

**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: 2020/62/93690/W

Site Address: 84, Hammond Street, Fartown, Huddersfield, HD2 1BA

Description: Demolition of existing garage and erection of two storey side and single storey rear extensions

Recommending Officer: Sam Jackman

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.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Apr-2021

SITE DESCRIPTION – 2020/93690

84, Hammond Street, Fartown is a semi-detached property faced in cladding and render with blue slate tiles on the double pitched gabled roof. The two-storey dwelling is sited within a triangular shaped plot located on the outside bend of Hammond street resulting in the front boundary being narrower than the rear.

The property benefits from a drive to the side leading to a detached garage at the rear

DESCRIPTION OF PROPOSAL

The proposal is for a two-storey side and single storey rear extension.

Two storey side extension

The side extension would project 3.8m from the existing side elevation which is reduced to 3m at the front. It is to be flush to the front and rear elevation at first floor by 7.2m in length. The roof is to be double pitched with eaves and ridge height matching the host building, being a continuation of the host roof.

Single storey rear extension

The single storey rear extension is to project 2.2, behind the proposed side extension creating a total length of 9.3m with a lean-to roof and at a width of 4m.

The proposed extension would be rendered with a slate gabled roof to match the existing arrangements of the host dwelling. Windows would be inserted to the front and rear elevations of the extension.

The accommodation will create a new living room dining room, WC and 2 additional bedrooms above.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93690>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The agent has been contacted via email and phone, requesting amended plans to show the first floor set back 0.5m with the ridge line set down to reflect this. Along with a plan showing 3 parking spaces, however none have been received.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

We are currently undertaking 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 which expired on the 2.4.21, whereby no representations have been received.

CONSULTATION RESPONSES

Health & Safety – no objections (2019/3946 No 94 – no objections)

POLICY

The statutory development plan comprises:

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.

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

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 19th February 2019, together with Circulars, Parliamentary Statements and associated technical guidance

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

- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.

ASSESSMENT

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.”

In terms of extending and making alterations to a property, Policy LP24 of the Local Plan is a key material consideration when assessing such proposals, which relates to good design amongst other matters. It states good design should be at the core of all proposals in the district and should be considered at the outset of the development process. In turn proposals should ensure the form, scale and details of all development respect and enhances the character of the townscape, landscape, and heritage assets.

Also, of relevance is Chapter 12 of the NPPF which strongly emphasises the importance of good design and how this can contribute to the overall quality of the area not just for the short term but over the lifetime of the development.

Taking the above into account, the principle of extending properties on unallocated land is normally considered to be acceptable however, careful consideration must be made in regard to the size of the plot and position of the proposed new extension in relation to its surroundings. An assessment of this, along with all other material planning considerations, including visual and residential amenity, shall be set out below

Impact on visual amenity:

The proposed materials are to match the existing property, which are both considered to be acceptable. Likewise, the design of the extension will harmonise with the overall appearance of the host building, having matching fenestration, architectural detail and roof form, appearing a continuation of the original building. Therefore, the principle of a 2-storey side extension could be acceptable.

The rear extension would be located to the rear of the proposed extension with little view of it from within the street. Having a lean-to roof with a simple

design, it is not considered harmful to the host building's visual amenity or that of the wider area.

However, the proposed side extension would be built almost on the boundary, where the potential for terracing effect has to be considered. To overcome this, it is recommended that the first floor to be setback by 0.5m and the ridge height reduced to reflect the set back. In order to reduce the possibility of terracing effect that could occur by breaking up the frontage and the roofline. The agent has been advised of this, however no amended plans have been received and as such the application has been determined on the submitted details..

Policy LP24 now refers to terracing in the justification of the policy which states any extensions should be subservient and not dominate or detract from the original dwelling and seek to minimise impact on residential amenity of future and neighbouring occupiers, through maintaining privacy and daylight. Extensions should seek to avoid a "terracing" effect in the streetscene where this is incompatible with the existing character of the area. Any alteration should respect the character of the streetscene, including the scale, massing, rhythm, details, roof line, building line and fenestration.

The proposal as submitted is not in accordance with Policy LP 24 of the Kirklees Local Plan that states "extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details" along with chapter 12 of the National Planning Policy Framework.

In conclusion it considered that the extension would be harmful to the character and appearance of the host dwelling creating the potential for terracing effect, given that the front elevation would be flush and built close to the shared boundary with No.82 and would not accord with Policy LP24 (a & c) of the Kirklees Local Plan or Chapter 12 of the NPPF.

Impact on residential amenity:

No.84 has two side neighbours: the attached no.86 Hammond street and detached no.82.

The two-storey side extension sits within the confines of the front & rear elevation, therefore little effect on No 86, along with the rear extension given the distance from the shared boundary with no.86, with no windows in the side elevation, therefore there is little scope for the extension to have an impact on their residential amenity with regards to being overbearing, overshadowing or overlooking on the attached neighbour no.86.

With regards to No 82, the extension will be close to the shared boundary, where the proposed extension is due north of this neighbour forming little opportunity for overshadowing of the neighbour's amenity space and rear elevation. The side extension will be kept within the confines of the front & rear elevation, albeit would follow the boundary line. With the rear extension being only single storey with a projection of 2.2m, where the neighbour also

has a single storey rear extension. to further minimise the impact on No 82 their garden increased in width along the side towards the rear boundary. Therefore given the orientation and juxtaposition of the 2 properties, again it is considered there is little scope for the extension to have an impact on their residential amenity with regards to being overbearing, overshadowing or overlooking.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed side & rear extension is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The submitted plans don't indicate any off-street parking within the curtilage. The existing arrangement would be changed in that the existing garage will be removed and the drive length reduced, furthermore the application will increase the number of bedrooms from two to four bedrooms along with increasing the scale of the building. Under the requirements of LP22, three parking spaces would be required in this case. Therefore given the limited space available the proposal is considered not to comply with policy LP22 of the Kirklees Local Plan.

Other matters:

Health & Safety – no objections

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.

Due to the size, scale, and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/93690

Officer Recommendation: Refuse

Reason for Refusal:

1. The proposed side extension, by reason of its siting, scale and design would result in the establishment of an undesirable terracing effect in relation to the adjacent dwelling. Furthermore, the overall scale of the proposed extensions would not be subservient to the original dwelling. For these reasons the proposal would result in an overly prominent and incongruous form of development within the street scene. This would be harmful to visual amenity of the area and contrary to the aims of the National Planning Policy Framework paragraphs 127 and 130 and policy LP24 (a and c) of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan 1:1250		2 Nov 2020
Block plan		16 Feb 2021
Existing & proposed floor plans	HD21BA84-v2 page 1 of 3	5 Jan 2021
Existing & proposed first floor plan	HD21BA84-v2 page 2 of 3	5 Jan 2021
Existing & proposed side elevation	HD21BA84-v2 page 3 of 3	5 Jan 2021
Design & Access Statement		2 Nov 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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer tried to

undertake negotiations with the agent due to the application being unacceptable in its submitted format. However, no responses have been received to emails sent and as such the application has been determined based on the submitted plans.

Recommendation and Authorisation Box

Report Dated:

9.4.21

Coal – high