

**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: 2021/62/91976/E

Site Address: 105, Marsh Lane, Shepley, Huddersfield, HD8 8AP

Description: Demolition of conservatory, increase in roof height and formation of dormers and erection of attached garage

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.

Emma Thompson

AUTHORISED OFFICER

Date: 15-Nov-2021

Officer Report

Site Description

The application site relates no. 105, Marsh Lane in the settlement of Shepley. The house on site is a stone built true bungalow with pitched, concrete tile roof. There is a conservatory extension to the rear and garden to the front and rear. Access is via a shared driveway serving an additional three, more recently constructed dwellings.



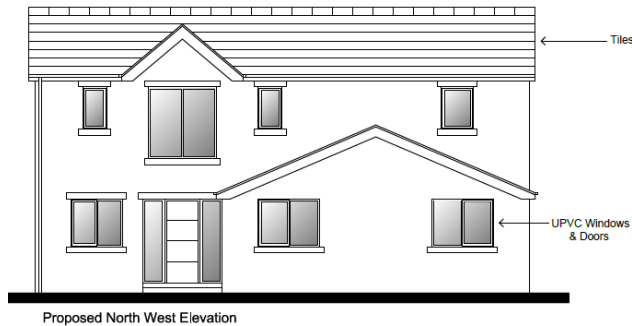
Description of Proposal

This is a householder application for planning permission for the raising of the roof ridge height, insertion of first floor habitable accommodation and the replacement of the conservatory with a lean-to extension. An attached garage would be built at the front elevation.

This is a re-submission of approved planning application 2020/92849 which approved the raising of the roof height to provide additional first-floor accommodation, the erection of a single-storey replacement extension to the rear and a detached double garage to the front. The application proposal at hand

differs from this, extant, planning permission in that it is reduced in scale vis-a-vis the approved scheme, omits the detached garage element in favour of an attached garage bay, and introduced side elevation fenestration.

Approved Front Elevation (2020/92849):



Proposed Front Elevation in this Application:



History of negotiations/amendments received

This planning application has been assessed on the basis of drawings originally submitted with the current application. No further drawing amendments were sought thereafter.

Relevant Planning History

2020/92849 Increase roof height to create first floor accommodation, erection of single storey extension and detached double garage *Approved 23/OCT/2020*

2017/90837 Increase roof height to create first floor accommodation, erection of single storey extension and detached double garage *Approved 03/MAY/2017*

2008/91403 ERECTION OF SINGLE STOREY EXTENSION *Approved 03/JUN/2008*

2008/91215 RESERVED MATTERS APPLICATION FOR ERECTION OF 2 NO DETACHED DWELLINGS WITH INTEGRAL GARAGES *Approved 22/MAY/2008*

2007/93232 PART DEMOLITION OF EXISTING BUNGALOW AND OUTLINE APPLICATION FOR ERECTION OF 2 NO. DETACHED DWELLINGS WITH INTEGRAL GARAGES *Approved 06/DEC/2007*

Representations

Publicity is being taken in accordance with statutory requirements. In this instance neighbour notification letters were sent out and a site notice affixed which expired on 22/JUL/2021. Following this publicity; 2no. letters of objection were received. The issues raised in letters of representation centre around loss of privacy from the proposed gable window openings and loss of light from the raising of the roof ridge.

Consultation Responses

Kirkburton Parish Council – no comment

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.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety 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. It is a material consideration in the determination of planning applications and shall be afforded significant weight. 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 National Planning Policy Framework (NPPF) published 20th July 2021, 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) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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 Kirklees Local Plan (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 application site is in a settlement where development such as this is acceptable subject to the satisfactory taking into account of material considerations.

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

Policy LP24 of the Kirklees Local Plan, 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 existing dwelling is of natural stone construction and is of a rather dated design with an unsympathetic conservatory to the rear; it is located off a small access road serving 3no, two storey, detached dwellings built from natural stone but of a more contemporary design. As with the extant permission; the development would result in a two-storey dwelling with an updated design incorporating a more contemporary front elevation and an overall design that is

more in keeping with the surrounding development. In terms of the scale, it would be comparable to nearby dwellings, if slightly reduced in massing and scale. Whilst there is a relatively small garden to the rear and side it is considered that there would still be sufficient amenity space around the dwelling and the proposals would not amount to overdevelopment. The development would involve the removal of the existing conservatory and replacement with a single-storey extension of more appropriate materials palette and form, which would relate better to the host property.

The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene. It goes on to state that Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene and is usually unacceptable where the roof pitches and heights in the street scene are consistent.

In this instance, the surrounding dwellings are two storey and the resultant redeveloped house at the application site would not impact negatively on the street scene or proportions of the building itself. Consideration should be given to the fallback position of the extant planning permission which approves a greater scaled and height dwellinghouse, albeit prior to the adoption of the SPD guidance on bungalows.

There is ample space about the front elevation to visually absorb the attached garage element, which is less prominent than the fallback position of the detached garage in the extant planning permission. In any case though planning applications are assessed on their own merits and the set back of the house in the building line together with the aforementioned space allows for the garage element visually.

The development therefore would also be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan 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. 103 Marsh Lane (Northern Neighbouring Property)

The increased massing would not cause undue loss of light to this property, given the approx. 13.5m retention at the closest point and the space about the properties. The proposed east facing side elevation gable window, serving the bedroom, would be conditioned to be obscure glazed given that it is not the primary window to this bedroom, to preserve the privacy of rear fenestration windows at no. 103. The proposed front elevation bedroom windows would not

directly overlook windows at no. 103 as the west facing side elevation of no. 103 is a blank gable.

Impact on no. 107 Marsh Lane (North Western Neighbouring property)

The proposed west facing gable side window would be conditioned to be obscure glazed as it does not form a primary window to the room it serves; a bedroom. In any case this window would not directly overlook habitable room windows at no. 107. The space about the properties and set back of the application site host dwelling compared to no. 107 largely negates any loss of light concerns here.

Impact on no. 105b Marsh Lane (Southern Neighbouring Property)

The east facing first floor at no. 105b at the northernmost wing of that house has a habitable room window, a bedroom. Nevertheless, the proposed rear bedroom window at the host dwelling would not directly overlook this window as the angle is too oblique. This was found to be the case with the rear facing window at first floor level in the determination of the extant permission.

Impact on no. 105A Marsh Lane (South Eastern Neighbouring Property)

Land levels fall somewhat southwards and therefore, per the guidance in the Kirklees SPD on house extensions the guideline 21m figure from habitable room windows to one another should be lengthened somewhat dependent on this. At least 26m would be retained from the proposed rear fenestration to the rear fenestration at no. 105A which is acceptable with respect to privacy and impact on daylight/sunlight.

Impact on no. 103A Marsh Lane (Eastern Neighbouring Property)

No. 103A is located diagonally across from the host dwelling, lessening the proposal's impact on it compared to no. 105A. The resultant distance retained, some 23m would be acceptable in this regard. Again it should be borne in mind that this application proposal is reduced in scale from that of the extant planning permission proposal.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

The application proposal would largely not affect access or parking arrangements in comparison with the existing arrangement. The proposed attached garage would provide an internal parking space with space retained within the site for additional off-road spaces as at present.

The development therefore is concerned to be acceptable in terms of highway safety and parking and inconsistent 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 for a domestic extension and alteration. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

Concerns raised in representation pertaining to amenity have been borne in mind and as such, following an assessment, conditions will be appended to the Decision Notice obscure glazing the side first floor gable end windows to ensure an appropriate level of privacy is maintained to neighbouring properties.

Whilst the comments of no. 105 are acknowledged; it should be noted that the resultant distance to windows there would be in excess of the guideline figure set out in the Kirklees SPD on house extensions, even taking into account the difference in levels. Furthermore, weight must be afforded to the fallback position which approves a greater raise of roof ridge height and which is extant.

7 – 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.

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: 2021/91976

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

3. The first floor gable end windows at the south west facing and north east facing side elevations, shown serving the bedrooms, shall be permanently 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 fails to satisfy the requirements of this condition.

Reason: Having regard to the residential amenity of nos. 105B and 103 Marsh Lane and to comply with policy LP24c of the Kirklees Local Plan.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan			12/MAY/2021
Proposed Plans and Elevations	02		12/MAY/2021
Block Plan			12/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.