

**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: 2020/62/91952/W
Site Address: 38, Heights Drive, Linthwaite, Huddersfield, HD7 5SU
Description: Erection of extension to garage and porch
Recommending Officer: Stuart Howden

DECISION - REFUSED

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

Teresa Harlow

AUTHORISED OFFICER

Date: 04-Nov-2020

Officer Report

Site Description

38 Heights Drive, Linthwaite, Huddersfield, HD7 5FU

38 Heights Drive, consists of a detached bungalow dwelling constructed from stone and artificial stone under a tile roof. The dwelling is linear in form with a pitched roof, and has a north to south orientation, with the dwelling being extended to the north under application reference 2007/94160. The site sits on a corner plot with Heights Drive running to the south and an unadopted lane running west, and the principal elevation of the dwelling faces towards this unadopted lane. The dwelling sits on a modest sized plot and the rear wall of the dwelling abuts the shared boundary with No.36 Heights Drive. On-site vehicular parking is available to the front of the dwelling and there is a garden area to the front and south side of the dwelling.

Fencing has recently been erected around the front and south side boundary of the site, and it appears that this feature might require planning permission given its height over 1 metres (but does not appear to benefit from such permission).

The site is not within a conservation area, nor are there any listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the erection of a single storey extension to the front of the dwelling. The extension would roughly form an 'L-shape' and would accommodate porch, garage and a hobby room. The extension would have a flat roof and would be a height of approximately 2.6 metres. The walls of the extension are proposed to be constructed from render.

The porch element would extend from the front wall of the existing dwelling and would protrude approximately 1.3 metres beyond the front wall of the dwelling. The porch element would not protrude beyond the side walls of the dwelling, and would have a width of approximately 4.6 metres, with the south side wall having a similar building line to the south side wall of the existing dwelling.

The garage and hobby room element would protrude beyond the front wall of proposed porch element by approximately 4 metres (thereby the extension would have an overall depth of approximately 5.3 metres). This element would be flush with the north side wall of the proposed porch, but it would protrude beyond the south side wall of the existing dwelling and would have an overall width of approximately 9 metres.

History of negotiations/amendments received

Officers noted significant concerns with the initial extension proposed to the applicant's agent given its siting, form and scale, and the consequent impact this would have on the visual amenities of the area. Officers outlined that an extension to the dwelling would have to be reduced significantly in scale whilst respecting the form of the dwelling for it to be acceptable. Amended plans were received on 15th October 2020, giving the extension a flat roof instead of a pitched roof, but this did not address officer concerns. The applicant's agent was informed that officers could not support such a proposal, but the applicant was not favourable to reducing the scale of the proposal further and wished for the application to be refused rather than withdrawn. The applicant's agent requested that the amended plans received on 15th October 2020 were the drawings to be considered under this application and this request was accepted by officers.

Relevant Planning History

2007/9460 – Erection of single storey extension – Approved.

Representations

Final publicity date Expires:

Neighbour letters expired on 11th August 2020.

No representation have been received. The amended plans were not re-publicised as these reduced the scale of the development.

Consultation Responses

N/A

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 unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **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 19th February 2019, 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

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

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

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...”

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

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

LP1 goes further and states:

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

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 –Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

“The creation of high quality 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.”

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.

LP24 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...”

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

The site sits on a prominent corner plot and the existing dwelling, which is of linear form, is clearly visible from Heights Drive and the unadopted lane it borders despite fencing on the west and south boundaries of the site. The building has been extended to the north side (LPA ref: 2007/94160) and this is considered to be a sympathetic addition, especially given that it maintains the linear form of the dwelling.

It is considered that the form of the proposed extension would not be in keeping with the existing dwelling. The proposed extension would disregard the simple linear form of the existing dwelling, given that it would be an 'L-shaped' extension with a relatively large footprint, protruding beyond the front and side walls of the host building. The flat roof of the extension would also be at odds with the host building which has a pitched roof. In addition to this, it is considered that the use of render for the walls of the extension would poorly relate to the stone used on the existing dwelling, and that the mass area of blank wall running adjacent to the highway to the west of the site would be an unattractive design feature.

Further to the above, as the proposed extension would protrude outwards beyond the front wall and south side wall of the existing dwelling, and relatively close to the highway boundary, both to the west and south, it would appear as a conspicuous feature from within the streetscene that would compete in prominence with the existing dwelling. The applicant's agent has noted that the fencing on the boundaries of the site would help screen the extension, and whilst the fencing would contribute in partially screening views of the extension, it is considered that it would still be visible from the public domain. Regardless of the fencing, it is considered that the proposed extension would have an incongruous and contrived appearance and would constitute an unsympathetic addition to the host building, thereby it would not constitute good design.

Given the above, it is considered that by virtue of its prominent siting, unsympathetic form and appearance, and scale, the proposed single storey extension would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the character, quality and appearance of the area. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

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

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The site shares borders with No.34 and 36 Heights Drive, but given the single storey height of the extension and that it would be set off from the boundaries shared with these neighbouring properties, it is considered that the proposed extension would not cause undue harm to the amenities of these two properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing impact.

Moving to No.291 Gillroyd Lane, this is across the unadopted lane from the site. Whilst there are windows within the east wall of the of No.291 which would directly face towards the west side wall of the extension, given the landscaping on the east boundary of No.291 and the single storey height of this extension (with a flat roof), it is considered that the separation distance between the extension and No.291 would be sufficient so as to prevent undue harm to No.291 in terms of loss of outlook or loss of light. Further to this, no windows are proposed in the west side wall of the extension thereby the proposal would not cause undue harm to No.291 in terms of loss of privacy or overlooking.

It is considered that the proposed development would not cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposal would not result in the loss of any parking spaces on the site. The internal dimension of the proposed garage are not of sufficient size to accommodate a vehicle in line with current guidance (recommended 3m x 6m when measured internally in the Kirklees Highways Design SPD 2019) therefore this feature cannot be said to be increasing the parking provision on site.

It is noted that this 'garage' element could be converted to living accommodation such as an additional bedroom (thereby increasing the building to a 4 bedroom property). However, there is space to the front of the dwelling for at least 3 vehicles to be parked on the site externally. It is therefore not considered necessary to remove permitted development rights for the conversion of the 'garage' element (should the application be approved) as such a parking provision accords with the advice within the Highways Design SPD.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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 predates the declaration of a climate emergency and the net zero carbon

target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

No representations have been received in relation to this application.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2020/91952**Officer Recommendation:** Refuse**Reason for Refusal:**

1. The proposed extension, by virtue of its prominent siting, unsympathetic form and appearance, and scale, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the character, quality and appearance of the area. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan at a scale of 1:1250 on A4 paper	-	-	3 rd July 2020
Site Plan at a scale of 1:500 on A4 paper	19/34	-	6 th July 2020
Existing Elevations and Floorplan titled 'Proposed Linked Garage (Existing Plans)'	19 34	-	2 nd July 2020
Proposed Elevations and Floorplan titled 'Proposed Link Garage'	19 34	-	15 th October 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.

Officers noted significant concerns with the initial extension proposed to the applicant's agent given its siting, form and scale, and the consequent impact this would have on the visual amenities of the area. Officers outlined that an extension to the dwelling would have to be reduced significantly in scale whilst respecting the form of the dwelling for it to be acceptable. Amended plans were received on 15th October 2020, giving the extension a flat roof instead of a pitched roof, but this did not address officer concerns. The applicant's agent was informed that officers could not support such a proposal, but the applicant was not favourable to reducing the scale of the proposal further and wished for the application to be determined in its submitted form. The applicant's agent requested that the amended plans received on 15th October 2020 were the drawings to be considered under this application and this request was accepted by officers.

Report Dated:

03.11.2020