

**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: 2021/62/92024/W
Site Address: 6, The Grove, Fartown, Huddersfield, HD2 1BL
Description: Erection of single and two storey extensions
Recommending Officer: Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 30-Jun-2021

Officer Report

Site Description

6, The Grove, Fartown, Huddersfield, HD2 1BL

The application site relates to a two-storey semi-detached dwelling located off The Grove in Fartown. The property benefits from both front and rear garden/amenity areas, car parking to the front and a detached double garage.

Materials in the host dwelling include brickwork, render, flat blue/grey roof tiles and white UPVC windows and doors.

Description of Proposal

The application seeks planning permission for the erection of single and two storey extensions.

The proposed two storey side extension would measure approximately 5.8m x 9.5m, with a ridge height of 7.6m.

The proposed single storey extension is to measure approximately 5m x 4m. The single storey extension also includes a deck/terrace area above. The deck measures approximately 3.1m x 4m and is bounded by 1m high glazing. To the south east there is to be a 1.6m high obscured glazed glass screen for privacy. This extension has a height of 3.3m.

Materials proposed include brickwork, render, flat blue/grey roof tiles and white UPVC windows and doors all to match the host dwelling.

History of negotiations/amendments received

No amendments have been sought in this instance as a similar scheme was withdrawn in 2020 due to officers believing that it would cause concerns in respect to both residential and visual amenity. No significant changes have been made to this new proposal to address the previous concerns.

Relevant Planning History

2020/91656 – Erection of two storey side extension and single storey rear extension with terrace above. Withdrawn 7th December 2020.

2010/90244 – Outline application for erection of dwelling with integral garage.
Refused 25th March 2010.

Representations

Final publicity date expires:

Neighbour Letters – Expired 25th June 2021.

No representations have been received to date.

Officer note: We are currently undertaking the legal 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, details of which are outlined above.

Consultation Responses

KC Highways Development Management – No comments received within statutory timescales.

Parish/Town Council Comments

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**

Supplementary Planning Guidance:

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. 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 may be adopted within a short timescale after this application has been determined.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

The site is without notation in the Kirklees Local Plan (KLP), Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption is 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. In this case, the principle of development is considered to be acceptable, and the proposals shall now be

assessed against all other material planning considerations, including visual and residential amenity.

These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. The forthcoming SPD on House extensions follows the principles set out in Policy LP24.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'* and that *'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'*.

The application site is located on a residential street surrounded by similarly aged properties, it is important to note that the dwellings on this street are all two storeys and semi-detached, but they do all vary in size and scale. A number of these dwellings have been extended or altered in some way over the years, it is therefore considered that dependent on scale, design and detailing it may be acceptable to extend the host property.

To the rear a single storey flat roofed extension is proposed, this extension is considered to appear subservient to the host dwelling and is of an appropriate scale and size in this location. The proposed deck area is small in size and will provide a privacy screen to the east.

Moving on to the two-storey side extension, whilst it is acknowledged that this extension is stepped down from the ridge of the host dwelling, and stepped back from the principal elevation, it is of significant scale and massing, this includes a further flat roof projection beyond the existing rear elevation of the property. The host dwelling has an existing footprint of approximately 56.46sqm, the two-storey side extension alone would measure approximately 55.1sqm. Given the scale, size and massing of the proposed side extension it is considered that the proposals would not appear subservient to the host dwelling, being of a similar footprint to the house itself without the ground floor rear extension. The side extension would appear as an overly wide feature which would compete for dominance with the original dwelling. Furthermore, it would serve to unbalance the semi-detached pair of dwellings of which this forms part.

The materials proposed include brickwork, render, flat blue/grey roof tiles and white UPVC windows and doors. As the materials are to match the host dwelling they are considered to be acceptable in this instance.

In conclusion, the proposals are considered to be inappropriate in size, scale and massing in this location, and that they would appear incongruous and overly dominant in the general context of this site. The proposals therefore do not accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. Furthermore the development would not comply with the Council's draft SPD on house extensions.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 5 The Grove

This neighbouring property adjoins the application site to the east and is most likely to be impacted upon by the proposed single storey rear extension and terraced area serving the rear section of the side extension. Given the small scale and size of the proposed single storey extension – and the separation to the upper floor of the two-storey extension - there are no concerns in regards to the proposals appearing overbearing in nature or causing significant overshadowing to no. 5. In addition, whilst it is noted that a door and windows are proposed within the eastern elevation of the two-storey side extension, which would lead out on to the deck area, a 1.6m high obscure glazed screen is proposed along the eastern elevation of the deck and therefore this should provide sufficient screening to avoid overlooking and the loss of privacy at no. 5.

Impact on no. 9 The Grove

This neighbouring property is located to the north west of the application site and is most likely to be impacted upon by the proposed two storey side extension. Whilst it is acknowledged that windows are proposed at ground floor level within the western elevation, 1 of these windows will be for a utility room and therefore will be a non-habitable room, the other is for a bedsit/bedroom. There will be an approximate separation distance of 11.8m and whilst this is less than the recommended requirements outlined within the Council's draft SPD for house extensions, given the orientation of the dwellings to one another and that no. 6 has a detached garage which will obscure the majority of views from these windows towards no. 9, the views

from these windows would not be direct into one another but would be at an angle. Therefore, it is not considered that the proposals would have a significant and detrimental impact on residential amenity. Furthermore, given the separation distance and location of these dwellings there are no concerns in respect to undue overshadowing or loss of light. Finally, whilst the proposals are to be large in scale and size, they would be viewed against the existing two-storey host dwelling at a sufficient distance away. Therefore, the proposals are not considered to be overbearing in nature.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposals would result in some intensification of the domestic use however, the parking area to the front and single detached garage proposed would be of a sufficient size to accommodate at least 3 vehicles. It is therefore considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is located within a Bat Alert Area, based on the results of the Bat Survey Report which was submitted alongside the withdrawn application 2020/91656, which was for a similar proposal to the current application. The Council's Ecologist raised no concerns in respect to roosting bats. It is therefore considered that the same could be said in this instance.

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 small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

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 proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/92024

Officer Recommendation: Refuse.

Reason for Refusal:

1. The proposed development, by reason of its siting, scale and relationship with the host dwelling would fail to represent a subservient addition to the property introducing an unsympathetic, incongruous and overly prominent form of development that would have a detrimental impact on visual amenity and character and appearance of both the host dwelling and the local streetscene. The proposals as such would be contrary to Policy LP24 of the Kirklees Local Plan and Paragraph 127 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Plans and Elevations	SB01	-	20 th May 2021
Proposed Plans	SB02	-	20 th May 2021
Proposed Elevations + Site Plans	SB03	-	20 th 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 have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as a similar scheme was withdrawn in 2020 due to officers believing that it would cause concerns in respect to both residential and visual amenity. No significant changes have been made to this new proposal to address the previous concerns.

Report Dated:

29/06/2021