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:	2021/62/91412/W
Site Address:	233, Scar Lane, Golcar, Huddersfield, HD7 4AU
Description:	Erection of single and two story side extension, raised patio and demolition of existing detached garage
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: 02-Jun-2021

SITE DESCRIPTION – 2021/91412 –
233 Scar Lane is a three-bedroom, semi-detached dwelling located within a sloping site whereby the front elevation is two storeys, and the rear elevation is three storeys. The existing building is constructed of coursed stone walls and has white UPVC windows and doors. The property benefits from a large rear and front garden and driveway, access is taken directly from Scar Lane leading to a detached single garage at the rear. The boundaries are predominantly made up of hedging and timber fencing; however, there is some concrete stone fencing on the east of the site.

The site is set within a predominantly residential area with the dwellings adjacent to the property being of the same character as the host property and the dwellings to the north of the highway are terraced and semi-detached housing that have stone-chipping fronts. Beyond the site's southern boundary there is green belt land.

DESCRIPTION OF PROPOSAL

The proposal is a further modified scheme to a previously approved application (which itself was a modified proposal) which was initially for a first-floor rear extension and raised patio, the second application included a 2-storey side extension. The previous applications also included creating a new staircase to add a 4th bedroom within the loft space and 3 rooflights. The first-floor rear extension has now been built, along with the decking, therefore both previous applications are valid.

The first application (2019/92291) was for a raised patio extending 3 metres from the rear extension at a width of 4.85 metres and a height of 1.38 metres. The first-floor extension extends 1.8 metres from the rear elevation at a width of 6.1 metres with the overall height increasing to a total of 6.23 metres with a flat roof. The proposed materials for the first-floor rear extension include coursed stone walls and grey UPVC windows and doors, with a GRP flat roof that incorporates a roof lantern.

The first modified proposal (2019/92291) retained the rear first floor extension and patio, with the addition of a 2-storey side extension, incorporating a carport with master bedroom, dressing room and en-suite above. The newly created 4th bedroom in the loft would be extended into the roof space within

the side extension to create a study/ 5-bedroom property. The extension would project from the gable by approx. 3m by 8m which would include a setback of 0.6m from the front elevation and flush with the original rear wall.

The previous flat roof over the rear extension would remain, where the roof for the side extension would be hipped and set down from the ridge of the host property.

The modified proposal now includes the infilling of the carport to create a lounge and garage. The ground floor of the side extension will be brought forward 0.85m from the front elevation a total of 1.45m from the approved scheme. At the rear the ground floor would also be extended a further 1.8m, in line with the existing rear extension. This would create a total length of the ground floor extension to be approx. 10.5m.

The approved decking would also be extended behind the new sitting room and the existing detached garage would be removed

The extension would be built from materials to match the host property.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91412

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place, given the previous approved applications and extent of previous negotiations and variations.

RELEVANT HISTORY

2020/91818 – 2-storey side extension – *approved not built*

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F91818

2019/92291- Erection of first floor extension and raised patio – *approved & built*

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92291

2016/9149 – Erection of two storey rear extension and associated alterations – *approved.*

2008/91988 – Erection of single storey side and rear extension – *approved.*

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 28.5.21, whereby no representations have been received.

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
LP 30 - Biodiversity and geodiversity

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.
- **Chapter 15** – Conserving and enhancing the natural environment

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 principle of a 2-storey side extension has been considered acceptable in the form of the previous approval, consideration is given to the amendments and whether these are themselves acceptable.

The side extension would be built up close to the boundary with No. 231 where the neighbour has an existing gap to the boundary, of their drive width, providing some separation distance, however they may also in the future wish to extend closing the gap further. In general the retention of a larger gap is preferred where a two-storey side extension is erected between properties. This is to avoid the creation of a terracing effect now and in the future. The previously proposed extension avoided a detrimental impact in terms of terracing as it was set back 0.6m from the front elevation with a hipped roof, in addition to difference in levels between the dwellings.

The revised application proposes to extend the ground floor forward a total of 1.45m to that already approved, retaining the hipped roof and given the difference in levels it is again considered that there is limited potential of a terracing effect in this case.

The extension has been designed with materials to match the host property and repeating the hipped roof to the side. Therefore, the design and materials

are considered to be acceptable in principle in this case. However, the addition of the ground floor extension adds additional bulk and mass to the property and introduces another roof form by creating a lean-to roof. As the development projects forward of the host property and creates a mixture of roof styles its overall appearance to the front elevation of the property appears less simple in form when compared to those within the street scene.

The previously approved scheme included a first floor rear extension (approved and now built) linked to the 2-storey side extension. This application proposes amendments to the approved plans removing the link which would have created an 'L' shaped 2-storey extension. In this respect, the combined extensions were no longer considered subservient to the property, furthermore the inclusion of the existing detached garage was considered as an additional extension. Whilst the garage could have been removed as part of the previous application in order to reduce some of the bulk it was considered it wouldn't result in a significant change in the overall scale of the extension and the cumulative impact was not considered to be subservient in scale. The proposal now re-introduces the ground floor extension to create a larger open-plan living area, the garage is now proposed to be removed. Alongside this the decking area is extended across the full width of the rear elevation increasing the overall scale and mass.

The assessment of the previous application was considered a very balanced assessment in terms of the impact of the development proposed. Officers concluded that the development would be just subservient to the original dwelling. The proposed addition of a further rear extension combined with the proposed front extension when viewed cumulatively with the proposed approved 2-storey extension, along with the built out first floor extension, are now considered to result in additions that cannot be considered as subservient. Furthermore, the proposal includes infilling the carport, which provided an open aspect to the side extension, which would be lost adding additional mass, and subsequently bulk to the side extension.

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:

In terms of residential amenity, the proposed rear extension now built, and the side extension has already been considered to be acceptable.

Consideration is now on the impact of infilling the carport, two single storey extensions attached to the front and rear elevation of the side extension and extended decking area.

The attached property No.235 is at an acceptable distance not to be affected by the modified proposal in this case.

It is acknowledged that the property to the east of the site, no. 231 Scar Lane, is on a slightly lower level so there will be some potential that the side extension will impact in terms of overshadowing and or overbearing on the adjacent neighbour.

The approved side extension would be built almost on the boundary for the depth of the property in line with the host property and was considered that it wouldn't create any overshadowing of the neighbour's property, given the neighbour is almost due east and the extension is kept within the front and rear elevations of the host property, along with the open sides to the carport.

However, the extension will be extended to the front and rear, along with the carport sides being infilled would lose the open feel. The revised scheme, taking these points into account, would create an unneighbourly overshadowing effect on this adjacent property, given the length of the extension and solid gable wall. This is exacerbated due to the difference in levels between the two properties.

With regards being overbearing, the applicant's drive is at a higher level than the neighbour, combined with the internal floor raised further by 3 additional steps, where there could be the potential that the side extension would have an impact on the neighbour with regards to being overbearing due to the proximity to the boundary. It was considered on the previous application that the potential for overbearing was reduced with the ground floor being a carport with open sides. A condition was imposed removing permitted development rights to convert the carport into additional living accommodation in order to retain some open aspect. Assessing this revised proposal – which includes blocking up the open sides - and the additional rear extension (albeit only single storey) would result in an unacceptable overbearing impact on no. 231 Scar Lane.

With regards overlooking there would be only one window in the side elevation, a secondary window to the bedroom, this should be obscurely glazed in order to prevent overlooking,which could be controlled by condition, if approved. The rear window is shown to be a floor to ceiling window with a Juliette balcony, where there is potential for overlooking given the nature of a Juliette balcony rather than a standard window. However, no objections have been received with regards the original plan and the window will be in line with the existing first floor windows. This is considered acceptable to retain a good standard of amenity.

The previously approved decking would be extended to behind the new extension, where given the height difference would potentially create overlooking. The previous application showed the decking to be 1.3m above ground level, however photos of the site appear to indicate this to be higher. Therefore, if considered acceptable a screen fence at height of 1.8m would be required, along the boundary with No. 231. Albeit this would reduce

overlooking, the screen fence would add an additional solid structure, to the already large expanse of stonework adjacent the boundary. Furthermore, a new fence has already been erected between the applicant's garage and neighbour shed, indicated there is some overlooking and loss of privacy from the new decking area. The garage would also be removed, which currently screens the view from the ground floor windows into the neighbours amenity space, which would be lost, however there is nothing to prevent the removal of the garage, should the applicants wish to remove it at any time.

In conclusion, taking the above into account it is considered that the proposal as amended would result in an unacceptable overbearing and overshadowing effect on the neighbouring property at no. 231 Scar Lane, contrary to Policy LP24b of the Kirklees Local Plan in terms of the amenities of neighbouring properties and paragraph 127 of the National Planning Policy Framework.

Impact on highway safety:

The combined extensions would create a 5-bedroom property, where at least 3 spaces would be required, where the applicant had sent photos to show that 3 vehicles can be parked within the front garden. This is sufficient to demonstrate that adequate parking space can be made available on site to support increased scale of accommodation provided.

The application therefore accords with 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.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property appears to be in a good state of repair, however, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote would be added to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought, if the application was considered to be acceptable

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 the application of policies in the NPPF taken as a whole provide clear reason for refusing the development proposed.

Decision Authorisation - Delegated Powers

Application Number: 2021/91412

Officer Recommendation: REFUSE

Reason for Refusal:

1. The development proposed, by reason of siting, scale, mass and relationship with the host building would fail to represent a subservient addition when combined with previous extensions 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.

1. The proposed development, by reason of its siting, scale and design would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining dwelling at No 321 Scar Lane. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan and paragraph 127f of the National Planning Policy Framework.

Plan Type	Reference	Version	Date Received
Block Plan 1:1250	103/06/2020		21.4.21
Existing & proposed floor plans	101/06/2020	B	21.4.21
Existing & proposed elevations	102/06/2020	B	21.4.21
Photos			21.4.21

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. No negotiation have taken place, given the previous approved applications and previous negotiation.

Recommendation and Authorisation Box

Report Dated: 28.5.21

Coal – none