

**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: 2021/62/91565/E

Site Address: 82, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Description: Erection of first floor side extension and front porch, alterations to integral garage to extend living accommodation and alterations

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: 08-Jul-2021

Officer Report

Site Description

82 Marsh Lane is a two-storey, detached dwelling in Shepley, Huddersfield. It has a driveway to the front of the dwelling, an integral garage to the side and a garden to the rear. The exterior walls of the property are finished in a variety of materials including brick, stonework, render and timber cladding and the roofing is tiled.

The property is located on a residential street with properties of a variety of ages, sizes and designs.

Description of Proposal

The applicant is seeking permission for the erection of first floor side extension and front porch, alterations to the integral garage to extend living accommodation and external alterations to 82 Marsh Lane.

First floor side extension

The proposed side extension would be built on the footprint of the existing garage. It would project 2.9 metres from the existing first floor side elevation, with a depth of 7.7 metres. The proposal would have a hipped roof, with a height to the eaves to match the existing dwelling and the total roof height would be 6.8 metres, set down 0.8 metres from the existing roof ridge height. The ground floor garage would be converted into living accommodation, with the existing garage door being changed into a window. The first floor would serve an additional bedroom and would have a window in both the front and rear elevation. The proposed walls would be finished in brickwork and tiled roofing to match the existing dwelling.

Front porch

The proposed porch would project from the existing front elevation by 1.5 metres, with a width of 3.6 metres. It would have a flat roof, which would be 2.8 metres in height. There would be windows and a door proposed in the front elevation and a full-length window in the proposed south-western elevation.

Exterior alterations

The proposed development would replace the existing timber cladding with cedar cladding and would render the existing stonework on the front elevation and existing cladding on the rear.

History of negotiations/amendments received

Amendments were sought and provided to amend the white render to an off-white colour in the interests of visual amenity. This was not re-advertised as the amendment poses less detriment to residential amenity than the original proposal.

Relevant Planning History

2010/92838 Erection of two-storey extension and removal of conservatory.
Conditional full permission.

Representations

The application was advertised by neighbour letter. Final publicity expired on the 14th June 2021.

No representations were received.

No objections 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).

Kirklees Council has recently adopted its supplementary planning document on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This document indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the 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 extensions and exterior alterations to an existing residential property. The site is without notation on the 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 extensions within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would be located with an existing garden area. 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

First floor side extension

The proposed extension would be visible from the street scene but would be in keeping with the existing property in terms of design and materials. There is a lot of variety in the properties on the street scene and several neighbouring dwellings have had large extensions permitted and erected. The proposed extension would be set down from the existing dwelling's roof ridge, so would be considered subservient to the host dwelling, which would remain the dominant feature following development.

Front extension

The proposed front extension would be relatively small in scale and so would also be considered subservient to the host dwelling. The proposed would be of a modern design but is considered acceptable, as it would still be in keeping existing dwelling and it would be in a similar location to the existing canopy. Given the variety in the street scene, the proposed is considered to not cause significant harm to the visual amenity of the wider street scene.

Exterior alterations

The proposed material amendments to the property would be considered an improvement to the existing timber cladding, which would be replaced with a more modern cedar wood cladding. It was requested that the proposed white render was amended to an off-white colour so that the impact was less visually striking. Amended plans were received showing render in off-white, which was considered acceptable as there are other properties on the street with off-white rendered walls. Given the variation in materials in both the existing dwelling and wider street scene, the proposed exterior alterations are considered acceptable.

Having assessed all the above factors, it is 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 80 Marsh Lane

The proposed development would not alter the footprint of the existing building, but it would add an additional floor to the existing ground floor side elevation. The proposal would remain a significant distance from 82 Marsh Lane, which is set back and in from the boundary shared with the host dwelling, so no overbearing or overshadowing harm would be caused by the proposed development. There would be no windows proposed in the side elevation, so no additional overlooking harm would be caused by the proposed development.

Impact on 84 Marsh Lane

Most of the proposed development would be to the north-eastern side of the host dwelling and, so, would remain a significant distance from 84 Marsh Lane, to prevent any additional overlooking, overshadowing or overbearing harm.

Having reviewed the above, 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 extension would serve an additional bedroom and the conversion of the existing garage into living accommodation and is, therefore, considered to

result in the intensification in the domestic use of the dwelling from a three-bedroom to a four-bedroom dwelling. Three off-street parking spaces are recommended, so the existing parking provision is considered acceptable, as there is adequate driveway space for three vehicles. Therefore, it is considered that the proposed extension will not cause any additional harm in terms of highways safety and the proposal complies with policies LP21 and LP22 of the KLP.

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.

The proposal is a domestic development to an existing dwelling. As such, no specific measures are 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 first-floor side extension and front porch, alterations to integral garage to extend living accommodation and external alterations to 82 Marsh Lane 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: 2021/91565

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 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall be finished in brown brickwork, off-white render and cedar cladding, as demonstrated on the approved plan "2104-RLDM-00-DR-A-00200-S2 rev. P02", 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.

4. The external roofing materials of the 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.

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	2104-RLDM-00-DR-B-00001-S2	P01	16/04/2021
Existing site plan	2104-RLDM-00-DR-B-00002-S2	P01	16/04/2021
Proposed site plan	2104-RLDM-00-DR-A-00002-S2	P01	16/04/2021
Existing ground floor plan	2104-RLDM-01-DR-B-00100-S2	P01	16/04/2021
Existing first floor plan	2104-RLDM-01-DR-B-00100-S2	P01	16/04/2021
Existing roof plan	2104-RLDM-RF-DR-B-00100-S2	P01	16/04/2021
Proposed ground floor plan	2104-RLDM-00-DR-A-00100-82	P01	16/04/2021
Proposed first floor plan	2104-RLDM-01-DR-A-00100-S2	P01	16/04/2021
Proposed roof plan	2104-RLDM-RF-DR-A-00100-S2	P01	16/04/2021
Existing rear and front elevations	2104- RLDM-00-DR-B-00200-S2	P01	16/04/2021
Proposed front and rear Elevations	2104-RLDM-00-DR-A-00200-S2	P02	07/07/2021
Existing side elevations	2104-RLDM-00-DR-B-00201-S2	P01	16/04/2021
Proposed side elevations	2104-RLDM-00-DR-A-00201-S2	P01	16/04/2021
Existing section	2104-RLDM-00-DR-B-00300-S2	P01	16/04/2021
Proposed section	2104-RLDM-00-DR-A-00300-S2	P01	16/04/2021

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 has, 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.

Amendments were sought and provided to amend the white render to an off-white colour, in the interests of visual amenity.

Report Dated: 08/07/2021