

**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: 2021/62/91675/W

Site Address: 24, Stoney Cross Street, Taylor Hill, Huddersfield,
HD4 6EY

Description: Erection of single storey front extension

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: 23-Jul-2021

SITE DESCRIPTION – 2021/91675

24 Stoney Cross Street, Taylor Hill is an end stone terraced property of three with a stone slate roof. The dwellings within the row are of strong similar character, with no additions to these three properties. There is a small lightweight addition to one of the dwellings further along in the row.

The property benefits from a small paved front yard enclosed with a coursed stone wall with stone coping stones.

DESCRIPTION OF PROPOSAL

The proposal is to erect a front extension to create a porch with WC.

Single storey extension

- 1.7m projection from the proposed front elevation
- 2.7m in width
- 2.55m in height to the eaves; 3.7m maximum height with a lean-to roof

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%2F91675>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to their being limited scope to negotiate given the accommodation required.

RELEVANT HISTORY

None

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 5.5.21, 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 20th July 2021, 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

Supplementary Planning Documents

House Extensions and Alterations Supplementary Planning Guidance (SPD)

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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. This is considered in detail in the report below.

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.

Also, the newly adopted SPD on House Extensions and Alterations, clearly refers to front extension and the potential impact they could have on the character of the area and visual amenity.

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 property is an end terraced property of three, dating from around 1860, located in a residential area of similar properties. The proposed extension would be located on the front elevation within a small, paved area, approx.1.7m by 2.7m, with a lean-to roof.

The proposed extension would be constructed in materials matching those used in the construction of the host dwelling. Matching materials would generally be considered as acceptable.

The extension would be located on the principal elevation with the potential of dominating the existing attractive front façade given its projection and width. It would result in the extension being 0.7m back from the existing boundary wall. Therefore, would appear intrusive within the street scene as outlined in the now adopted household SPD, where the SPD goes on to say that unless the property is set well back from the pavement and the extension is small, subservient, well-designed or wouldn't harm the character of the building, it could be considered to be acceptable. However in this case the extension is not set well back from the road frontage or subservient, and albeit built from matching materials doesn't overcome the concerns with regards its size and prominence within the street.

The extension would also remove the shared boundary wall which is topped with triangular coping stones to allow the extension to be built on the boundary, where this is a period characteristic feature of this 1860's property and would be preferred to be retained. However, it is recognised that the property is not a Listed Building or in a Conservation Area, therefore its loss on balance would be difficult to resist.

Furthermore, the proposed extension would be built up to the front window leaving no separation gap, and albeit amended plans could be received to alleviate this, the extension wouldn't be able to provide the accommodation required and as such Officers have not sought amendments.

For the reasons above, the proposal fails to comply with Policy LP24 of the Kirklees Local Plan (c) and advice in the SPD in that the extension would not be well designed nor subservient to the original building, detracting from the character of the host as well as the row contrary to the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

With regard to residential amenity and the impact of the development on adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking has been assessed. It is considered that there will be no adverse impact on neighbouring properties as the proposal is single storey away from the shared boundaries with neighbours.

Therefore, wouldn't create any overshadowing, overbearing or overlooking in line with policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Impact on highway safety:

The property does not benefit from any off-street parking, and whilst the development would increase the amount of liveable space in the property, given the current arrangements it is not considered necessary to require off street parking to be 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 extension would have no impact on the existing roof structure of the host property as the proposal is single storey.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

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/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: 2021/91675

Officer Recommendation: REFUSE

1. The proposed extension by reason of its design, scale and prominence on the front elevation of the host property, would not represent a subservient addition to the host building or be in keeping with the property in terms of its scale and detailing. The development would appear as an incongruous addition to the host as well as detracting from the row, street scene and character and appearance of the area failing to accord with Policy LP24 (a) and (c) of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing & proposed layout & elevations	DR01	30.4.21

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 negotiations have taken place with the applicant/agent due to their being limited scope to negotiate given the accommodation required.

Recommendation and Authorisation Box

Report Dated:

22.7.21

Coal – low risk

