

**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: 2021/62/93107/W

Site Address: 10-12, Thorne Road, Thornton Lodge, Huddersfield,
HD1 3JJ

Description: Erection of extension to form car port with terrace
above

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: 24-Nov-2021

Officer Report

Site Description

2021/93107 – 10-12, Thorne Road, Thornton Lodge, Huddersfield, HD1 3JJ

No 10-12 is a mid-terraced, two storey property when viewed from the primary elevation and a three storey from the rear elevation. It is constructed of stone with tile roof. It has a shared hall way with No.14-16 cutting through the property providing direct access to the rear. There is a driveway to the fore with space sufficient for two off street parking spaces.

There is a pre-existing balcony/raised platform to the rear shared with No. 14-16 providing external steps to the lower ground which is 4.7m width (from the shared hallway) and projecting 1.1m from the rear elevation and is 2.4m height. It is constructed of stone base and metal railings. An external staircase extends 3.2m from the existing balcony and be 0.9m width approximately leading into the lower ground outside amenity space.

There is a 2m height stone boundary wall elevation to the west, east and north adjacent to the rear access way with some timber fence panel insets. The property is in a mainly residential area using similar material palette as the host with some red brick houses nearby and evidence of a range of extensions.

The access road is unadopted noted as 'Access to Side of 26 Thomas Street', the site is not within a Conservation Area or a Listed Building, affecting the setting of or adjacent to a PROW. Permitted Development Rights are retained.

Description of Proposal

Erection of extension to form car port with terrace above

It is proposed to erect a carport with a balcony extension above spanning the full width of the host's rear elevation. The balcony would act as the roof to the car port extending 3m from the rear elevation of the property and be 7.1m width to join a pre-existing elevated balcony to match its height at 2.4m.

The carport would have stone walls to its west and east elevations 2.4m height approximately both sides and 3m approximately projection from the rear elevation of the host. Pillars 0.3m by 0.3m would be used to support the balcony in addition to the stone walls. The elevated platform would be bounded by a metal open slat fence 1.1m in height from the platform to match the existing.

The existing staircase would be unaltered.

To the west and east boundary a new retaining wall would be 0.6m deep and extend 5.9m in width and be constructed of stone to match the host dwelling. The north site boundary wall is to be removed for vehicular access to the car port. The driveway would be surfaced with a slope not to exceed 1:8 to chase it with the rear access road and provide car access. It is noted that extensive excavation would be required to facilitate the parking area. This would provide off-street parking sufficient for two cars. An Acodrain would be connected to the main.

Openings proposed are to rear only with modified existing window at ground floor to be bifold doors and at lower ground a door will be retained.

History of negotiations/amendments received

The case officer considered the application on review and sought clarification on the boundary wall treatment to the rear and how access would be provided to the car port on plans.

Relevant Planning History

90/02444 – New Stone External Skin to Gable. Approved.

93/05481 – Rebuild Gable Wall. 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: 20/09/2021

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):

- Highways Development Management – No Objections.
Officer Note: The HDM officer was re-consulted following changed plans to boundary walls

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. It is within a Low Coal Risk area and is not within a Bat Alert Layer.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

Kirklees Council has adopted its 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.

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

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 without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever

possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extension and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”.

In addition, Principle 1 – Local character and street scene, Principle 2 – Impact on the original house, Principle 7 – Outdoor space and paragraph 5.5 on Balconies of the 'House Extension and Alterations SPD' is relevant.

The car port would serve to extend an existing rear balcony in width and projection and it could be regarded that as a pre-existing feature of the local character of the area adapting to the change in ground levels between the dwellinghouse that this would be acceptable. In addition, it would not be sited at locations sensitive to noise or disruption being screened by surrounding buildings and therefore on balance considering paragraph 5.5 of the 'House Extension and Alterations SPD' would be acceptable if impact on residential amenity is also acceptable.

It would be constructed in matching materials to the host building and would reduce the boundary wall elevations to the west and east in height which would reduce the current blank elevation and add some openness to the streetscene while being in keeping according with LP24 and Principle 1 and 2. The scale and height of the carport up from the lower ground would have its impact further reduced by the open, permeable structure beneath which when viewed against the three storeys would be considered subservient. It is set to the rear of the dwellinghouse which would lead to restricted views from the streetscene only from Thornton Lodge Road up the unadopted access-way and therefore would be of minimal visual impact to the streetscene.

The proposal would also retain sufficient outdoor amenity space to ensure that the scheme does not represent an overdevelopment of the site.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD'.

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.”

In addition, the 'House Extension and Alterations SPD' is relevant concerning Principle 3 – Privacy, Principle 4 – Habitable rooms and side windows, Principle 5 – Overshadowing/loss of light and Principle 6 – Preventing overbearing impact.

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. 52 Thornton Lodge Road (north), No. 14-16 (southwest), and No. 54 Thornton Lodge Road (northeast).

No. 52 Thornton Lodge Road (north)

Currently No. 10-12 has a shared balcony with No.14-16 which is proposed to be wider and to project from the rear elevation of No. 10-12 by 3m; while this would bring the pre-existing overlooking relationship closer to No. 52's rear garden and others beyond with a separation distance of 9.2m, it is acknowledged that No. 52 has a two storey rear extension blocking views into the main body of No.52's habitable windows by its mass and bulk. There is a small secondary window on No.52's first floor facing the proposed site which is to the northeast which would not have direct views however would have a separation distance of 9.8m approximately. The removal of the rear boundary wall to No. 10-12 presently acting as screening would increase openness and therefore some potential for increased views into the rear garden of No. 52 however no direct views into habitable windows would result. Turning to paragraph 5.5 of the 'House Extension and Alterations SPD', balconies should be

“Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.”

Given the nature of the proposal to provide driveway access from the unadopted road to the car port necessitating that the rear garden boundary to be removed, the issue falls on whether that the loss of screening is detrimental enough to No. 52's home or garden to refuse. No. 52's garden wall adjacent to the unadopted access road is of relatively low height at 0.5-0.6m approximately which does not screen the garden from the access road. Considering the minimal impact on a singular seemingly non-habitable window, no impact to habitable windows and the cumulative impact of the removed boundary wall and the pre-existing low wall, it could be regarded that the pre-existing nature of the overlooking would be acceptable on balance. Turning to overshadowing and overbearing harm, the permeable structure would be set at a roof for the lower ground level of No. 10-12, south of the dwellinghouse and separated sufficiently by 9.8m not to contribute towards detrimental impact to the neighbour in that respect.

No. 14-16 (southwest)

The proposed carport and balcony extension to the pre-existing shared balcony would be to the northeast of the property which would not cause any detrimental impact on overshadowing to its rear elevation windows. The balcony would adjoin an existing shared balcony and the increased projection of the new balcony area would not be so large to afford direct views into its rear elevation windows and with the pre-existing relationship between the properties would not increase overlooking or privacy to have a harmful affect. The permeable and relatively lightweight structure with its openness viewed against the rear elevation and set away to the northeast of a pre-existing balcony would not be regarded as overbearing to No. 14-16.

No. 54 Thornton Lodge Road (northeast)

The proposed carport with balcony/terrace roof would overlook its facing blank elevation and a parking area to the side of No. 52 and therefore would not increase any overlooking. It would bring a pre-existing balcony area closer to their elevation, being set on the lower ground floor of No 10-12 facing north and would not be considered to cause any detrimental harm to overshadowing or overbearing to No.52 for these reasons.

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 increase off street parking to two spaces and therefore would not cause additional harm to highway safety.

It is noted that the proposal would install a sloped drive (1:8) and a Acodrain is detailed on the submitted plans to deal with surface water run off which would be connected to the main drain. Such an arrangement is not ideal in terms of flood risk prevention as typically permeable surfaces is preferred or for the water to drain within the site. However given that sloped nature of the drive, the currently already hard surfaced nature of the garden space, the additional surface water run off into the main sewer would be relatively limited, and therefore on balance there is no objection in this instance to such an arrangement.

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.

Retaining walls and land stability

It is noted that the proposal would require the construction of new retaining walls to facilitate the formation of the parking areas. Paragraphs 183 and 184 of the NPPF clearly state that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

Any new retaining works required to form the parking area would be located within the application site, whilst it is acknowledged that they are up to the shared boundary land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The developer/ applicant would be responsible for ensuring that adequate site investigation information was obtained, prepared by a competent person, to demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwelling or the existing occupiers of neighbouring properties from land stability, in accordance with the NPPF and Policy LP53. An advisory note will be attached to the decision notice advising the applicant of this.

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93107

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.

NOTE: Land Stability: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner.

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Existing Elevations	Front and Rear Elevations. Drawing No. TR-A21-0703-003. Revision: D.	D	07/10/2021
Plans – Existing Elevations	Left and Right Elevations. Drawing No. TR-A21-0703-002. Revision: D.	D	07/10/2021
Plans – Existing Elevations	Existing 3D Elevation. Drawing No. TR-A21-0703-004. Revision: D.	D	07/10/2021
Plans – Existing Floor Plans	Existing Plans. Drawing No. TR-A21-0703-001.	D	07/10/2021

Plan Type	Reference	Version	Date Received
	Revision: D.		
Plans – Proposed Elevations	Left and Right Elevations. Drawing No: TR-AR1-0703-011. Revision: D.	E	04/11/2021
Plans – Proposed Elevations	Front and Rear Elevations. Drawing No. TR-A21-0703-012. Revision: E.	E	04/11/2021
Plans – Proposed Elevations	Proposed 3D Elevation. Drawing No. TR-A21-0703-013. Revision: E.	E	04/11/2021
Plans – Proposed Floor Plans	Proposed Floor Plans. Drawing No. TR-A21-0703-010. Revision: E.	E	04/11/2021

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 requested the applicant submit updated plans reflecting the boundary treatment of the development to assess impact on the streetscene and highway safety.

Report Dated: 23/11/2021