

**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: 2021/62/92196/W

Site Address: 56, Holly Road, Thornton Lodge, Huddersfield, HD1 3SE

Description: Erection of single storey and first floor rear extensions and front and rear dormers

Recommending Officer: Lucy Taylor

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: 28-Jul-2021

Officer Report.

Reference: 2021/92196

Location: 56, Holly Road, Thornton Lodge, Huddersfield, HD1 3SE

Proposal: Erection of single storey and first floor rear extensions and front and rear dormers.

Site Description.

56 Holly Road is a two-storey terrace property located in Thornton Lodge, Huddersfield. The property is constructed from red brick and has a dominant gable roofing style, infilled with tiles. The property benefits from previous works and extensions, including a single storey extension to the rear. The dwelling is set back slightly from the highway of Holly Road, with an area of hardstanding to the front of the dwelling, but this area does not serve on-site vehicular parking.

The property is located in a residential area where there is a strong sense of similarity within the streetscene. This is because all of the properties share a very similar style of design and construction and therefore, have a harmonising exterior appearance. The next door neighbouring dwellings to the site have been extended, with No.58 to the south west having a single storey rear extension to a similar depth as the one at No.56, and with No.54 having a two storey extension at a similar depth to the rear extension at No.56.

There is an access lane to the rear of the site which serves the rear of properties on Holly Road and Thorne Road.

The application site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a single storey and first floor rear extension and the erection of front and rear dormers.

Rear Extensions:

The first-floor rear extension would be sited above the existing single storey rear extension and would cover the entire footprint of this existing single storey extension and the full width of the rear wall of the dwelling. The extension would be a gable projection, with the eaves of the first-floor extension sitting below the eaves of the dwelling, whilst the ridge would be set below the ridge of the dwelling.

The proposed single-storey extension would protrude beyond the rear wall of the dwelling (beyond the existing single storey extension) at a depth of approximately 3 metres and would cover the full width of the rear wall of the dwelling. The single storey extension is proposed to have a lean to roof and have a maximum height of approximately 3.5 metres and an eaves height of approximately 2.7 metres.

These additions are proposed to be constructed from matching construction materials. No additional bedrooms are proposed within the interior of the dwelling because of these extensions.

Dormers:

Front Dormer = 1.85m (height) x 1.6m (width) x 2.4m (depth) = 3.55sqm

Rear Dormer = 2.5m (height) x 3.5m (width) x 3.25m (depth) = 14.22sqm

Both dormers are box style dormers with flat roofs proposed to be erected above. No additional bedrooms will be created internally through the erection of these proposed dormers.

Relevant Planning History.

At the Site:

- 98/90955 – Erection of two storey extension – approved.
- 99/91228 – Erection of single storey extension (modified proposal) – approved.
- 2020/90566 – Prior Notification for single storey rear extension (6 metres beyond the rear wall of the dwelling) – Prior Approval Not Required.
- 2020/91711 – Erection of single storey and first floor rear extensions and front and rear dormers – approved.

At No.54 Holly Road:

- 2007/90768 – Erection of detached garage – withdrawn.
- 2007/91803 – Erection of detached garage – approved.
- 2010/90407 – Erection of detached garage (modified proposal) – approved.
- 2012/90285 – Erection of single storey rear extension – approved.

At No.58 Holly Road:

- 90/01647 – Erection of 2 storey extension to form car port and bedroom – approved.

Representations.

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 19th July 2021 – two representations were received.

The two neighbour representations raised the following points:

- Proposal is not in line with existing dwellings
- Natural light will be blocked
- Privacy will be blocked with the proposal overlooking neighbouring gardens
- Impacts to the value and sale potential of neighbouring properties and affects to the ability of renting neighbouring properties to tenants

Consultation Responses.

No consultations were deemed necessary.

Policy.

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:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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 2** – Achieving Sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 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

1. Principle of Development:

The site is without notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. Impact on Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Cumulatively the extensions to the dwelling would result in a relatively large addition to the existing dwelling. However, both the single storey and first-floor extensions would not be visible from Holly Road given that existing development would screen them from this highway and although both would be visible from the access lane to the rear of the dwelling, the overall extension beyond the main body of the dwelling is not considered to over-dominate the building. Further contributing to this is the fact that many notable additions are also present to the rear of neighbouring properties, including next door at No.54 where development extends to the very rear of the garden. Material to the determination of this application is that the extensions have previously been granted full planning permission under application 2020/91711 and therefore, the same building line already has the potential to be developed at 56 Holly Road.

Regarding the box dormer to the rear of the dwelling, although considered to be a disproportionate addition to the roof of the dwelling which has the potential to appear as an unattractive feature it could be installed under permitted development (under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) whereby permitted development rights have not been removed at the property. Given this, the rear dormer is considered an acceptable feature.

Previously, dormers have been approved on the front roof slopes of properties along Holly Road notably at No.35 across the road of the site and at No.66. Therefore, this precedent makes it difficult to resist the principle of a front dormer on visual amenity grounds. Furthermore, the design of the front dormer means that it will be a modest addition to the front of the dwellinghouse, of a relatively small size/scale and set appropriately upon the roof slope, meaning that the front dormer is not considered to be an element that would overwhelm the existing dwelling. In addition, the box style and flat roof element helps to reduce the overall bulk and mass of the feature, of a simple form that supports an overall subservient appearance.

The details on the construction materials of the proposed dormer are limited, thereby a condition shall be attached stating that the materials of the works proposed match those of the existing dwelling.

Overall, on balance, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No's 54 and 58 Holly Road, as well as No's 81, 83 and 85 Thorne Road to the rear of the site. It is considered that the proposed extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No's. 81, 83 and 85 Thorne Road:

In relation to these dwellings, located to the rear of the site on Thorne Road, their rear elevations face towards the site. Resultantly, this back-to-back relationship in conjunction with a substantial separation distance of approx. 19 metres means the proposals at 56 Holly Road would not cause undue harm to the residential amenity of these neighbouring properties in terms of loss of light, overlooking or loss of privacy, loss of outlook or the creation of an overbearing effect. It should also be noted that the properties in the area share a locality trend of been situated close and therefore, the relationship between the properties would not be disrupted as a result of development at

56 Holly Road; also, a similar relationship has previously been established between properties within the streetscene as a result of development at No. 54 Holly Road.

No.54 Holly Road

This property adjoins the application site to the east. The rear wall of the proposed first floor extension would follow a similar line to the rear wall of the dwelling at No.54, given the previous developments that have taken place at this neighbouring property. Therefore, given that the extension would protrude from the north and that permission for this scheme has previously been granted under planning application 2020/91711 it is considered that the proposal would not cause harm to No.54 in terms of loss of light, loss of outlook or the creation of an overbearing effect. Furthermore, although the cumulative impact of the developments at both No.54 and the application site have the potential to create a tunnelling effect, given that permission has previously been granted for the proposed works this is not considered detrimental to the residential amenity of No.54.

In terms of overlooking and loss of privacy, the windows in the rear of the first-floor extension and rear box dormer would gain relatively similar views to those already achieved from the rear facing windows within the dwelling, these being oblique views of this neighbouring garden. It is therefore considered that the proposal would not cause undue harm to No.54 in terms of loss of privacy or overlooking.

No.58 Holly Road

This property adjoins the application site to the west. The rear wall of the proposed first floor extension would be in a similar line to the rear wall of the ground floor of No.58 but would be set beyond the rear wall at first floor level by approximately 3 metres. This relationship would be similar to that existing between the first-floor element of No.54 and No.56 at present, given that No.54 is currently set beyond the first-floor rear facing windows of No.56 by approximately 3 metres (this extension at No.54 was approved under 2012/90285 in 2012). Therefore, given that this relationship is considered acceptable from a residential amenity perspective, it can be considered that the first-floor extension to 56 Holly Road would not cause harm to No.58 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

Regarding the proposed single storey extension, this would protrude approximately 3 metres beyond the rear wall of No.58 at ground floor level. Given that the extension would protrude to the north and have a modest depth, it is considered that the resultant relationship between this addition and No.58 Holly Road would be acceptable. It is therefore considered that the single storey rear extension would not cause undue harm to No.58 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

In terms of overlooking and loss of privacy, the windows in the rear of the first-floor extension and rear box dormer would gain relatively similar views to those already achieved from the rear facing windows within the dwelling, these being oblique views of this neighbouring garden. It is therefore

considered that the proposal would not cause harm to No.58 in terms of loss of privacy or overlooking.

For the reasons outlined above, as well as the notable granting of permission for a very similar scheme under planning application 2020/91711, the proposed developments at No.56 Holly Road are not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety:

No parking is provided on site, but the proposal would not result in the creation of another bedroom. Whilst it is noted that the bedroom in the roof space could be divided into two bedrooms, these bedrooms would be relatively modest, and it is questionable as to whether this would result in additional pressure on parking in the locality. Further to this, the site is considered to be located within a sustainable location close to services and facilities, bus routes and Lockwood railway station, thereby reducing the need to travel by private car.

Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Representations:

Two neighbour representations were received, these outlined the following matters:

- Proposal is not in line with existing dwellings

Response: the impacts upon the overall visual amenity of the site and wider streetscene have been assessed in depth within section 2 of the assessment within this report. It was concluded that the overall visual amenity of the proposed developments were in keeping with LP24 of the Kirklees Local Plan and that developments, similar to those proposed, had previously been constructed at the neighbouring properties of No.54 and No.58.

- Natural light will be blocked

Response: A full assessment of this has been undertaken within assessment section 3 of this report. It was concluded that the proposed works to No.56 would not detriment neighbouring properties with regard to overbearing or overshadowing. It is also important to acknowledge here that the rear extensions had previously been granted planning permission under 2020/91711 and therefore, have the right to be constructed without the need for this additional permission.

- Privacy will be blocked with the proposal overlooking neighbouring gardens

Response: A full assessment of this has been undertaken within assessment section 3 of this report. It was concluded that the proposed works would not detriment residential amenity with regard to privacy, given that the additional rear windows proposed would provide a similar outlook as the rear windows in the property at present.

- Impacts to the value and sale potential of neighbouring properties and affects to the ability of renting neighbouring properties to tenants

Response: This is not considered to be a material planning consideration and therefore, will not be taken into account upon the assessment and overall recommendation of this application.

6. 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92196

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan.

3. The external walls and 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.

4. The hereby approved dormer windows shall be either vertically tile hung with tiles that in all respects match those used on the existing roof or be clad in dark grey cladding.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	2005.6	-	2.6.21
Existing Floor Plans	2005.4	-	2.6.21
Grouped Plans and Elevations	2005.2	-	2.6.21
Location Plan	2005.1	-	2.6.21
Proposed Elevations	2005.8	-	8.6.21
Proposed Elevations	2005.7	-	2.6.21
Proposed Floor Plans	2005.5	-	2.6.21

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 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 amended plans were sought or submitted.

Report Dated: 28.7.21