

**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: 2021/62/91441/W

Site Address: 27, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NT

Description: Erection of detached building to create dwelling forming annex accommodation associated with 27, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NT

Recommending Officer: Katie Chew

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: 28-May-2021

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Officer Report

Site Description

27, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NT

The application site relates to a two-storey stone built end terraced property located adjacent to the junction of Rawthorpe Lane and Dalton Fold Road. The property benefits from garden/amenity areas to the rear and front, with off-street car parking available to the front.

The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of a detached building to create dwelling forming annex accommodation associated with 27, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NT

The application seeks to demolish the existing garage and store to the rear of no. 27 Rawthorpe Lane and replace it with a single storey detached annex building. The proposed building will measure approximately 6.5m x 8m, with a ridge height of 4m. It will provide 1 bedroom, shower room, living room and hallway.

The proposed annex is to be constructed from stone and roof tiles all to match the host dwelling.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2006/92892 – Erection of garage extension. Approved 30th August 2006.

2005/94879 – Erection of garage extension with granny annexe over. Refused 12th January 2006. Appeal dismissed 20th December 2006. The application was refused as:

‘1. The development proposed and in the position intended with windows overlooking existing properties at close quarters would be unacceptable on the grounds of loss of privacy to the existing and future occupants contrary to BE12 of the Kirklees Unitary Development Plan

2. The development amounts to the provision of a separate self-contained unit for which separate provisions should be made for private open space. Failure

to provide adequate space about the building is contrary to promoting a healthy environment. The proposals are therefore considered to be contrary to Unitary Development Plan Policies D2, BE1 and BE2.

3. The site of the proposed development is part of the domestic curtilage of a terraced dwelling and capable of accommodating nothing more than an ancillary domestic scale (single storey) building. The proposed structure because of its height would be out of keeping with its location and would appear incongruous in this setting, contrary to Unitary Development Plan Policies D2, BE1 and BE2'.

2005/92422 – Erection of garage extension with granny annex over. Refused 8th July 2005. This application was refused as:

'1. The development proposed and in the position intended with windows overlooking existing properties at close quarters would be unacceptable on the grounds of loss of privacy to the existing and future occupants contrary to BE12 of the Kirklees Unitary Development Plan.

2. The development amounts to the provision of a separate self-contained unit for which separate provisions should be made for private open space. No such provisions are made and the proposals could lead to increased parking on and around the junction of Dalton Field Road and Rawthorpe Lane to the detriment of highway and pedestrian safety. Failure to provide adequate space about the building is contrary to promoting a healthy environment. The proposals are therefore considered to be contrary to Unitary Development Plan Policies D2, BE1 and BE2.

3. The site of the proposed development is part of the domestic curtilage of a terraced dwelling and capable of accommodating nothing more than an ancillary domestic scale (single storey) building. The proposed structure because of its height would be out of keeping with its location and would appear incongruous in this setting, contrary to Unitary Development Plan Policies D2, BE1 and BE2'.

99/92715 – Change of use of shop to extend existing dwelling, erection of porch and external alterations. Approved 15th November 1999.

91/06676 – Erection of shop extension. Approved 11th February 1992.

89/00314 – Erection of extension to shop with first floor living accommodation extension over and detached garage. Approved 10th March 1989.

Planning Enforcement

PCN/95/196 – Erection of projecting internally illuminated sign without advertisement consent.

Representations

Final publicity date expires:

Neighbour Letters – Expired 26th May 2021

No representations have been received to date.

Officer note: The Council are currently undertaking the legal 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, details of which are outlined above.

Consultation Responses

KC Highways – Comments received 19th May 2021. No objections to the proposals subject to conditions and informatives relating to the annex being for private use only, and the carrying out of works within the highway.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP51 – Protection and Improvement of Local Air Quality**

Supplementary Planning Guidance:

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) updated 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. In this instance the chapters of most relevance include:

- Chapter 2 – Achieving Sustainable Development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

The property is located on a residential street surrounded by similarly aged properties, a number of these properties have been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing, it may be acceptable to extend the host property or provide alterations.

At present the site does include a large, detached outbuilding and garage to the rear. These are to be demolished to allow room for the proposed annex which will be of a similar footprint, however, the proposed annex will have an increased roof height of approximately 0.7m and will appear larger in massing due to the proposed ramp, design and nature of the building. The inclusion of ramped access decreases remaining amenity space between the two building contributing to a cramped appearance.

Previous applications have been submitted and refused at the site for similar proposals, albeit the schemes previously proposed were two storeys in height and therefore larger in scale and size when compared to what is proposed within the current application. Nevertheless, some of the reasons for refusal in applications 2005/94879 and 2005/92422 do still appear relevant in this instance. One of the reasons for refusal refers to the size of the application site as it relates to a domestic curtilage for a terraced dwelling. It is noted that the curtilage is capable of accommodating nothing more than an ancillary domestic scale (single storey) building. This would relate to a detached garage, or a shed/outbuilding. This is not considered to apply to an annex style unit which would provide additional and separate living accommodation. It is acknowledged that since the 2005 applications the proposed annex has been reduced down in scale and size, it is considered that a proposal of this nature would not be deemed as being acceptable in a confined setting/location such as this. The height and scale is considered to dominate the rear garden/amenity space of no. 27, appearing out of character, as well as appearing incongruous within the streetscene and therefore would not be in accordance with LP24 of the Kirklees Local Plan.

The reasons for refusal which relate to residential amenity will be discussed in more detail further into the report.

The materials proposed are to match what is currently found within the host dwelling and therefore are considered to be acceptable. Should planning permission be supported external materials would be conditioned in the interests of visual amenity.

In conclusion, the proposals are considered to be inappropriate in size, scale and massing in this location, and that they would appear incongruous, overly dominant in the general context of this site and out of character. The proposals therefore do not accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B&C of Kirklees Local Plan Policy LP24 which states that proposals should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers”.

Further to this, paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Impact on no. 29 Rawthorpe Lane

This neighbouring property adjoins the application site to the north. Some overshadowing is likely to occur given the orientation and location of the application site to no. 29 however, it is considered that the majority of this overshadowing would fall over no. 29's garage and therefore would not impact on their amenity space or any habitable room windows.

Whilst it is acknowledged that a large building already exists to the rear of the no. 27, this building is used as a garage and workshop, incidental to the use of the main dwelling house, and benefits from a flat roof reducing its impact. The proposed annex would have an increased, more separate, domestic use and would include a pitched roof which would add approximately 0.7m of additional height to the building. Given the buildings location and close proximity to no. 29, it is considered that this additional increase in height and massing would lead to the proposals appearing overbearing in nature and being oppressive on this adjacent neighbouring property. In addition, the proposals would seek the inclusion of a number of windows within the southern elevation which would look out towards no 29's rear elevation and rear amenity space, with a separation distance of approximately 5.5m. This separation distance is not considered to be sufficient to avoid loss of privacy

and overlooking and therefore the proposals are considered to be contrary to local plan policy LP24 of the Kirklees Local Plan.

Impact on no. 2 Dalton Fold Road

This neighbouring property is located to the north west of the application site, approximately 5.8m away. Whilst it is acknowledged that 2 windows are to be installed within the northern elevation of the annex, these are to be small in size and would not have any direct views into any habitable room windows at no. 2. Therefore, there are no concerns in regards to overlooking or loss of privacy. Given the scale and size of the proposed annex there are also no concerns that this building would appear overbearing or dominant on no. 2. It is also noted that some overshadowing will occur throughout the day towards no. 2 however, given the separation distance between the dwellings, any overshadowing should fall across the driveway and access to the rear of no. 27 and therefore not impact on any habitable room windows or useable amenity space for this neighbouring property.

Impact on no. 7 Dalton Fold Road

This neighbouring property is located to the south of the application site on the opposite side of the road, with a separation distance of approximately 12.8m. As no windows are proposed within the southern elevation of the proposed annexe building, there are no concerns in respect to overlooking or loss of privacy on this neighbour. Furthermore, given the separation distance there are no concerns in regards to overshadowing or loss of light. Finally, as the proposals are to be single storey in height and located at a sufficient distance away, the proposed annex is not considered to be overbearing on no. 7 on this occasion.

Impact on the amenity of future occupiers

The proposed living accommodation is considered to be sufficient and in line with recommendations outlined within the nationally described space standards. However, it is noted that the level of outlook from the accommodation would be somewhat poor, with a small high-level window placed within the rear elevation, and a sky light placed within the roof. Due to the proximity to neighbouring development the opportunity to improve this is very limited. In terms of provision of natural light, it is considered that, on balance, the level of amenity for future occupiers, in this respect, is acceptable in this instance due to other rooms within the annex being able to generally compensate by providing additional light.

In conclusion, taking the above into account it is considered that whilst for the most part the proposals would have limited additional impact on most of the neighbouring properties. However, by increasing the buildings height and bulk, whilst also altering the nature of its use, this would lead to substantial overbearing and oppressive impacts on no. 29 Rawthorpe Lane, as well as resulting in the loss of privacy due to the close proximity of habitable room windows which are to be installed within the front elevation of the annex.

Having considered the above factors, the proposal is considered to result in adverse impacts upon the residential amenity of no. 29 Rawthorpe Lane. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of promoting good design by minimising the impact on residential amenity of neighbouring occupiers as well as paragraph 127 (f) of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Given the nature of the proposals the Council's highways officers were consulted. They raised no concerns given that there is on street parking available to side of the dwelling on Dalton Fold Road, and that Rawthorpe Lane hosts a high frequency bus route with stops immediately outside the application site. It is not considered that the annex accommodation would have a severe impact on the operation or efficiency of the local highway network given its proposed use. Highways do recommend that a condition is added which restricts the annex to private use only of no. 27.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

For the aforementioned reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the

Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - 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.

The application has been assessed against relevant policies in the development plan and other material considerations. It is considered, on balance, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/91441

Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development, by reason of its siting, scale, design and relationship with the host building would fail to represent a subservient addition to the property, introducing an unsympathetic, incongruous and overly prominent form of development that would appear cramped and have a detrimental impact on the visual amenity, and character and appearance of the local streetscene. As such the proposals would be contrary to Policy LP24 of the Kirklees Local Plan and paragraph 127 of the National Planning Policy Framework.
1. The proposed development, by reason of its location, scale and proximity to neighbouring buildings would fail to provide an acceptable outlook for future occupants, in addition to detrimentally impacting on the residential amenity of adjacent neighbouring properties due to overlooking and the loss of privacy contrary to Policy LP24 of the Kirklees Local Plan and paragraph 127 of the National Planning Police Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Plans & Elevations – As Existing	A(00)-01	-	8 th April 2021
Plans & Elevations – As Proposed	A(10)-01	-	19 th April 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. No amendments were sought in this instance as the proposals were deemed to be wholly unacceptable, in which minor amendments would not be sufficient to enable a recommendation of approval.

Report Dated:

27/05/2021