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:	2021/62/90604/W
Site Address:	85, Swallow Lane, Golcar, Huddersfield, HD7 4NB
Description:	Erection of two storey side and first floor 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: 21-Jun-2021

SITE DESCRIPTION – 2021/90604

85 Swallow Lane, Golcar is a small 2-storey stone detached property with a stone slate roof set back from the road. Located between two rows of terraced properties, with an access lane directly to the west which will provide POS to the new development to the West.

The property is orientated in that the principal elevation faces south and the rear elevation faces north and the road itself.

The property currently has a single storey element to the north elevation providing a kitchen for 50% of the lean-to and the other half a store owned by the applicant's neighbours in the adjacent terraced properties. The remaining accommodation provides a living room with 1 bedroom above.

There is an existing drive leading to a dilapidated concrete sectional garage, with a small garden facing south.

DESCRIPTION OF PROPOSAL

The proposal is to demolish the existing garage and build a 2-storey side extension a first-floor extension over the applicant's single storey outrigger and a 2-storey extension linking them both together.

The side extension would project from the gable by 2.3m the depth of the property and rear single storey element a total of 9.7m. The first-floor extension would be a total of 5m with a gabled roof.

The accommodation would provide a larger lounge and kitchen with 3 bedrooms above, main bathroom and en-suite.

The chimney breast and stack will be removed, and the roof replaced with artificial slate.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F90604

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Amended plans have been requested to reduce the scheme as it was considered to be overdevelopment and the extensions not subservient. The window arrangement of the south facing elevation were requested to be amended to reflect the existing window alignment, along with the windows in the west elevation to be deleted for habitable room windows.

Amended plans have been received, deleting the gable windows, amending the south facing windows, however the reduced extension didn't go far enough for the proposal to be considered acceptable. Therefore. the applicant reverted back to the original proposal, with the changes to the gable windows only.

RELEVANT HISTORY

2020/94096 - 19 Dwellings – current

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F94096

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 15.4.21, whereby no representations have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

CONSULTATION RESPONSES

None

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.

Supplementary Planning Documents

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.

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:

In the case of this property, it is considered that the principal elevation (front) is to the south and therefore the rear elevation faces Swallow Lane.

Therefore, whilst the extension is on the rear elevation, consideration has to be given to the impact it will have on the street scene and its surrounding.

The extension has been designed with materials to match the host property and repeating the gabled roof. The existing stone slates will be replaced with artificial slates where it would be recommended the existing slates are retained. Planning permission is not required to replace the roof tiles, given the property is not a Listed Building or in a Conservation Area. Affording weight to this, the design and materials are considered to be acceptable in principle in this case.

The current property is small in scale providing one room accommodation to the ground and first floor. The rear elevation is plain in its design with only one first floor window with a window in the side elevation for the kitchen and a door facing the road.

The existing outrigger projects 4.2m with a lean-to roof the full width of the property and is considered to be original albeit its original use was potential for storage or toilet rather than living accommodation.

The proposed extension to this elevation would extend the gable to the side boundary replacing the garage, the existing outrigger extended also to the boundary with a new first floor overall. The resulting extensions create a 2-storey wrap around extension.

The road frontage elevation would result in relocating the existing first floor window to the left, a new 3 pain mullion window at first floor, 2 new smaller windows to the right of the retained door. These additional window openings clear would change the simplicity of the existing rear elevation, however they reflect similar properties within the area and are considered to be acceptable in their design and numbers.

With regards to the principal elevation which faces south, the new side extension would be flush with host property, where the openings created would be a sliding patio doors and a first-floor window above. The existing first

floor double window which currently lines up with the ground floor window would be separated by new stonework to allow the existing first floor room to be divided into two. This will alter the character of this elevation and albeit not facing the road it is the principal elevation, losing the original fenestration details.

With regards to the proposed extension, the property would be extended to the side with a 2-storey extension the full depth of the property, extending the existing single storey 4m outrigger to the boundary and the creation of a first-floor extension projecting 4m above, creating a 2-storey wrap around extension.

Due to the size of the combined extensions, it is considered that they would dominate the property and no longer remain subservient to the host property as required by Policy LP24. This is further exacerbated given that they are to the road frontage albeit considered to be on the rear elevation. It is accepted that the properties either side are terraced properties which are located forward of the host property, where once extended would provide a continuous frontage. However, it is the overall mass & bulk of extension which engulf this relatively small cottage, which results in a loss of character to the host appearing detrimental in scale and thereby being contrary to Policy LP24.

The proposal is therefore unacceptable when considered against Policy LP24 of the Kirklees Local Plan. Which states, “the form, scale, layout and details of all development (should) respect…. the character of the townscape”. Where the proposal as amended are considered not to be ‘subservient’ to the original building. Taking all the above into consideration the proposal would fail to comply with Policy LP24(a) and (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

The proposed extension would be built on the boundary with the adjacent undeveloped land, where there is a current planning application which indicates this area will be used for public open space.

The extension has been amended so that there are no habitable room windows overlooking this area with only two first floor bathroom windows. Therefore, no overlooking issues as the nearest property is over 13m away separated from the extension by the proposed POS, furthermore the neighbour no 95 is further forward in the plot than the application site.

With regards being overbearing or overshadowing there is adequate separation distance to the neighbour to the west and to those to the east, not to create any undue overbearing or overshadowing in this case.

Therefore, it is considered there will be no impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking. The application therefore accords with policies LP1, LP2 & LP24 of the Local Pan and advice

in the NPPF.

Impact on highway safety:

In terms of highway safety, the drive can accommodate 2 parking spaces, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 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.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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: 2021/90604

Officer Recommendation: REFUSE

1. The development proposed, by reason of siting, scale, mass and relationship with the host building would fail to represent a subservient addition to the property. The proposed development would introduce unsympathetic and incongruous forms of development which would be detrimental to the visual character and appearance of the host property and wider local area. The proposal as such would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan and paragraph 127 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site Plan 1:200	HD.21.96.PP.04	C	11.6.21
Existing layout & elevations	HD.21.96.EX.01		4.4.21
Proposed ground floor layout	HD.21.96.PP.01	B	11.6.21
Proposed first floor layout	HD.21.96.PP.02	B	11.6.21
Proposed elevation	HD.21.96.PP.03	B	11.6.21

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. Amended plans were requested; however none were received for the application to be considered acceptable, therefore the applicant reverted back to the original proposal.

Recommendation and Authorisation Box

Report Dated: 18.6.21

Coal – none