

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:	2021/62/94270/W
Site Address:	231, Fleminghouse Lane, Almondbury, Huddersfield, HD5 8TY
Description:	Erection of hip to gable front extension, side dormers, single storey canopy to front elevation and rear balcony and associated exterior alterations
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: 26-Jan-2022

Officer Report

Site Description

2021/94270 231, Fleminghouse Lane, Almondbury, Huddersfield, HD5 8TY

No. 231 is a detached bungalow with an attached garage, situated on sloping ground falling from northeast to southwest (it is one storey however when the ground drops it is 1.5 storey and has steps down to its side access path). There is a wide driveway 15m length with capacity for 3 off street parking spaces. The garage's internal dimensions are 3m by 5m approx. The sloping section of the site is landscaped grounds to the front part bounded by low stone wall. A side path leads to its rear garden bounded by low hedging to the north, green growth to the rear and a high timber fence on the neighbouring elevated ground to the south. The roof form is hipped to front and gable end to rear. Its south roof elevation benefits from solar panel installation.

To the east, it overlooks open ground designated Housing Allocation HS9 in the Kirklees Local Plan facilitated by a rear balcony 1.7m from ground extending out 1.9m with a glazed balustrade.

The property is rendered to front and red brick to base and side/rear elevations with interlocking concrete tile roof.

It is not within a Conservation Area but 25m southwest of the site is a Grade II Listed Building 246 Fleminghouse Lane. No. 246 has its primary elevation to the south and has its gable end roof facing the highway with high hedging and additional screening by tree. To the south of the site is a PROW (HUD/123/60). Permitted Development Rights are retained.

Viewing the immediate area, it is residential with some variation of extensions and one example of a side dormer extension further up the hill. Material palette is mixed with variation in the architectural style locally.

Description of Proposal

Erection of hip to gable front extension, side dormers, single storey canopy to front elevation and rear balcony and associated exterior alterations

Hip to gable front extension

It is proposed to form a new gable end feature to the highway extended approx.. 4.7m. It would have two sections of gable end windows. It would have the same roof ridge height and eaves of the existing roof. This would add 123.6 cubic metres of roof accommodation approximately.

This would serve to add an extra floor of living space to be master bedroom and ensuite to rear, bathroom with staired access to middle and two bedrooms to the fore.

Single storey canopy

This inverted L shape canopy is to be erected to the front elevation around the entrance. It would extend 1.4m from the front elevation, 5m width and be 2.5m in height. The material proposed is pressed aluminium in dark grey.

Side dormers

It is proposed to erect three pitched roofed side dormers of which dimensions are:

Projection from roof plane: 4.45m

Roof ridge height: 2.8m

Eaves height: 1.8m

They would be of varying widths and their positions to the:

Rear: 2.5m

Middle: 2.4m

Front: 2.7

They would be approximately 11.31, 10.86 and 11.83 cubic metres by volume added approximately. Openings proposed are two paned windows in each facing north. They would be set above the roof ridge height of No. 229 and serve bedroom, bathroom and ensuite.

Exterior alterations

The existing rear window would be enlarged, accommodated within the roof.

Sections of cedar cladding would be used to the front elevation and the cheeks of the dormers and cream render to the dormer faces. The primary elevation would have its existing brick base rendered to match the rest of the elevation.

An existing chimney is to be removed off the north roof elevation.

Overall volume added to roof would be 157.6 cubic metres approximately.

Interior alterations

This would add two beds to form a 4-bed property.

The ground floor would be re-configured to have a repositioned snug and extend the kitchen to be a kitchen dining room to the rear and to add stairs to the new roof accommodation.

Parking and Bins

Both would remain as existing.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

No previous planning applications for this site.

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: 28/12/2021

Site Notice Expired: 24/12/2021

Publicity expired: 31/12/2021

No representations have been received.

Consultation Responses

No technical consultees required.

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 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**
- **LP 30 – Biodiversity**
- **LP 35 – Historic Environment**

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
- Chapter 15 – Conserving and enhancing the natural environment
- 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 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, residential, historic 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 and Chapter 12 of the NPPF, which seeks 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 Principle 8 – Energy efficiency, of the 'House Extension and Alterations SPD' is relevant. The proposal would have a hipped to gable end roof extension which would add some additional bulk to the primary elevation however its set back in relation to the highway and its matching concrete tile roof similar pitched to

existing roof would aid it in harmonising with its host building. There would be gable end windows to the roof space facing the highway and the PROW which would be of a contemporary design not seen in the streetscene, however these are relatively small openings which follow an existing opening on one side and are considered to be acceptable. The addition of natural cedar cladding material in sections would add a warm natural tone to the primary elevation and aid in breaking up the render along with the added glazed sections so the render does not overly dominate visually into the streetscene. It is noted that the use of render is a material used in the streetscene and also on the Listed Building. The canopy would be dark grey metal and have its profile be of contemporary design which would contrast subtly with the cedar and render to provide a similarly colour material palette to the roof tile colour aiding in harmonising it within the plot and streetscene while evolving the design.

The proposed three side dormers while being of limited width individually, collectively they would occupy the majority of the roof on the side of the property and would add bulk and massing to one side of the host. It is acknowledged that the use of pitched roof side dormers is not a common feature within the streetscene, however the steepness of the highway with the graduated plot ground levels as the slope ascends, would help aid the side dormers to be integrated in the streetscene and to add some varied visual interest to an otherwise blank roof elevation.

The varying widths of the dormers would not be very discernible given the slightly skewed perspectives of the steep hill's highway and its dwellinghouses at different ground elevations.. On balance the side dormers would be viewed as acceptable given the streetscene's variation in architectural styles, roof forms and its topography.

The enlarged window to the rear elevation of the property would have no impact on the streetscene and be considered small scale and acceptable.

Impact on Listed Buildings

It is noted that there is a Listed Building nearby, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant in relation to heritage. Policy LP35 states "development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset." An informal consultation with the Conservation & Design Officer did not consider the proposal harmful to the significance of the assets.

The listed description of the host property is set out below:

FLEMING HOUSE LANE 1. 5113 (West Side) No 246 SE 1715 40/561 II 2. Early C19. Hammer-dressed stone. Pitched stone slate roof. 2 storeys. One 3-light stone mullioned window on 1st floor. One 3-light and one 2-light stone mullioned window (mullion removed) on ground floor.

The listed building itself is rendered on its flank side facing the highway with its stone elevations remaining visible. The immediate streetscene is of varied architecture, ages, roof forms and material palettes with the boundary of the Grade II Listed Building known as No. 246 facing the highway and the property heavily screened by the evergreen hedging on top of a stone wall. There is no group value to the dwellinghouses adjacent or nearby with similar materials or design. The hipped to gable extension with its front elevation

gable end windows would be viewed in conjunction with the other various roof forms and similar windows. The proposed canopy to the front would be a small scale addition to the property. The side dormers would be screened by the main bulk of the gable end roof extension and the original roof. The proposed works would also be screened from view by the Listed Building's existing boundary treatment and the proposal would not visually appear out of keeping within the streetscene being so varied and be of little impact to the Listed Building.

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 the setting of the Listed Building which would accord with Policies LP24 and LP35 of the Local Plan, Policies in Chapter 12 and 16 of the NPPF 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. 229 (north), No. 240 (northwest), and No. 233 (south).

No. 229

This property is at a significantly lower ground level position in relation to the elevated No. 231. Its side window set close to its roof ridge height indirectly faces the opposite part of No. 231's existing side elevation window, the proposed side dormers would effectively overlook above the side window and look out on its roof with no rooflights. In addition, it has a ground level side window facing a section of No. 231's blank side elevation and the plot's retaining wall and part of the side elevation of its bay window to its primary elevation which faces the raised front garden plot of No. 231. However to ensue that there is no potential for a detrimental impact occurring the windows on the dormer will be conditioned to be obscure glazed. The added bulk and massing of the side dormers and the hip to gable extension to the south of the property aided by the ground level changes would be visually broken up with no views in or out from the No. 229's roof to contribute towards detrimental overbearing or overlooking impact. The side elevation window to ground and the narrow section of the side elevation of its bay window facing the property would have no additional overlooking or overbearing impact.

Directly to the south of the property on already raised ground in relation to No. 229, the additional massing of the hip to gable extension would have some additional restricted overshadowing impact to the side elevation windows to ground and within the roof however this would be mitigated by the separation distance between No. 231 and the windows of No. 229 with 5.5m, the site constraints providing a pre-existing shadowing relationship to No. 229 due to its orientation and its own roof being windowless. On balance, given the site constraints and topography, the proposal would ensure that there be no substantial detrimental overbearing, overshadowing or overlooking impact.

No. 240

This property does not directly face No. 231, is on lower ground further northwest and would have potentially one bay window affected. The proposed would have gable end windows facing the highway on an increased elevated position set within the roof. There is a separation distance of 29.5m approximately to the habitable window and aided by the topography of the setting there would be no direct views into No. 240, for these reasons the proposal would ensure that there would be no detrimental overbearing, overshadowing or overlooking impact.

No. 233

This property is on elevated ground to No. 231, to its side elevation there is a partially glazed door and a window to the ground level. No openings to its first floor and the ground level change indicate that the openings face No. 231's attached garage and a section of its side roof elevation towards the rear. The proposal would be to the northwest of the windows, does not add any facing rooflights or dormers and would not change the existing overlooking relationship between the two properties. There would be no additional impact on overlooking. Considering the site's orientation, even as the increased massing of the hip to gable roof extension would add some bulk to No. 231's roof which is set lower than No. 233's two storey dwellinghouse, it would not have any detrimental impact on overshadowing or overbearing to its neighbour.

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 Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. For a 2-3 bedroom dwelling it should have a minimum of 2 off street parking spaces.

The proposed development would intensify use with one added bedroom however would still retain sufficient off street parking spaces and to have a garage with internal dimensions slightly under recommended specifications of

3 by 5m to 3 by 6m; for these reasons the proposal 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.

In addition, Principle 8 – Energy efficiency of the adopted 'House Extension and Alterations SPD' is relevant.

The additional windows to the west and enlarged window to the east elevations would aid in an increase in daylighting to the property helping to reduce energy usage. The solar panels will be retained which again would be of benefit to the occupants in achieving lower domestic energy external demand. Due to the limited nature of the development proposed, it is not considered that further 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, the proposals are relatively modest, there would be some disruption to the existing roof and eaves however this is currently well sealed 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.

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.

Decision Authorisation - Delegated Powers

Application Number: 2021/94270

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 west elevation wall and roofing material of the hip to gable extension and the external north elevation 'faces' of the three side dormer and its roofing material 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 and to accord with the requirements of the House Extensions and Alterations SPD.

4. The development shall not be occupied until the 3 windows which serve an ensuite, bathroom and bedroom 2 on the northern elevation of the dormer window extensions hereby approved has been fitted with obscure glazing, minimum grade 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 Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: In the interests of the protection of residential amenity, to prevent detrimental overlooking and to accord with Policy LP24 of the Kirklees Local Plan and to accord with the requirements of the House Extensions and Alterations SPD.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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. Project No. 2747. Drawing No. (100)10 . Revision: -.	-	10/11/2021
Plans – Proposed Site/Block Layout	Site Plan As Existing & Proposed. Project No. 2747. Drawing No. (100)06. Revision: A .	A	16/11/2021
Plans – Existing Elevations	Elevations As Existing. Project No. 2747. Drawing No. (100)02 . Revision: -.	-	10/11/2021
Plans – Existing Floor Plan	Floor Plans As Existing. Project No. 2747. Drawing No. (100)01. Revision: A.	A	16/11/2021
Plans – Proposed Elevations	Elevations As Proposed. Project No. 2747. Drawing No. (100)04. Revision: C.	C	10/11/2021
Plans – Proposed Floor Plans	Floor Plans As Proposed. Project No. 2747. Drawing No. (100)03. Revision: D.	D	16/11/2021

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 officer considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 19/01/2022