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:	2021/62/90130/W
Site Address:	12 , Hammerton Road, Fartown, Huddersfield, HD2 2PS
Description:	Erection of single and two storey extension
Recommending Officer:	Lucy Taylor

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 21-Apr-2021

Officer Report.

Reference: 2021/90130

Location: 12 Hammerton Road, Fartown, Huddersfield, HD2 2PS

Proposal: Erection of single and two storey extension.

Site Description.

12 Hammerton Road is a two-storey semi-detached property located in Fartown, Huddersfield. The property is constructed from red brick and render and has a gable roof infilled with tiles. The property benefits from an extensive driveway to the front and side elevation, with garden amenity space located to the rear.

The property is located in a residential area, where there is a strong sense of similarity within the vicinity of the application site. This is because, all of the properties are semi-detached in their construction style and are faced with render.

The rear boundary of curtilage at the property adjoins classified Urban Green Space land.

Description of Proposal.

Permission is sought for the erection of a single storey and two storey extension.

Two Storey Extension:
The proposed two-storey extension will be located to the rear of the property and will be constructed adjoining the existing rear wall of the property. The extension will project 3.6 metres from the existing rear wall of the host dwelling, have a width of 8 metres and a maximum height of 7.6 metres. The exterior walls of the extension will be constructed from red brick and render, to match the exterior walls of the host dwelling. A gable roof will be erected above the extension, this will have a roof pitch which aligns with the roof pitch of the gable above the host dwelling. The gable roof will be infilled with tiles that match the appearance of tiles that match the appearance of the roof above the dominant dwelling.

With regards to fenestration, glazing is proposed in the front, rear and on the eastern side elevation at 1st floor level and on ground floor, glazing is proposed on the eastern side elevation and a new access door on the front elevation. All of the glazed fenestration detailing will be in the form of regular windows.

Within the interior of the dwelling the extension will function as a kitchen area on the ground floor and as two bedrooms on the first floor.

Single Storey Extension:
The proposed single storey extension will also be located to the rear of the property and will be constructed adjoining the rear wall of the proposed two-storey extension. The extension will project 2.4 metres from the rear wall of the two-storey extension, representing a 6 metre projection from the original rear wall, have a width of 8 metres and a maximum height of 3.9 metres. The exterior walls will be constructed from red brick and render to match the existing appearance of the host property and a lean-to roof will be erected above the extension, infilled with tiles that match those on the roof above the dominant dwellinghouse. With regard to fenestration, a new access door is proposed to be erected on the rear elevation alongside two regular windows.

Within the interior of the dwelling, the extension will function as an extended kitchen/dining area.

History of Negotiations.

Amendments were sought to reduce the height of the proposed two-storey extension to the rear as it was deemed unacceptable in terms of both visual and residential amenity. The applicant failed to produce and submit revised plans and therefore, a decision has been made on the basis of the initial plans submitted by the applicant.

Relevant Planning History.

No relevant planning history.

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, a site notice and within the newspaper, collectively expiring on 25th March 2021 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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 not specifically allocated on the Kirklees Local Plan however, it adjoins land classified as Urban Green Space to the rear.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** - Parking
- **LP24** – Design

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively 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 terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case the application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

1. **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.

The proposed two storey extension would represent a significant addition to the host dwelling projecting 3.6 metres at first floor and 6 metres at ground floor level. Such a scale of addition is not considered to be subservient to the host property and would not be in keeping with the scale of the host property. This highlighted when the footprint of the extension is compared to the original dwelling, with the proposal being 50 square metres in size and the original being 45 square metres. Such a level of addition is considered to represent a poor design that would fail to accord with Policy LP24 (c).

It is noted that the host property benefits from a large garden and therefore it could not be concluded that the extension would be an overdevelopment of the plot, and its position to the rear of the site would ensure that it would not be prominent in the street scene. The appearance of the extension wold include openings of a similar design to existing and the eves and ridge line would match and such a design approach is not approved.

However, it is considered that by virtue of the extensions scale, it would appear as an incongruous and discordant feature to the host building thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (c) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. **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 impact of development on each ot the surrounding properties will be assessed in turn.

- *14 Hammerton Road* – this property is located to the west and adjoins the application site. It has been concluded that the proposed extensions to the rear of 12 Hammerton Road would result in overbearing for the occupiers of this neighbouring property, with the proposed two-storey extension extending significantly from the host dwelling and having a height which aligns with the height of the host dwelling. As such, the extension would be obtrusive and lead to undue bulking and massing, effecting both the resultant conditions within the neighbouring dwelling and especially within the rear garden amenity space, whereby a separation distance of less than 0.2 metres has been retained between where the two properties adjoin. In addition, the proposed extensions at 12 Hammerton Road will lead to an unacceptable extent of overshadowing, a sunlight calculator has been used to confirm this. In the summer months, the proposed rear extensions will lead to overshadowing on the neighbouring property between 06:00 and 10:00 and between 10:00 and 14:00 the extension poses overshadowing upon the neighbouring rear garden amenity space. In the winter months, overshadowing is posed from 08:00 through to 14:00. Given the extent of overshadowing, especially in relation to the location of glazing on the rear of the neighbouring property, the extensions are deemed to present an unacceptable extent in relation to residential amenity.

- *10 Hammerton Road* – this property is located to the east of the application site with no.10 set at a higher level. The proposed extension would lead to some addition overbearing to no.10 due to the scale of the extension and there would be additional overshadowing of the garden area in the summer months in the evening. However given the separation achieved between the extension and shared boundary (3 metres) and further separation to the main dwelling (9 metres in total), on balance the impact is not considered to detrimental. No windows are proposed in the side ensuring that there is no detrimental overlooking.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, with the potential to detriment the living conditions associated with 14 Hammerton Road. Amendments were sought from the applicant to reduce the roof height of the proposed two-storey extension to reduce the impacts on residential amenity, however, amended plans were not submitted. The scheme currently proposed therefore fails to accord with Policy LP24 (b) of the Local Plan.

3. Impact on Highway Safety

The proposed extensions are considered acceptable from a highway safety perspective because although the extensions increase residential use of the

property, an extensive driveway is present to the front and side of the property. Additionally, the proposed works will not impact existing access to and from the property in conjunction with the adjoining highway. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4. 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.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

5. Representations

No representations were received.

6. Conclusions.

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 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.

The proposal presents an unacceptable extent of detriment to residential amenity and does not fulfil Policy LP24 in the Kirklees Local Plan or Achieving Well-Designed Places in the NPPF.

Recommendation: REFUSE

Decision Authorisation - Delegated Powers
Application Number: 2021/90130
Officer Recommendation: REFUSE

1. The proposed two storey and single storey extensions, by virtue of their scale and massing, would appear as an incongruous and discordant feature to the host building, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24and (c) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed two storey and single storey extensions, by virtue of their siting up to the shared boundary with no. 14 Hammerton Road and their scale and massing would lead to a detrimental overshadowing and overbearing impact to the occupiers of no.14. Therefore, the proposal would fail to provide a high standard of amenity for occupants adjacent dwellings, contrary to Policy LP24 (b) of the Kirklees Local Plan Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	16/2/2021
Proposed Site / Block Layout	-	-	16/2/2021
Grouped Plans and Elevations	Existing and proposed front elevations	1	16/2/2021
Grouped Plans and Elevations	Existing and proposed rear and side (1) elevations	1	16/2/2021
Grouped Plans and Elevations	Existing and proposed first floor	1	16/2/2021
Grouped Plans and Elevations	Existing and proposed ground floor	1	16/2/2021
Supporting Information	Statement	-	16/2/2021

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Although amendments were sought, the applicant failed to comply or produce amended plans showing the requested alterations.

Report Dated: 19.4.21