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:	2021/62/92362/W
Site Address:	2B, Dingley Road, Edgerton, Huddersfield, HD3 3AY
Description:	Erection of first floor extension to front and associated alterations (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 19-Aug-2021

Officer Report

Site Description

2021/92362 – 2B, Dingley Road, Edgerton, Huddersfield, HD3 3AY

2B Dingley Road is a detached two storey dwelling with two front projecting elements, one being a two storey projecting 2.3m from the main body of the dwelling with a gable end roof and a bay window to its ground floor projecting a further 0.8m; the other a single storey element projecting 8.6m by 6m in width serving a garage and games room with a jerkinhead roof. There is a small infill front extension between projections.

The main body of the host dwelling is roofed with a jerkinhead roof angled parallel to the highway and its roof ridge height is 7.7m with eaves at 5.2m from ground level approximately. The host dwelling is faced with stone and roofed with artificial slates. It is partially situated on a sloping site.

It is accessed through a shared private brick surfaced drive off Dingley Road and to its front boundary is a row of high hedging atop a stepped stone wall. The ground level falls from northwest down to southeast rendering its eastern neighbour Buckden Manor, No. 2 lower than 2B in relation. 2B is clearly visible within the streetscene whilst Buckden Manor is mostly screened from view by the high hedge.

The property is within the Edgerton Conservation Area and a Bat Alert area, has a Tree Protection Order outside its curtilage to the west (ID: 29/97/t1).

Description of Proposal

Erection of first floor extension to front and associated alterations (within a Conservation Area)

It is proposed to erect a first floor front extension above the existing single storey garage, which would match its dimensions projecting 8.6m from the front elevation by 6m width with a jerkinhead/catslide roof ridge, height of approximately 7m overall and eaves heights ranging from 5.4-4.5m from sloping ground level. This would serve an undesignated room as set out on floor plans.

To the northwest elevation, the ground floor will remain the same with windows and double garage doors and the proposed first floor would have a three paned window and three segmented floor to ceiling bifold glazed doors with a Juliet balcony.

To the southwest elevation, no new openings are proposed retaining the three paned window to the ground floor.

To the southeast elevation, three roof lights are to be inserted with no alterations or new openings to the existing door with stepped access.

Associated alterations proposed are a skylight to the main jerkinhead roof placed southeast of the proposed first storey extension.

History of negotiations/amendments received

The case officer considered the application on review and requested amendments to reduce the impact of the proposal specifically to reduce the size and scale of the first floor extension with the roof ridge height reduced in addition. The agent submitted representations and requested that the plans are assessed as originally submitted. In brief, the counter points made by the agent were:

- The scale of the extension is small and in keeping with the size and scale of the original dwelling
- There is a three storey front gable to the adjacent neighbour
- The asymmetric roof eaves were to match the adjacent eaves of the neighbouring property
- Reducing the roof ridge height would compromise the interior floor space and the full height windows to the northwest elevation
- Reducing the eaves and ridge heights would be too low to provide door height access into the space from the staircase

Officer Note: The points will be assessed within Visual Amenity in the Assessment.

Relevant Planning History

98/92735 – Erection of 5 detached dwellings with integral garages (within curtilage of a listed building). Approved.

97/92574 – Outline application for the erection of 7 no. detached dwellings with garages (within grounds of a listed building and within a conservation area). Approved.

Of relevance:
Beech House, 4 Dingley Road:
2018/90655 – Erection of single storey front and rear basement extensions. Approved.

2013/91519 – Erection of extension to garage and porch and alterations. Approved.
Permitted development rights removed in:

Buckden Manor, 2a Dingley Road:
2009/93613 – Erection of first floor extension over existing garage (within a Conservation Area). 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.
Publicity expired: 22/07/2021

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design –comments made no objection

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 in the Edgerton Conservation Area on the Kirklees Local Plan. This is supported by the 'Edgerton Conservation Area Appraisal' publicly available online.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity**
- **LP 33 – Trees**
- **LP 35 – Historic Environment**

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

of the host property and the wider street scene. This is considered in detail in the report below.

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 12 – Achieving well-designed places
- 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 (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is located within the Edgerton Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area.

Given that the site is unallocated Policy LP1 of the KLP is relevant which 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 NPPF. The principle of developing the site is considered to be acceptable subject to an assessed of visual amenity and heritage, residential amenity, highway safety and all other material planning considerations.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seeks to secure good design in all developments by ensuring that under LP24 c) extensions to be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details".*

With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset".* The application has also been assessed by the Senior Heritage Officer.

In addition the adopted 'House Extension and Alterations SPD', specific design guidance under paragraph 5.13 (p.27) sets out that:

> *"Front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable."*

And under paragraph 5.14 (p.27):

> *"Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*
>
> - *The house is set well back from the pavement or is well screened; and*
> - *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
> - *The materials and design match the existing features of the original house; and*
> - *The extension would not unreasonably affect the neighbouring properties."*

The proposal seeks to erect a first floor extension over an existing garage which projects significantly from the front of the host building. The extension would be two storeys to the front with an asymmetrical roof where the rear eve's height is set at a lower level. It is considered that the proposed extension would be significant addition to the host property, which the Conservation and Design Officer has stated would be a dominant feature. However it is noted that the extensions prominence is somewhat reduced in the street scene by the dwellings position set back from the main highway off Dingley Road by around 10 metres. Furthermore whilst the addition would be visible when traveling in a south easterly direction, when traveling north westerly any views are restricted by the dense boundary hedging. It is therefore considered that the site is not overly prominent with the local street scene and would have a limited impact on the overall streetscape.

The conservation Officer has concluded that the extension would have no direct impact on any individual designated or non-designated heritage asset and would avoid any imposition on the important boundary features of the conservation area. The proposed development would not diminish the character and appearance of the designated conservation area, thereby accord with the requirements of Policy LP35.

Notwithstanding this the SPD advises that front extensions should be of a small scale, subservient to the original building and well design. Whilst not considered to be small in scale it is accepted that the overall height of the extension has been limited to the rear with the asymmetrical roof and the roof ridge line is set down from the main roof being of a similar height to the other two storey projecting element. This combined with the use of matching materials assists in the extension being well designed and overall in keeping with the design of the host property and subservient.

Furthermore it is noted that the agent has put forward that other properties in the row include significant features to the front. With the adjacent No. 4 has an original three storey front gable (set out in 2011 plans) with an additional single storey front extension (permitted in 2013/91519). The neighbouring No. 2a had a first storey extension permitted in 2009/93613 being similarly of close relationship to the highway.

In light of the above assessment the proposed extension is on balance considered to have an acceptable impact on visual amenity and would accord with Policies LP24 and LP35 of the Local Plan and Policies in the SPD and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*"

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities. The closest properties to be affected by the development are No. 3 Buckden Road (northeast), No. 4 and 6 (northwest), No. 2a (southeast) and No. 1 (southwest).

With regard to No. 3 to the rear, the proposed would be screened from view by No. 2B's massing and therefore would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

Considering impact to No. 4, the first floor front extension would be placed forward of No. 4 and would be mostly screened by the mass of No. 2B to the southeast of the property rear and east of the property. Whilst it is noted that there would be windows to the northwest elevation, they would not have sightlines to No. 4 and further separated in distance to No. 6's windows, with a large TPO'd Tree in between, would ensure that there would be no additional detrimental overbearing, overshadowing or overlooking impact.

Turning to No. 2a, the first floor front extension would be northwest of No. 2a and be separated 10m from No. 2a with only skylights facing the property which given the change in ground levels with 2a at a lower level would limit views out of the skylights. The dropped eaves facing No. 2a would reduce the scale and massing of the first floor extension and on balance would not lead to detrimental impact on overshadowing, overbearing and overlooking.

The proposed first floor extension would be blocked off from No. 1 being screened by the high hedging present between the two properties and therefore would not contribute to detrimental overbearing, overshadowing or overlooking impact.

In light of the above the proposal would accord with Policy LP24 of the Local Plan.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area and under informal assessment by the Ecology Officer, the proposals are relatively modest on a newbuild property and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Trees

The proposed development would not disturb the roots of the TPO to the northwest of the property and would be 15m distance to the crown of the tree separated by hard surfacing. It is considered that the potential impact of the works, if permitted, would not lead to harm to the tree or lead to works required in order to allow the scheme.

6 – Representations:

No representations had been received.

7 – 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 within its setting and similar examples nearby with the support of the Conservation and Design Officer that the application would accord with LP24 and the NPPF, and that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2021/92362

Officer Recommendation: Full Conditional Permission

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, as amended by the Planning and Compulsory Purchase Order 2004.

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 with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

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.

NOTE: The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan	-	09/06/2021
Plans - Grouped Plans and Elevations	Plans as Existing. Drawing No. LS/02.	-	09/06/2021
Plans - Grouped Plans and Elevations	Plans as Proposed. Drawing No. LS/03	-	09/06/2021
Supp Info – Conservation/Heritage Assessment	Heritage Statement	-	09/06/2021

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 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. The applicant was approached regarding amendments to the scheme however the application has been determined based on the submitted plans.

Report Dated: 16/08/2021