

**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:	2021/62/94481/E
Site Address:	22, Lidgett Lane, Skelmanthorpe, Huddersfield, HD8 9AQ
Description:	Demolition of existing single storey rear extension and coal store to side elevation and erection of two storey rear and side and part single storey side extensions and front bay window
Recommending Officer:	Lyle Robinson

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 17-Jan-2022

Officer Report

Site Description

The application site relates to a two storey detached stone dwellinghouse within a capacious plot in the settlement of Skelmanthorpe.

Description of Proposal

This is a householder application for planning permission for a 5.4m two storey side extension, flush with the roof ridge and front elevation wall, a further single storey 2.3m side projection, and two storey 4m rear extension.

History of negotiations/amendments received

This planning application has been assessed on the basis of drawings originally submitted with the current application.

Relevant Planning History

2020/90229 Outline application for demolition of detached dwelling and bakery and erection of 4 dwellings *Refused 03/APR/2020*

Representations

Publicity is being undertaken in accordance with statutory requirements. In this instance neighbour letters have been sent out with an expiry date of 11th January 2021. No representations have been received as a result of site publicity.

Consultation Responses

KC Highways – no objection

Denby Dale Parish Council – no consultation response

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality

Kirklees House Extensions and Alterations Supplementary Planning Document (SPD)

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 2 – Achieving sustainable development
- • Chapter 6 – Building a strong competitive economy
- • Chapter 8 – Promoting healthy and safe communities
- • Chapter 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places
- • Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 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/Planning Balance

1 – Principle of development:

Chapter 2 of the National Planning Policy Framework (NPPF) introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate

otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site is in a settlement whereat such development is appropriate subject to the satisfactory taking into account of material considerations.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed extensions would fundamentally alter the character of this relatively unassuming dwellinghouse and would be significant in terms of their massing and bulk. They would not achieve a subservience in scale or be visually secondary.

The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that, inter alia, two storey side extensions should not take up all or most of the space to the side of a house; maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and be set back at least 500mm from the front wall of the dwelling. Whilst at least 1m would be retained and the extensions are supported by the large amount of space about the side of the existing building in the plot; the proposed addition would not be stepped back at the principal elevation. The proposed addition as such would not read as an extension and would not comply with this design guidance.

A front bay window/porch element is proposed. This element is minor enough in scale not to negatively impact the character of the area.

The development though would, all told, not be acceptable in terms of general visual amenity and in terms of its impact on the area and would not accord with policy LP24 of the Kirklees Local Plan nor chapter 12 of the National Planning Policy Framework (NPPF).

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The proposed obscure glazing to the north facing side elevation, shown as view D on the submitted plans, negates loss of privacy to the northern neighbouring property. Likewise the space about the dwelling and its existing orientation towards the north of the plot means that no significant material overshadowing would occur to this neighbouring northern property over and above that of the

existing situation. The dwellings are also separated by the access to 20a and 20b Lidgett Lane.

The ground floor glazed element facing south, at the rear extension, would not impact privacy any more than what could notionally be constructed under Permitted Development rights as a rear extension, nor would it introduce significant impacts on privacy or impression of overlook to the rear amenity space of no. 24 than a large window would.

The proposed first floor window at the south facing side elevation of the rear extension would, however, overlook the conservatory and neighbouring rear amenity space of no. 24 Lidgett Lane. The distance of interface would be some 11-12m. This together with the size of the window and clear perpendicular positioning would, on balance, present a reason for refusal on amenity grounds by reason of loss of privacy to no. 24.

On the site visit the case officer noted a bedroom window at the apex of the north facing gable at no. 24, the neighbouring southern property. Whilst the two storey side element of the scheme would be built towards this window, it would be some 15m away and it should be noted that this window is north facing. So, on balance there would not be a material loss of light over and above that of the existing situation.

All told though policy LP24 in terms of residential amenity would not be complied with.

4 – Impact on highway safety:

The dwelling currently has 3 bedrooms and the proposed will create an additional 2 taking the total to 5 and in accordance with the Kirklees Highways Design Guide a 4+bedroom dwelling should provide 3 parking spaces. The existing parking provision is being retained on the driveway which is sufficient for a dwelling of this size. The vehicular access from Lidgett Lane onto the driveway is unchanged by the proposals and the bin storage and waste collection arrangements will also remain as existing.

The development therefore is concerned to be acceptable in terms of highway safety and parking and inconsistent with policies LP21 and LP22 of the KLP.

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.

The proposal is for a domestic extension. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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 not constitute sustainable development and is, therefore, recommended for refusal.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2021/94481

Officer Recommendation: Refuse

Conditions and Reasons

1. The proposed extensions, by reason of their overall bulk and massing and relationship to the host dwelling, would not read as subservient in scale and would be visually overbearing in relation to the host property. As such, the proposals would be contrary to Policy LP24 (c) of the Kirklees Local Plan, the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.
1. The proposed rear extension, by virtue of its design, would result in overlooking from the proposed south facing first floor bedroom window to the neighbouring conservatory and amenity space at no. 24 Lidgett Lane. This would be detrimental to residential amenity and would be contrary to Policy LP24 (c) of the Kirklees Local Plan, and the Kirklees House Extensions and Alterations SPD.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan	21/10_101		30/NOV/2021
Proposed Plans and Elevations	21/10_104		30/NOV/2021
Proposed Site Plan	21/10_103		30/NOV/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 has, 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. A solution has not been reached within the scope of this application to overcome the harm identified in the reasons for refusal.