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:	2021/62/92701/W
Site Address:	3, The Orchard, Golcar, Huddersfield, HD7 4PS
Description:	Erection of replacement of rear extension and garage conversion (within a conservation area)
Recommending Officer:	William Simcock

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: 01-Dec-2021

Officer Report 2021/92701
3, The Orchard, Golcar, Huddersfield

Site Description

3 The Orchard is a two-storey detached house which has its front elevation facing west and forms part of a small modern housing development served by a short unadopted road. The modern estate is siting among generally much older development, dominated by terraced houses. The property has a parking space and a small open landscaped area at the front, with most of the amenity space being at the rear. It has a conservatory at the rear, aligned towards the southern side wall, whose date of construction is unknown but according to aerial photographs has been there since at least 2009.

Description of Proposal

The proposal is for the erection of a rear ground floor extension of 4.0m projection and 3.9m width, forming a lounge and replacing the existing conservatory, and for the conversion of the garage to living accommodation.

The rear extension would be aligned towards the southern end of the eastern elevation. It would have a gable roof and it is proposed that all walls be externally rendered. The rear and southern side elevations would be blank walls, with windows in the north-facing wall only.

The garage would become a study and music room, with the lower part of the garage door walled up and a window installed in the upper part.

History of negotiations/amendments received

The case officer initially requested that the plans be amended to use matching materials but it was eventually decided that the application could be determined in its present form without amended plans.

Relevant Planning History

2002/91302 – Erection of 5 no. detached houses with integral garages. Approved and implemented.

Representations

Final publicity date expires: 11-Aug-2021 (publicity by neighbour letter only since the application, owing to its scale, nature, being attached to a modern

building and with limited visibility from the highway, was not considered to materially affect the Golcar Conservation Area).

No representations were made.

Consultation Responses

No consultations were considered necessary on this occasion.

Conservation & Design were not formally consulted since the proposal was considered to have, at most, very limited potential for impact upon heritage assets. Outcome of informal consultation: the Conservation Officer's opinion was that stone would be preferable to rendering for the rear extension.

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 within the Golcar Conservation Area on the Local Plan.

Local Plan:

LP 21: Highway safety and access
LP 22: Parking
LP 24: Design
LP 35: Historic environment

Supplementary Planning Documents:

- KC Highways Design Guide 2019

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. 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 SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The following two documents have also recently been approved by Cabinet and these can be viewed at: https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx

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
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development: The site is in the Golcar Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Chapter 16 of the NPPF states that harm to heritage assets (including Conservation Areas and buildings within them) should not be allowed without a proportionate justification based on public interest.

Turning to the Local Plan, LP35 states that development proposals must preserve or enhance the significance of designated heritage assets, maintain local distinctiveness whilst allowing innovative design where it would not harm heritage assets.

Also of relevance is Policy LP24(c) which requires 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

2 –Impact on visual amenity: Under the Householder Extensions and Alterations SPD, rear extensions should normally preserve at least half the original rear garden, be in keeping with the style of the house, not exceed 4m in height or project more than 4m (for detached dwellings) , eaves to be 2.5m or less, and retain a 1m gap before the property boundary.

The proposed extension would comply with the dimensions set out above and would also maintain a gap of about 800mm from the boundary. In terms of scale, layout, roof style and relationship to the host building, it is considered that it would respect the character of its setting and surroundings. Roof pitch appears to be a little shallower than that of the host dwelling but as it is clearly subordinate this is not considered problematic. The window style is considered to be in keeping with the age and style of the property. The development would be seen in the context of modern development, first and foremost, and would not be clearly visible from the public highway.

The use of matching artificial stone would ideally be preferred but the developer has chosen to use rendered block because, according to the agent, the type of artificial stone originally used is no longer available. Using rendering is deemed acceptable in the circumstances, and may be better in visual terms than using approximately-matching stone, provided that it is either through-coloured off-white or in a yellow-brown colour to closely match the stonework, which can be conditioned.

The partial walling-up of the garage door opening, the architect has explained, would be undertaken using artificial stone recovered from the demolished conservatory, which can also be conditioned, and the window style would match that of the existing dwelling.

It is considered that in this context the extension would conserve the character and significance of the Golcar Conservation Area and subject to the above condition it would comply with the aims of Policies LP24 and 35 and the NPPF Chapter 16.

3 – Impact on residential amenity: The following paragraphs from the SPD are especially important:

> 4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.
>
> 4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.

The development does not quite achieve the recommended 1m offset from the near side boundary, and furthermore the dwelling is set further east, or further back into the site, than its neighbour to the south number 4. The extension, whilst it would have a greater solidity, mass and visual impact than the conservatory it replaces, is not considered to represent an overbearing impact since there is also a gap on no. 4's side between the boundary and the house wall, the extension is single storey, and being placed to the north of no. 4 would have little or no impact on direct sunlight.

From aerial 3-D images it can be seen that no. 4 has a large ground floor window in the approximate mid-point of the rear elevation. If the internal layout is the same as for no. 3 this would be the kitchen and therefore usually classed as non-habitable. Even if classed as habitable, it would appear the distance from the mid-point of the window to the near side wall of the extension would be 5.1m, so the 45 degree rule would just about be complied with.

The side-facing windows in the extension would be about 5.7m from the boundary with 2 The Orchard's land which is considered too far away to compromise privacy.

In conclusion, it is considered that the development would not result in a significant adverse impact upon residential amenity and would comply with the aims of LP24(b).

Permission should be subject to there being no windows formed in the south-facing elevation so as to protect privacy.

4 – Impact on highway safety: The proposed extension would create additional floorspace but would not involve an increase in the number of bedrooms.

The Orchard is an unadopted road off Carolan Court, neither of which appear to have any formally allocated visitor parking. According to the original application plans, all the dwellings forming part of the development are 4-bedroomed. The Householder SPD (part 4.6) recommends, as an initial point of reference, that a dwelling with 4 or more bedrooms provides 3 off-street parking spaces.

The dwelling as is just about complies in that it provides two external spaces plus a single garage, which would be lost. Given the size of the house and the plot, it considered unlikely it would ever be occupied by a large family who would require more than two spaces on a regular basis, and according to the original plans the smallest bedroom would not meet the current internal floorspace requirements set out in the Nationally Described Space Standards and would therefore not be classed as a bedroom if a similar application were being determined today. Furthermore, the existing garage does not meet modern space standards and it is therefore debatable whether it can be regarded as helping to fulfil the demand for parking generated by the

development. It is therefore considered that it would be difficult to substantiate a refusal on the basis that losing the existing garage would result in a material increase in uncontrolled on-street parking to the detriment of highway safety or convenience.

In conclusion the proposal is judged acceptable under Policies LP21 and LP22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but the building, given its age, is unlikely to have bat roost potential and in any case the extension would not affect the roof structure. The standard precautionary note will be added to the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a small extension to an existing building within an urban area it is considered however that that it would not contribute significantly to carbon emissions. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: No representations have been made.

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

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2021/92701**

Officer Recommendation: CONDITIONAL FULL 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.

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(a) and (c) of the Local Plan.

3. Any external rendering shall be through-coloured either off-white or a yellow-brown colour to match closely the stonework on the existing building. The roofing materials used shall in all respects match those used in the construction of the existing building, and the stone used in the exterior work to the front elevation shall be undertaken using the stone from the existing conservatory.
Reason: In the interests of visual amenity, to ensure that the development conserves the character of the Golcar Conservation Area, and to accord with the aims of Policy LP24(c) and LP35 of the Kirklees Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings shall be constructed in the external southern side wall of the extension at any time.
Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			01-Jul-2021
Location plan			01-Jul-2021
Block plan			01-Jul-2021

Plan Type	Reference	Version	Date Received
Existing plans and elevations	01		01-Jul-2021
Proposed plans and elevations	02	A	21-Jul-2021
Heritage statement			07-Jul-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 case officer initially questioned the choice of external materials but ultimately came to the conclusion that the use of rendered block was preferable to non-matching stone and it was therefore considered acceptable on the basis of the originally submitted plans.

Report Dated: 30-Nov-2021