

**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: 2020/62/93795/W

Site Address: 20, Rafborn Grove, Salendine Nook, Huddersfield,
HD3 3UB

Description: Erection of first floor extension and alterations to
convert integral garage to living accommodation

Recommending Officer: Tom Hunt

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 07-Jan-2021

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Officer Report

Site Description

2020/93795 – 20, Rafborn Grove, Salendine Nook, Huddersfield, HD3 3UB

No. 20 is a two storey semi-detached house with attached garage on an elevated position to the road. Its construction materials are rock faced stone and concrete tile on a hipped roof. It has a dwarf stone wall boundary atopped by hedging to the left and brick surfaced driveway hard surfacing providing sufficient parking space for two cars. To the rear, a pre-existing conservatory constructed of uPVC.

It is situated in a residential area with similar houses which have also pursued proposed extensions of this type and design.

Description of Proposal

Erection of first floor extension and alterations to convert integral garage to living accommodation

It is proposed to convert the garage into living space (a gym on front ground floor and extend kitchen to rear) and to add a first floor extension for an additional bedroom and ensuite.

The dimensions are 2700mm across projecting from the side elevation and would be 8000mm depth with a roof ridge height to match the existing at 7.8m approximately and eaves at 5.5m.

It is proposed to retain a window and door to the east elevation ground floor facing the neighbouring No. 18. There would not be a first floor level window on the east elevation. To the south and north elevations, a window on both floors. The construction materials of the two storey extension are faced with stone with brick to side and rear with clay tiles for the roof to match the host dwelling.

History of negotiations/amendments received

No amendments were sought.

Relevant Planning History

2010/90717 – Proposal: Erection of conservatory. Decision: RF - REFUSED. Decision date: 4th May 2010.

2010/91686 – Erection of conservatory. Decision: FC - CONDITIONAL FULL PERMISSION. Decision date: 30th July 2010.

Officer Note: PD rights were removed and of relevance to this application:

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the side (west) elevation of the conservatory at any time without the prior written approval of the Local Planning Authority.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policy BE14 of the Kirklees Unitary Development Plan.

Representations

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: 25 December 2020

No representations have been received.

Consultation Responses

Highways were consulted and there remains sufficient parking space for three vehicles clarified within the Car Parking Plan supplied.

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.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways 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 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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 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. 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 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:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Policy LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. This proposal would be in keeping with the streetscene as it would use the same materials, details and scale of the existing dwellings. It could be considered not subservient to the host dwelling as it would be of the same roof ridge height and eaves, however due to its position in the street and varying elevations of dwellings, there would not be a terracing effect and would be still be following the character of the street scene.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*”

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

No. 18 to the east is the dwelling more likely to be impacted by the extension; it is stepped down from No. 20 and the two storey extension could be potentially considered overbearing however the distance between the two properties would reduce this and the character of the street would not be adversely affected.

The side elevation window is retained and as such an existing relationship to the neighbouring dwelling is established. There are limited controls currently and whilst the space is changed to a gym it is not considered necessary or appropriate to add any condition for obscure glazing for the aforementioned reason.

4 – Impact on highway safety:

The proposed development reduces the number of parking spaces by converting the garage, in addition to the erection of an additional bedroom resulting in a requirement for 3 off street parking spaces. From site visit it is clear there is space to the front of the property for 3 vehicles and therefore would not cause additional harm to highway safety. The development can be carried out in accordance with Policy LP21 and LP22 of the Local Plan.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

No representations had been received.

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:** 2020/93795**Officer Recommendation:** Approve**Conditions and Reasons**

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan.

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

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Grouped Plans and Elevations	006 – East Elevation		09/11/2020
Plans - Grouped Plans and Elevations	007 – North Elevation		09/11/2020
Plans - Grouped Plans and Elevations	005 – South Elevation		09/11/2020
Plans – Location Plan	001		09/11/2020
Plans – Proposed Site/Block Layout	002		09/11/2020
Plans – Existing Floor Plans	003		09/11/2020
Plans – Proposed Floor Plans	004		09/11/2020
Plans – Car Park Plan	Parking plan		06/01/2021

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.

04/01/2021

Report Dated: