

**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:	2021/62/94607/W
Site Address:	48, Hill Grove, Salendine Nook, Huddersfield, HD3 3TL
Description:	Erection of single storey side extensions
Recommending Officer:	Laura Yeadon

DECISION - REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 04-Mar-2022

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94607>

Site Description

48 Hill Grove is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is has a ground floor which is constructed from stone and a first floor which is red brick with the roof form being constructed from interlocking roof tiles. There is a narrow strip of unusable land to the rear of the property with the amenity space to the side of the property which is lawned. To the front of the property is a large area of hardstanding which is accessed from two points off Hill Grove and there is a detached garage located within the southern corner of the site. The dwelling is located within a corner plot within Hill Grove and surrounding development is predominantly residential.

Description of Proposal

Permission is sought for the erection of single storey side extensions.

Two extensions are proposed which are located on either side of the existing property on the north-western and south-eastern elevations of the property.

The extension to the north-eastern elevation of the property is proposed to be for garage provision. The garage would be set back from the front elevation of the property by 0.2 metres and would span the depth of the property at 4.9 metres being set in from the rear elevation by 0.2 metres. The extension would project to the side by 3.6 metres and would have an eaves height of 2.3 metres and overall height of 3.4 metres to the ridge of the lean-to roof. The proposed construction materials would be regular coursed artstone for the front elevation with facing brickwork for the side and rear elevations with stone quoins. The roof would be constructed from interlocking roof tiles to match the existing roof.

The extension to the south-eastern elevation would replace the existing garage. The existing boundary wall would be demolished and the extension would infill the existing space between the side of the existing extension and the boundary with the adjacent property No. 46 Hill Grove. The extension would project to the side by 3.5 metres and span the full depth of the property projecting 2.85 metres off the rear elevation of the property at a width of 2.6 metres. The extension would have an eaves and ridge height to match the existing extension with the rear element of the extension having a hipped roof which would be set down from the proposed ridge by 0.9 metres. The

proposed construction materials would be regular coursed artstone for the front elevation with facing brickwork for the side and rear elevations with stone quoins. The roof would be constructed from interlocking roof tiles to match the existing roof.

It is also proposed that the area to the front of the proposed garage would be extended tarmac being a width of 3.8 metres and depth of 5 metres. It is proposed the existing screening would be retained.

History of negotiations/amendments received

No amendments were sought as it was not considered that there would not be a design solution to overcome concerns and provide the level of accommodation proposed. It is also noted that the proposed plans indicate a scale of 1:50 however when measured against the annotations on plan, these are to a scale of 1:100.

Relevant Planning History

1989/06354 Erection of 2 storey extension
Granted Conditionally

2005/91342 Erection of single storey extension
Conditional Full Permission

Representations

We are currently undertaking the legal 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.

Final publicity date expired 20th January 2022 – 3 no. letters of representation submitted with the following being a summary of comments:

- Out of character
- Will leave no space to 3 sides therefore overdevelopment
- Result in a ill-proportioned building mass where short elevations face the street and would create another wide house, out of character with the originals
- Existing properties have a sense of balance and composition and proposal ignores the original scale and composition
- Unsympathetic additions
- Not a neighbourly building
- Loss of openness and sunlight
- Existing hedging obstructs visibility
- Concerned about water run-off from tarmac area
- Close to neighbouring drive which will not be accessible to the builders including scaffolding and should not be blocked during the construction process

Parish Council – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan. The site is within an area identified as being at low risk of ground movement due to former mining activity.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 22 – Parking
- LP 24 – Design
- LP 53 – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents (SPDs)

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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.

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking

With regard to side extensions, the SPD states that these should:

- Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties; and
- Position windows to minimise or avoid any potential overlook into neighbouring gardens

Specifically, single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

In addition the property is located within a corner plot and therefore extensions should be:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets; and
- Following the boundary treatment along both streets, in relation to its position, height and materials.

An assessment of the proposal against these policies and the principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account with the following report. An assessment in relation to whether the principle of the development acceptable in this case is concluded within section 7 of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically these policies state the following:-

LP24 (c) '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'

Key design principle 1 (Local character and street scene) – *'Extensions and alterations to residential properties should be in keeping with the appearance scale design and local character of the area and the street scene.'*

Key design principle 2 (Impact on the original house) – *‘Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.’*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Two extensions are proposed, one to each side elevation with the south-eastern extension replacing the existing garage. The existing property has already been extended by way of a two storey side extension and single storey side extension and the proposed extensions would therefore add to these existing additions. Due to the extent of existing and proposed extensions to the property, the cumulative impact would be that most of the width of the plot would be covered by additions and although the extensions would be single storey, they would not be considered to be subservient as required by Policy LP24 (c) and principles 1 and 2 of the House Extensions and Alterations SPD.

The House Extensions and Alterations SPD states that single storey side extensions should not extend more than two thirds of the width of the original house; not exceed a height of 4 metres; and should be set back at least 500mm from the original building line to allow for a visual break. In this instance, due to the existing extension and the width of the extensions and existing extensions would exceed half the width of the original house, the extension adjacent to No. 46 would be higher than 4 metres due to topography and also the bedroom would lie flush with the existing extension and would not be set back. As such, the proposal would fail to meet the requirements of the SPD with regards to visual amenity.

The property is located within a corner plot and the SPD is clear in that extensions should be set in from the established building lines and create a frontage. In this instance, the proposed garage extension would project forward of the front elevation of No. 50 Hill Grove which is not considered to be good design with no features of interest within the side elevation and forward of the front elevation and established building line of properties to the east.

It is noted that comparison could be made to No. 21 Hill Grove Lea which is the end property within this group of dwellings however that extension sought permission for and constructed was prior to the adoption of the SPD. In addition, the orientation of that property allows more space between buildings

whilst the application site would appear cramped which would be out of character with the surrounding area. The annotated plans indicate that the existing 3-4 metre high hedging would be retained which would screen the proposed garage extension from public vantage points along the roadside however this form of screening can be removed at any point without requiring planning permission.

As each application is assessed upon its own merits against relevant national and local policies and guidance in force at the time of determination, it is therefore considered that the proposed extensions would result in development would be visually cramped in appearance, an overdevelopment of the plot reducing the outdoor amenity space associated with the already extended property and would fail the acceptable parameters for single storey side extensions and extensions within corner plots as set out within subparagraphs 5.15, 5.16, 5.17 and 5.23 of the House Extensions and Alterations SPD, contrary to principles 1 and 2 of the House Extensions and Alterations SPD, Kirklees Local Plan Policy LP24 (a) and (c) and policies contained within Chapter 12 of the National Planning Policy Framework.

Refusal of planning permission on grounds of the visual impact and due to overdevelopment is therefore recommended.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Specifically relevant in this case are considered to be the following policies:-

LP24 (b) of the Kirklees Local Plan – *'proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'*

Key design principle 7 (Outdoor space) – *'Extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.'*

Paragraph 130 of the NPPF - *'Planning policies and decisions should ensure that developments... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*

Due to the loss of the amenity area for the property with the garage extension and associated hardstanding area it is considered that the works would result in an overdevelopment of the plot with no meaningful amenity area for existing and future occupiers which is considered to be contrary to policy LP24 and principle 7 of the House Extensions and Alterations SPD. The site has been developed in a manner which has removed the majority of amenity space already, the proposal would see the all of the amenity space available replaced with built form and hardstanding.

It is therefore concluded the proposal would have an unacceptable impact upon the amenity of the occupiers of the host property / future users contrary to the aforementioned policies. Refusal on this basis is therefore recommended.

In this instance and due to the orientation and relationship with boundaries, the openings within the extensions would be isolated to the front elevation of the property with a pedestrian door within the side elevation of the garage. As no established separation distances would be reduced between habitable openings, there are minimal concerns regarding overlooking.

In terms of overshadowing and/or being overbearing, the south-eastern extension would replace the garage on a similar building line. Whilst the proposed structure would be located to the north of the neighbour and therefore would have limited impact in terms of direct loss of sunlight, the extension would be sited adjacent to the garage for this neighbour, albeit set forward from the existing garage however would not cause significant harm over and above the existing situation that would justify a refusal of the scheme on the basis of overshadowing / oppressiveness.

In terms of the impact on No. 50 Hill Grove, the projection of the garage extension would project forward of the front elevation of No. 50. However, the section of the neighbouring property adjacent to the proposed works hosts an integral garage and not a habitable room and therefore there would be minimal impact in terms of overshadowing and given the single storey design is not considered to be overbearing. In terms of the rear projection that would replace the garage, this would sit behind the existing outbuilding for this property on a similar building line. It is noted that the extension would likely be higher than the existing flat roof garage, however the roofline has been set down and hipped back, away from this neighbouring property. As such, it is considered that the proposal would have an acceptable impact on this property due the orientation of existing buildings.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would accord with both local and national policy with regards to residential amenity.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this

application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The existing garage provision would be lost as a result of the proposal however parking provision is proposed within the new garage. The existing garage does not meet the required dimensions as required within the Kirklees Highways Design Guide and neither does the proposed garage and therefore, there would be no loss of parking provision. There is sufficient space within the site frontage to accommodate 3 no. vehicles which is in accordance with the standard for a dwelling with 4+ bedrooms.

In terms of the proposed hardstanding area to the front of the garage, whilst it is noted that there is existing tarmac to the front of the property, it is considered necessary that any new hardstanding would need to be permeable surfacing to prevent issues relating to surface water and in the event of any grant of permission it is recommended this is ensured by inclusion of an appropriately worded condition.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. No specific mitigation measures are required in this instance.

Coal - The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

3 letters of representation have been received with a summary of comments below and LPA response:

- Out of character, will leave no space to 3 sides therefore overdevelopment, result in a ill-proportioned building mass where short elevations face the street and would create another wide house, out of character with the originals, existing properties have a sense of balance and composition and proposal ignores the original scale and composition and the proposal would result in unsympathetic additions

Response: This has been addressed within section 2 of the 'Assessment' section of this report.

- Not a neighbourly building, loss of openness and sunlight

Response: This has been addressed within section 3 of the 'Assessment' section of this report.

- Existing hedging obstructs visibility

Response: This is a private matter between relevant land owners

- Concerned about water run-off from tarmac area

Response: This has been addressed section 4 of the 'Assessment' section of this report.

- Close to neighbouring drive which will not be accessible to the builders including scaffolding and should not be blocked during the construction process

Response: This is a private matter between relevant land owners

7 – Conclusion:

On the basis of the conclusions drawn within sections 2 and 3 of this report, insofar as the development is not considered to accord with policies LP24 and

principles 1, 2, and 7 of the Council's adopted House Extensions and Alterations SPD as well as paragraph 130 of the NPPF it is considered that as a consequence of such conclusions being drawn the proposal does not accord with policies LP1 & LP2 of the Kirklees Local Plan and the principle of development is unacceptable in this case.

The proposal is therefore not considered to constitute sustainable development for which planning permission should be granted refusal is therefore recommended.

Recommendation

REFUSAL

Decision Authorisation - Delegated Powers

Application Number: 2021/94607

Officer Recommendation: Refuse

1. The cumulative impact of the existing and proposed extensions, given the modest curtilage of the host dwelling would result an overdevelopment of the site with insufficient amenity space remaining for the future occupiers. To permit the development would be contrary to Policy LP24 b of the Kirklees Local Plan, Key Design Principle 7 of the House Extensions and Alterations SPD and paragraph 130(f) of the National Planning Policy Framework.

2. The proposed extensions by reason of their design, scale, prominence and hard landscape frontages would not appear to be subservient in relation to the host property resulting in development which fails to harmonise with the character and appearance of the host dwelling and the wider street scene. To permit the development would be contrary to principles 1 and 2 and paragraphs 5.15, 5.16, 5.17 and 5.23 of the Council's adopted House Extensions and Alterations SPD, Kirklees Local Plan Policy LP24 parts (a) and (c) and paragraph 130 parts (a) and (c) of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, proposed site plan, existing site plan, floor plan and elevations	021_04 – P1 – Rev: A		13 th December 2021
Proposed site plan and ground floor plan	021_04 – P02		13 th December 2021
Proposed elevations	021_04 P03		13 th December 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. No amendments were sought as it was not considered that there would be a design solution to overcome concerns and provide the level of accommodation required on plan.

Report Dated: 3rd March 2022

Coal – low