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:	**2022/62/90023/W**
Site Address:	2, Wholestone Gate, Scapegoat Hill, Huddersfield, HD7 4PP
Description:	Erection of single storey side and rear extension
Recommending Officer:	Laura Yeadon

DECISION – Conditional Full 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 07-Apr-2022

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90023

Site Description

2 Wholestone Gate is a relatively modern detached property located within an area which is unallocated within the Kirklees Local Plan. The property is two storeys in height and is accessed via a shared drive which provides access to No. 4 and the application site with a private access serving the properties on Wholestone Gate from High Street. To the front of the property is a detached double garage and to the rear is a flat patio/lawned area which is at ground floor level of the property. Due to the nature of the site being steeply sloped, the rear of the patio area is timber clad with the garden area beyond set at a much lower ground level and steeply sloped downwards to the south. Residential properties surround the site within a PROW located to the east which runs through an open field within the designated Green Belt which shares a boundary with the application site.

Description of Proposal

Permission is sought for the erection of a single storey side and rear extension.

The proposed side elevation element of the extension would be set back from the front elevation by 3 metres and would extend to lie flush with the rear elevation of the property, projecting to the side by 2.1 metres with an eaves height of 2.6 metres and overall height of 4 metres to the ridge of the lean-to roof.

The proposed rear extension would lie flush with the proposed side elevation of the side extension and project from the rear elevation by 6.4 metres at a width of 4.8 metres. The proposed roof would be pitched with an eaves height of 2.8 metres above the existing patio and overall height of 3.8 metres. It is proposed that the existing patio would be retained.

The proposed construction materials would be glazing and natural stone for the walls, concrete tiles for the roof and powder coated windows and doors for the openings.

History of negotiations/amendments received

Concerns were raised to the Agent which sought for a larger extension with an additional patio. The concerns were in relation to visual amenity and the hillside location which would result in a prominent feature when viewed across the valley. It was requested that the proposal was pulled back to be in line with the existing patio which would enable the extension to tie into the retaining wall beneath the existing patio which would then remove the stilts to

support the structure. In response, the Agent amended the scheme to project 0.45 metres beyond the edge of the patio to enable a new gable wall sat centrally to the proposed strip foundation which would be formed independent of the existing patio. The proposed patio to the rear of the extension has been removed from the proposal. In addition, as the structure would not comply with the guidance within the House Extensions and Alterations SPD, justification as to why the application was acceptable was sought.

Relevant Planning History

1988/04314 Erection of four detached dwellings and garages
Granted Conditionally

1989/01270 Erection of detached dwelling
Granted Conditionally

2015/92529 Internal and external alterations with Juliet balcony to first floor and new raised patio
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, site notice and newspaper advertisement due to the proximity of the development to the adjacent PROW.

Final publicity date expired 25th February 2022 – no representations received

The amended plans were not re-publicised as these reduced the scale and appearance of the scheme.

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.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 24** – Design

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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents (SPD's)

- House Extensions and Alterations Supplementary Planning Guidance

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 designs 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 7: Energy Efficiency
- Key design principle 9: Construction materials
- Key design principle 15: Parking
- Key design principle 16: Waste storage

With specific regard to single storey side extensions, the SPD states that these 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 terms of single storey rear extensions, these should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The relevant sections of the House Extensions and Alterations SPD listed above are considered in sections 2 and 3 of this report. On the basis the proposal is considered to have an acceptable visual impact the proposal is considered to be acceptable in principle.

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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The design of the extension is that the property would be extended in the form or a wrap around extension. The side extension would be set back from the front elevation significantly and would be limited in terms of projection due to the boundary line and dry stone wall. This would comply with the requirements of the SPD in terms of being set back from the front elevation of the property and by not being more than 4 metres in height and less than two thirds of the width of the original property.

The rear extension would project more than the requirements of the SPD in terms of the rear extension by being 6.4 metres rather than the 4 metres outlined and therefore would not comply with sub-paragraph 5.6 of the SPD. In addition, the extension would not be set in from the side boundary by 1 metre. Whilst this is much larger than current policy and guidance permits, it is noted that the property is detached and the extension would be located on the side of the property which is away from the neighbouring dwellings. Adjacent to the side boundary is a public footpath and open field where no other residential properties are located within close proximity of the property to the west. There would be more than half the patio area remaining in addition to the steeply sloped garden beyond and external access would be retained to the rear of the property from the other side elevation. This is considered to be acceptable in this instance and would comply with Key Design Principle 7 of the SPD in relation to outdoor space.

The spirit of the SPD under sub-paragraph 1.9 of the SPD is that proposal should either 'comply' with the guidance or there should be sufficient justification to allow the proposed development. The Agent submitted additional information in the form of an email which was considered to justify the proposed and these matters are considered as part of the assessment of the proposal.

Whilst the extension would be large, it would be to the rear of the property and has been amended to reduce the overall projection and remove the additional patio area and would now be less prominent from views across the valley with the removal of the stilts. Views to the rear of the property from public vantage points across the valley are screened in part by the existing vegetation. It is noted that the existing hedgerow would be removed this appears to be leylandii. This would undoubtedly increase the prominence of the extension when viewed from the PROW, but this would not appear adverse in the context of the host dwelling. As the site is steeply sloped and therefore the

under-build would be finished in stone which is considered to be acceptable. The extension would only be part-width and therefore the dominant rear elevation would be clearly viewed. It is not considered that the works would result in an overdevelopment of the plot.

Taking into account the amended plans, the property being detached and that the proposal is subservient by virtue of being single storey in height along with construction materials to match the host property which would accord with Key Design Principle 9 of the SPD it is considered that the property and curtilage can withstand this size of extension without compromising visual amenity in this instance.

It is therefore not considered that the proposed works would be so visually intrusive that there would be sufficient justification to refuse the application on visual amenity grounds.

It is therefore considered that whilst the works would not totally comply with the requirements of the SPD, the justification put forward alongside the amended plans which reduced the impact of the proposal are considered to have an acceptable impact on visual amenity.

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.

In terms of overlooking, openings are proposed within the front elevation of the side extension and within the rear and both sides of the rear extension. The opening within the front elevation of the side elevation would face the detached garage for the property and therefore would not comprise neighbouring properties. The rear elevation openings would project slightly further than the existing raised patio however there is a significant amount of screening and distance between the proposed opening and the rear elevation of the properties on Pike Law Lane which would comply with Key Design Principle 3 with regards to privacy. In terms of the impact on No. 4 which sits to the east of the site, the proposed openings which would face the shared boundary would be set in from the boundary by 12 metres and would face existing, established boundary screening which is considered to mitigate harm from overlooking. The openings within the west side elevation would face an open field and whilst close to the boundary, it's not considered to cause undue harm to this Green Belt land.

In terms of overshadowing or being overbearing, the extension would sit to the west side of the property. This would ensure that the works would not result in any overshadowing or by being overbearing on neighbouring

properties. The proposal is single storey in height and Key Design Principle 5, under paragraph 4.17 states that when assessing the impact of overshadowing on neighbouring properties, the Council will have regard to the 45 degree guideline which identifies to what extend a proposed extension would impact on loss of light to neighbouring properties. In this instance, when measured the proposed extension to No. 2 and the rear conservatory to No. 4 the 45 degree line would not be impacted on by the proposal and therefore Officer's are satisfied that there would not be significant harm from overshadowing to this neighbouring property.

It is therefore considered that in terms of residential amenity, the proposal is acceptable and would comply with policies 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Local Plan and policies contained within chapter 2 of the National Planning Policy Framework.

4 – Impact on highway safety:

The property hosts a detached double garage and a hardstanding area to the front of the property which can be utilised for parking. As no bedroom provision is proposed it is not considered that there would be an increased in demand for off-street parking. In terms of bin storage, there is adequate space within the site boundary so as not to compromise parking provision. The proposal would therefore accord with Key Design Principles 15 and 16 of the SPD.

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. No specific mitigation measures are required in this instance. As the extension would face southwards with large amounts of glazing, this would assist with solar gain to the property. This takes into account KDP 8 of the SPD regarding energy efficiency.

6 – Representations:

None

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:

Officer Recommendation: Approve

Conditions

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 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 Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7,8, 9, 15 and 16 of the House Extensions and Alterations SPD and Chapters 12 and 14 within the National Planning Policy Framework.

3. The external walling and roofing materials of the extension 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 LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and Chapter 12 within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	21/711/01b		14th January 2022
Existing block plan	21/711/02b		14th January 2022
Existing elevations and	21/711/03a		14th January 2022

Plan Type	Reference	Version	Date Received
floor plans			
Proposed elevations and floor plans	21/711/04e		7th March 2022
Proposed block plan	21/711/05d		7th April 2022

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. Concerns were raised to the Agent which sought for a larger extension with an additional patio. The concerns in relation to visual amenity and the hillside location which would result in a prominent feature when viewed across the valley. It was requested that the proposal was pulled back to be in line with the existing patio which would enable the extension to tie into the retaining wall beneath the existing patio which would then remove the stilts to support the structure. The amended plans formed part of the assessment of the application.

Report Dated: 7th April 2022

Coal – none