertised.

Relevant Planning History

Application site:

2018/93974 Erection of extensions to front, side and rear, detached garage, covered area and engineering works

Refused 29th May 2019 for the following reasons:-

The proposed extensions, by nature of their siting, and combined mass and scale, together with the detached garage would comprise disproportionate additions to the original property, resulting in an overdevelopment of the site. This would be out of keeping with the appearance and scale of the original property and the wider street scene of Bland Street. The proposal would not represent good design and would be harmful to the visual amenity of the area and Policy LP 24 (a) and (c) of the Kirklees Local Plan, alongside Chapter 12 of the National Planning Policy Framework regarding design.

The proposal would result in three additional bedrooms which would increase demand for car parking which cannot be accommodated on site and which would result in further demand for on-street parking. In this instance it is considered that the lack of off-street parking would have an unacceptable impact on highway safety contrary to Policy LP 22 (e) and (f) of the Kirklees Local Plan and Paragraph 109 of the National Parking Policy Framework.

Land to the south-west

- 1999/91094 Use of land as children's play area
Granted under Reg. 4 General Regulations
- 2010/92036 Refurbishment of play area, associated works and formation of new parking areas
Granted under Reg. 3 General Regulations

Land to the south

- 1998/90078 Erection of detached garage
Conditional Full Permission
- 2015/92336 Erection of community centre and Mosque
Section 106 Full Permission
- 2019/91274 Discharge of conditions 3, 6, 7, 8, 11, 12, 13 and 14 on previous application 2015/92336 for erection of community centres and Mosque
Approved

Land facing the application site

- 1996/90935 Erection of pre-fabricated building as temporary accommodation for Mosque
Conditional Full Permission
- 2009/90333 Siting of temporary prefabricated building (to accommodation additional study room s for children who attend the Mosque)
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters and site notice.

Final publicity date expired 13th March 2020 – no representations received

Parish Council – not applicable

Consultation Responses

K.C. Highways Development Management – no objection

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents

- Highways Design Guide
- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

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

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration are:

- 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 9: Construction materials
- Key design principle 15: Provision for parking

Furthermore, the adopted SPD states the following with regard to rear extensions, these should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

And as a general rule should:

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

With regards to part two storey, part single storey extensions:

“5.11 Careful consideration should be given to the design of part two-storey, part single storey rear extensions to ensure the proportions reflect those of the original house and they do not overlook, overshadow or dominate neighbouring properties and gardens.”

In terms of two storey side extensions, these should

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

Where applicable the House Extensions and Alterations SPD will be referred to in parts 2 and 3 of this report.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The design of the proposal is such that the two storey side extension would have an eaves height to match the existing with the roof ridge set down from the existing and set back from the front elevation of the property. The hipped roof design of the existing roof form would be replicated. Amendments were sought to reduce the overall scale and massing of the proposal including the garage which ensures it is subservient to the host dwelling.

In terms of the rear extensions, the two storey element would lie flush with the 2 storey side extension and the single storey element would lie adjacent to the shared boundary with the attached neighbouring property. Whilst the

extensions would not comply with the SPD in terms of projection and not being set in from the boundaries, the extensions are considered to be subservient and there is evidence of varying forms of extensions within the locality.

When considering both the two storey and single storey extensions along with the proposed garage, the works would not result in an overdevelopment of the site and a usable area of amenity space would remain. It is therefore concluded that the previous reason for refusal.

Openings are proposed within the front, rear and side elevations of the proposal which are considered to be in keeping with the host property, the proposed construction materials would match the host proposed. It is recommended that the materials of construction are ensured by inclusion of an appropriately worded condition upon any grant of permission.

With regard to the requirements of the SPD, the application would be constructed up to the boundary of the site and would not retain a 1 metre separation distance in addition to the side extension not allowing external access to the rear garden. As the side boundary of the site faces an area of Urban Greenspace, it is not considered that the extension would compromise this area of land, furthermore rear access can be provided as a highway runs to the rear of the property.

It is therefore considered that as amended, the proposal would be acceptable in terms of visual amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of the impact of the scheme on residential amenity, the property is attached to No. 34 with no residential properties in close proximity to the south. Terraces to the west face the rear of the application site.

The proposed rear extensions would project 4 metres from the rear elevation of the property and whilst this is larger than that advised within the SPD, given that the 45 degree would be achievable due to the layout of the existing windows within the attached property and that the extension would be single storey adjacent to the shared boundary, the proposal is not considered to lead to an unacceptable level of overshadowing.

As there are no residential properties within close proximity to the west of the site, it is not considered that the two storey side and rear elements of the proposal would be materially harmful to residential amenity. The proposed garage would be located within the upper section of the rear garden where other garages are located and, given the scale of this garage and distance it would be from neighbouring occupiers this element of the scheme is also considered to be acceptable.

In terms of overlooking, openings are located within the front, side and rear elevations. There would be no reduction in separation distances from the front elevation and the side elevation opening at ground floor would be a high level window. The first floor openings would be to the bathroom and en-suite and these can be conditioned to be obscurely glazed. Within the rear elevation there are patio doors at ground floor which face the garden area of the property and a Juliet balcony is proposed within the first floor of the two storey extension. Given that the separation distance between the property and the properties to the rear would be retained at approximately 29 metres and the terraced row is set well above the application site, it is not considered that there would be a significant increase in overlooking. There are no proposed openings within the side elevation facing the attached neighbouring property.

The scale of the balcony is such that it would not allow for overlooking of the rear of the adjoining dwelling as this would be screened by the two storey extension itself.

The proposed garage would be closer to the terraced row than any existing development within the site however due to the garage not being a habitable space and also that the structure is single storey, it is not considered that significant harm would arise from this building.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and broadly in accordance with Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and policy within Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The previous refusal was on the basis the house would be developed such that it would accommodate six bedrooms (doubling the number of bedrooms within the dwelling from 3). The proposal would provide an extra bedroom increasing the number to four.

There is currently no off street parking provided at the dwelling, which is a shortfall of two spaces from that required by the Kirklees Highways Design Guide SPD. This SPD also recommends 3 spaces for dwellings with 4+ bedrooms.

The proposal would see one usable space provided, which would therefore lead to the same situation in terms of shortfall of spaces recommended (2 spaces in total). It is noted that the Council's Highways Team previously objected to the proposal which was refused.

At present, there is no off-street parking for the property. Highways DM were formally consulted as part of the application process and have raised no objections to the proposal. The comments cite that adding some off-street parking would be beneficial and there would be no impact in terms of waste collections as a result of the proposals. In addition, the property is in close proximity to high frequency bus routes. As such, subject to a note on the decision notice with regards to a dropped crossing, there are minimal concerns regarding highway safety by the Council's Highways Team.

The garage space would comply with the Highways Design Guide SPD in terms of dimensions to accommodate a vehicle and given that the proposal would see an increase of one bedroom but also the provision of off street parking to a property which currently has none it is considered the proposal would not significantly impact upon access and highway safety as a result of parking provision.

It is considered that the amended scheme has overcome the previous reason for refusal by reducing the scale of the development from that as refused (detailed in the 'Planning History' section of this report).

The proposal is therefore concluded to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD.

5 – Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates 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. No specific mitigation measures are required in this instance.

6 – Representations:

None

7 – 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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2020/90340

Officer Recommendation: Approve

Conditions

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Principles 1, 2, 3, 4, 5, 6, 7, 9 and 15 of the House Extensions and Alterations SPD and policies within Chapters 2, 12 and 14 of the National Planning Policy Framework.

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework and Key Principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be occupied until the first floor windows in the side elevation of the building/extension hereby approved have been obscure glazed to a minimum Grade no.4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan Key Principle 3 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

NOTE The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed elevations, floor plans and site plans	1854-01 – Rev: D		16 th June 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted. Concerns were raised with the original plans as whilst the dormer and front extension which were evident on the previously refused scheme had been omitted from the scheme, the proposed rear extension was larger than applied for as part of the previous scheme. In response the plans were amended which included a reduction in projection of the rear extension and also reducing the footprint of the garage.

Report Dated: 17th November 2021

Coal – low

