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:	2021/62/91821/E
Site Address:	38, Riley Lane, Kirkburton, Huddersfield, HD8 0RZ
Description:	Demolition of existing conservatory and erection of two storey rear extension and single storey front extension
Recommending Officer:	Lyle Robinson

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: 05-Jul-2021

Officer Report

Site Description

38 Riley Lane is a period two-storey, stone, mid-terraced dwellinghouse in the settlement of Kirkburton.



Description of Proposal

This is a householder application for planning permission for an approx. 3m projecting two-storey rear extension, some 5.2m to the eaves with a mono-pitched roof, with a very shallow pitch. A 1.6m single-storey front elevation addition is also proposed.

History of negotiations/amendments received

This planning application has been evaluated based on the originally submitted plans. No further amendments were sought thereafter.

Relevant Planning History

2011/92849 Installation of dormer Loft Conversion *Approved*

2006/92777 Erection of dormer *Approved*

Representations

This application was publicised by neighbour letters, which expired on 21-Jun-2021. Following this publicity two letters were received from neighbours/members of the public.

Consultation Responses

Kirkburton Parish Council – no consultation response.

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 in the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- **LP 21** – Highways and Access
- **LP 22** – Parking
- • **LP 24** – Design
- • **LP 52** – Protection and improvement of environmental quality

Kirklees Council has recently adopted its supplementary planning guidance 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 guidance 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 SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 6 – Building a strong competitive economy
• Chapter 8 – Promoting healthy and safe communities
• Chapter 11 – Making effective use of land
• Chapter 12 – Achieving well-designed places

• Chapter 15 – Conserving and enhancing the natural environment
• Chapter 16 – Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Other matters
5) Representations
6) Conclusion/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The proposal is an extension to a dwelling in a settlement. The application site is within a settlement boundary where development such as this is acceptable, subject to the satisfactory taking into account of material considerations such as design and amenity.

The principle of development is thus acceptable.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the KLP, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The front addition is perfectly congruent in its form and scale with the facades of these characterful terraced properties. The adjacent western building is greater in massing and projects forward of the principal elevation at the application site property. The proposed front addition would merely infill this and thus the space about the extension would be more than sufficient to visually absorb this increase in built form.

Turning to the rear addition the increase in massing would be fairly substantial however this addition would not be visible from the public realm such as at the carriageway, Riley Lane. Moreover, the addition would not be massed excessively and would not reach a height greater than the existing eaves height of the host dwelling. The sloping roof, although of shallow pitch, further

renders the proposed extension visually secondary in form. Again, the western neighbouring property's greater height and scale helps to assimilate this increase in massing into the terrace when viewed holistically.

With reference to the Kirklees householder extensions supplementary planning guidance (SPG); although the extension would be built up the boundary, it would not extend materially further than 3m, as signposted in this guidance. Furthermore, the fact that the neighbouring dwellinghouse enjoys a wider outlook to the west as an end of terrace and given its greater eaves and ridge height, the two-storey extension would accord with guidance set out in this document and would meet the circumstances for allowing an extension to be built up to the boundary. This is of course also reliant on residential amenity considerations relating to light and privacy which are assessed further down in this report.

It is noted that a precedent is found further down the terrace, as highlighted in photography by the agent. This is afforded some, limited, weight in the planning balance given that it illustrates the acceptable impact of properties being extended by two stories to the rear in this location. This application however is assessed on its own merits and, for the reasons given above, the impact on visual amenity arising from implementation of the proposal would be acceptable when judged on its own terms.

The palette of materials proposed; natural stone and blue slate inter alia, would be in keeping and acceptable.

The development, therefore, would be acceptable in terms of visual amenity and would comply with policy LP24 of the KLP as well as chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Impact on no. 36 Riley Lane
The existing conservatory at no. 36 Riley Lane faces north and so already has a limited reception of sunlight in daytime hours. The introduction of massing adjacent to the western elevation of the conservatory extension at no. 36 Riley Lane would not result in a significantly reduced transmission of light to this elevation given the retention of light and open space to the east and north here. There is a first-floor window opening at the east facing side elevation of the proposed rear addition, shown serving a study. As a habitable room window this would potentially overlook the neighbouring rear garden amenity space of no. 36 Riley Lane, although would not be the primary window to this room. For these reasons it is considered reasonable and necessary to condition obscure glazing here, and non-opening to a height not less than 1.7m from finished floor level (FFL).

Impact on no. 40 Riley Lane
The rear elevation of this property faces north and so already has a limited reception of sunlight in daytime hours. The introduction of massing adjacent to the eastern boundary of the garden curtilage here and by the north facing ground floor rear window of no. 40 would not result in a significantly reduced transmission of light to this elevation given the retention of light and open space to the west and north here. This property enjoys a greater existing level of light due to its end-of-terrace nature than no. 36 – enjoying sunlight at evening hours to the rear and side elevations – which would not be impacted by construction of the proposed extension at the application site. There is a first-floor window opening at the west facing side elevation of the proposed rear addition at no. 38 Riley Lane, shown serving a bedroom. As a habitable room window this would potentially overlook the neighbouring rear garden amenity space of no. 40 Riley Lane, although would not be the primary window to this room. For these reasons it is considered reasonable and necessary to condition obscure glazing here, and non-opening to a height not less than 1.7m from finished floor level (FFL).

The front addition would not introduce any material light or privacy impacts to either adjoining property. Therefore, the proposal would comply with policy LP24c, in terms of residential amenity.

4 – 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 extension. In this instance given the householder nature of the proposal it is not considered necessary to attach any specific conditions to the Decision Notice, given the above.

Parking
The property benefits from off-street parking, which would not be affected. The access to the public highway would not change. The development concerned is acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

5 – Representations:

Comments from both nos. 40 and 36 Riley Lane have been studied carefully by the case officer and are noted.

Letter of Objection from no. 40 Riley Lane
Comments regarding light are noted but 40 Riley Lane would continue to enjoy a reasonable level of daylight or sunlight given its end of terrace location and no massing would be introduced to block this transmission of sunlight. The loss of approx. 40pc of the view according to this representation letter is acknowledged however there is no right to a view for a homeowner and loss of a view is not a relevant consideration in the determination of a planning application. Likewise, loss of property value is not a material planning consideration and therefore no weight is attached to this consideration in the decision-making process.

Letter of objection from no. 36 Riley Lane
As above the loss views according to this representation letter is acknowledged. However, there is no right to a view for a homeowner and loss of a view is not a relevant consideration in the determination of a planning application. Likewise, loss of property value is not a material planning consideration and therefore no weight is attached to this consideration in the decision-making process.

Privacy is a material planning consideration and concerns here are noted. For this reason, a condition will be attached to the Decision Notice mandating obscure glazing and non-opening to a height not less than 1.7m from FFL so that the privacy of adjoining rear gardens as residential amenity spaces is preserved.

6 – Conclusion/Planning Balance:

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 proposal is acceptable in principle and would provide an acceptable level of visual and residential amenity to neighbours and current/future occupiers. There are no further material considerations in the planning balance to warrant a refusal of planning permission in this instance.

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: 2021/91821
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, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The first-floor windows at the west and east facing side elevations of the proposed rear extension, shown serving the bedroom and study respectively, shall be obscure glazed to a minimum of level 3 on the Pilkington scale of obscuration or industry equivalent, and non-opening to a height not less than 1.7m from finished floor level. Note that the application of translucent film to transparent glass does not satisfy the requirements of this condition.
Reason: Having regard to the residential amenity of nos. 36 and 40 Riley Lane and to comply with policy LP24 of the Kirklees Local Plan.

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	21/630/01		17/MAY/2021
Proposed Plans and Elevations	21/630/04	a	17/MAY/2021
Proposed Block Plan	21/630/05		17/MAY/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 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. In this case, the design of the originally submitted scheme has been found acceptable.