

**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: 2021/62/91561/E

Site Address: 92, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Description: Erection of single storey front and single and two storey side and rear extensions

Recommending Officer: Nina Sayers

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.

Paul Dowd

AUTHORISED OFFICER

Date: 22-Jun-2021

Officer Report

Site Description

92 Marsh Lane is a two-storey, detached dwelling in Shepley, Huddersfield. It has a garden and driveway to the front and a garden to the rear. There are two garages erected to the side of the host dwelling, along with a single storey extension to the front. The exterior of the existing dwelling is constructed from stonework walls to the front and brickwork walls to the side and rear, tiled roofing and PVC windows and doors.

The property is located on a residential street, with properties of a variety of ages, materials and designs. It is noted that a public right of way (KIR/139/40) runs along the eastern side of the application site.

Description of Proposal

The applicant is seeking permission for the erection of single storey front and single and two storey side and rear extensions.

Front extension

The proposed front extension would project 2.7 metres from the front elevation of the existing dwelling. It would be 6.1 metres wide and would have a lean-to style roof, with a height to the eaves of 2.8 metres and a total roof height of 3.8 metres. The proposed extension would have two windows and a door proposed in the front elevation. The proposed would serve a study and a porch and would be built on a similar footprint to the existing 2.2 x 6 metre sunroom. The proposal would be constructed from stone walls and tiled roofing to match the existing.

Side extension

The proposed side extension would be built on a similar footprint to the existing garages. It would project 5.8 metres from the position of the side elevation of the proposed front extension. The proposal would be two storeys in height, and it would have the same roof height as the existing dwelling and would align with its front elevation. The ground floor would be adjoined to the proposed rear extension and the first floor would project from the rear elevation of the existing dwelling. There would be a garage door and three windows proposed in the front elevation, two windows in the proposed side elevation and one first floor window in the proposed rear elevation. The proposed side extension would serve a garage, a utility room, a snug and two bedrooms with en-suites. The development would be constructed from render walls in a natural white colour and tiled roofing.

Rear extension

The proposed rear extension would be single-storey and would project 5.9 metres from the rear elevation of the existing dwelling and the rear elevation of the proposed side extension. The proposal would cover the entire width of the existing dwelling and the proposed side extension, a total of 11.9 metres.

It would have a pitched gable roof measuring 2.6 metres to the eaves and 4.9 metres to the total roof height. It would include a door, bi-folding doors and a window in the rear elevation and window in the proposed eastern side elevation. The proposed extension would serve a kitchen and dining area. The development would be constructed from render walls in a natural white colour and tiled roofing.

History of negotiations/amendments received

Concerns were raised over the scale of the proposed development. Amendments were sought to set the side extension back and reduce the roof height of the rear extension. This was negotiated with the applicant and the original plans were considered acceptable given the variety in street scene and number of large developments in the vicinity.

Amended plans were sought and provided with the proposed materials annotated for clarity. The amendments were not re-advertised through neighbour notification letters as the principle of development did not change following amendments.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by neighbour letter, site notice and in the press due to the proximity to a public right of way (KIR/139/40). Final publicity expired on the 16th June 2021.

No representations were received.

No comments were received from Kirkburton Parish Council.

Officer comments will be made in section 6 of this report.

Consultation Responses

No consultees were required for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 proposals maps.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a single storey front and rear and two storey side extension to an existing residential property. The site is without notation on the Kirklees Local Plan (KLP), policy LP1 of which 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.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be located with an existing garden area. The proposed extension would be large in scale, but this is considered acceptable in this instance due to the remaining amenity space and the variety in street scene. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity as well as highway safety.

2 – Impact on visual amenity

Front extension

The proposed development would be for a single storey front extension projecting by 2.7 metres. This is a larger projection than is normally deemed acceptable for an extension to the principal elevation. However, it is considered acceptable in this instance, as it would be built on a similar footprint to the existing front extension and would project by only 0.5 metres further than the existing. The development would be in keeping with the existing property in terms of design and materials.

Side extension

The proposed side extension would be large in scale and would alter the principal elevation of the host dwelling. It is noted that there is variety in the size, materials and design of the surrounding neighbouring houses and, so, the development would be in keeping with the existing property in terms of design and materials. Therefore, it is considered that the proposal would not cause harm to the visual amenity of the existing dwelling or wider street scene. The proposal would share the same roof height and front elevation as the existing dwelling, which is acceptable in this instance, due to other properties in the vicinity having similar extensions approved, such as no. 94. There would be no risk of a terracing effect, as the host dwelling varies from the neighbouring property in design and materials and it remains separated by a public right of way and the neighbouring driveway.

Rear extension

Although large in scale, the proposed development would be single storey and would be to the rear of the dwelling, so it would not be visible from the street scene. The proposed render finished walling would not match the existing dwelling but would be to the side and rear of the proposed development and there are several properties in the vicinity with rendered walling, so this is considered acceptable in this instance.

It is, therefore, considered that this development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 in the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity

Impact on 84 Marsh Lane

84 Marsh Lane is located to the east of the application site and is set down slightly from the host dwelling. The proposed development would project 5.8 metres towards the boundary with 84 Marsh Lane and would have a total single-storey depth of 13.9 metres. The proposed would be built on a similar footprint to the existing, single storey garage and would be separated from this neighbouring property by a public right of way and the neighbouring driveway, creating a separation distance of almost 5 metres. It is, therefore, considered that the proposed side extension would not cause significant overbearing or overshadowing harm to this neighbouring property. Any harm

caused by the proposed rear extension would be shielded by the car port to the side of 84 Marsh Lane and the pitched roof design would take the vertical emphasis away from this neighbouring property.

There would be three windows proposed in the eastern side elevation of the proposed dwelling, which would face the public right of way and 84 Marsh Lane. It would be conditioned that all three windows are obscurely glazed, to ensure that no overlooking harm is caused into, or out of, the proposed extension.

Impact on 94 Marsh Lane

The proposed rear extension is considered to not have the potential to cause significant overshadowing or overbearing impact on this neighbouring property, as it would be single storey and, although the total roof height is high, the pitched roof design would take the vertical emphasis away from this neighbouring property. There remains a significant amount of unaffected amenity space to the rear of this neighbouring property and there would not be any openings in the western side elevation of the proposed extension.

Having reviewed the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The proposed development would include an additional bedroom and would result in one garage fewer than at present. Although the proposed garage is slightly under the required working dimensions, this is considered acceptable, as there is an additional utility room also provided and there remains adequate parking for four vehicles on the existing driveway. Therefore, it is considered that the proposed parking provision is acceptable and, so, the proposed extension would not cause any additional harm in terms of highways safety and the proposal complies with LP21 and LP22 of the KLP.

5 – Other matters

Public Right of Way

Public right of way KIR/139/40 runs to the eastern side of the application site. The proposed development would be built within the curtilage of the existing dwelling and so would not impact on the amenity of its users. There are two ground floor windows proposed in the eastern side elevation of the proposed extension. It would be conditioned that these are obscurely glazed to prevent any harmful overlooking into the host dwelling or onto the public footpath. Please also note the additional footnote in the decision notice, which states that the public right of way must not be interfered with or obstructed, prior to, during or after development works.

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.

The proposal is a domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application, with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a single storey and two storey extensions to the front, side and rear of 92 Marsh Lane, Shepley has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2021/91561

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The roofing materials of the development 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. The external walls of the front 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. The external walls of the front elevation of the side 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 and the aims of Chapter 12 of the National Planning Policy Framework.

5. The external side and rear elevation walls of the extensions hereby approved shall be faced in render painted in a natural white colour as demonstrated in the submitted plans and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

6. The development shall not be occupied until the windows on the eastern side elevation of the extensions hereby approved have been obscurely glazed

(to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and Public Right of Way to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Public footpath KIR/139/40 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-		22/04/2021
Existing plans and elevations	-		22/04/2021
Proposed elevations	-	As amended	22/04/2021
Proposed floor plan and sections	-		11/06/2021

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 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.

Concerns were raised over the scale of the proposed development. Amendments were sought to set the side extension back and reduce the roof height of the rear extension. This was negotiated with the applicant and the original plans were considered acceptable, given the variety in street scene and number of large developments in the vicinity.

Amended plans were sought and provided with the proposed materials annotated for clarity. The amendments were not re-advertised through neighbour notification letters as the principle of development did not change following amendments.

Report Dated: 18/06/2021