# 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: | **2022/62/90225/W** |
| Site Address: | 105, Kaye Lane, Almondbury, Huddersfield, HD5 8XT |
| Description: | Erection of front and rear dormers with hip to gable conversion and single storey rear extension and new garage roof |
| Recommending Officer: | Lucy Taylor |

**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: 20-Jul-2022**

**Officer Report.**

**Reference:** 2022/90225

**Location:** 105, Kaye Lane, Almondbury, Huddersfield, HD5 8XT

**Proposal:** Erection of front and rear dormers with hip to gable conversion and single storey rear extension and new garage roof

**Site Description.**

105 Kaye Lane is a detached bungalow located in Almondbury, Huddersfield. It is faced in brick and has a hipped roofing style infilled with concrete tiles. The property benefits from an attached garage to the eastern side elevation and a conservatory to the rear. Within the wider curtilage, driveway amenity space is present to the front elevation, with garden amenity space present to the rear of the property.

Within the wider streetscene, 105 Kaye Lane is set back from the fronting highway of Kaye Lane and is set to a higher topographical level. The properties along Kaye Lane differ in type and design, however, the use of brick is a predominant feature alongside stone within the streetscene. Therefore, it is concluded, that to some degree, there is a relative sense of similarity established.

The application site is located within the Green Belt and is within the Castle Hill Study Area.

**Description of Proposal.**

Planning permission is sought for the erection of two front dormers, a rear dormer, a hip to gable roof conversion, a new garage roof and the erection of a single storey rear and side extension.

*Front dormers*

Each front dormer = 3.6m (depth) x 2.25m (height) x 3.2m (length) = 12.96$m^3$

The two front dormers will have gable roofs erected above and each will have one window installed. The front and cheeks of the dormers will be faced in cladding, coloured to match the host roof.

The two front dormers will each serve a bedroom within the interior of the dwelling.

*Rear dormer*

rear dormer = 3.9m (depth) x 1.95m (height) x 9.2m (length) = 34.98$m^3$

The rear dormer will have a flat roof and four windows are to be installed (two of which would be obscurely glazed). The rear dormer will also be faced in coloured cladding.

The dormer will serve a bathroom, ensuite and a bedroom within the interior of the dwelling.

*Hip to gable roof conversion*

The host roof will be altered from the existing hipped form to a gable form, presenting a total height of 5.7 metres and an eaves height of 2.45 metres. The width of the roof of the roof will be 9.65 metres.

Concrete tiles will be used to construct the new roof.

*Garage roof*

The existing lean-to garage roof will be increased in height, with the maximum height becoming 3.5 metres (original = 2.4 metres).

Concrete tiles will be used to construct the new roof.

*Single storey rear / side extension*

The proposed single storey rear extension will project from the rear elevation of the host dwelling by 4 metres, with a width of 13 metres and a height of 3.9 metres.

The rear extension will be faced in matching brick and will have a lean-to roofing style infilled with concrete tiles.

The extension will function as a kitchen and family room within the interior of the dwellinghouse.

**History of Negotiations.**

It should be noted that the applicant submitted amended plans upon the request of the Council, to revise the location plan to show more of the surrounding area. Therefore, the overall determination of this application is based on the latest plans as submitted 1 February 2022.

**Relevant Planning History.**

No relevant planning history on 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 16 March 2022 – no representations were received.

**Consultation Responses.**

**KC Highways Development Management** – Consider that adequate parking is retained and consider the proposal to be acceptable from a highways safety perspective.

**Policy/Legislation.**

Section 38(6) of 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 application site is located within the Green Belt as identified within the Kirklees Local Plan and is within the Castle Hill Study Area. The site also falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

**Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

**Supplementary Planning Documents:**

Highways Design Guide SPD

House Extensions and Alterations SPD

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including

conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

**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, together with Circulars, Parliamentary 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 4 – Decision-making
• Chapter 9 – Promoting sustainable transport
• Chapter 12 – Achieving well-designed places
• Chapter 13 – Protecting Green Belt land
• Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
• Chapter 15 – Conserving and enhancing the natural environment
• Chapter 16 – Conserving and enhancing the historic environment

**Assessment.**

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of Development and Green Belt
2) Impact on Visual Amenity (and Historic Environment)
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1. **Principle of Development and Green Belt**

*Sustainable Development:*

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

*Green Belt:*

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:

*"a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
*c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting."*

The original dwellinghouse is calculated as being a total volume of 307.31m$^3$.

A 1955 OS Map suggests that the rear kitchen projection and rear conservatory at 105 Kaye Lane is not original, nonetheless, these are proposed to be removed under this existing application, to make way for the proposed single storey rear extension, and it is considered that it would not be possible to erect the proposed extension in accordance with the plans if these features were retained. As such these are not included in the calculation of additions to the property.

The 1955 OS Map also suggests that the attached garage is not original, as this will be retained as part of the proposal, its volume of 80.2$m^3$ is taken into consideration. The proposed increase to the garage roof under this application presents a further volume increase of 13.2$m^3$.

The proposed hip to gable additions present a volume increase of 139$m^3$.

The proposed dormers cumulatively present a volume increase of 66.2$m^3$.

The proposed single storey rear extension presents a volume increase of 147$m^3$.

Overall the cumulative addition of the garage and proposal would see a volume increase of 445.6$m^3$ (increase of 145%) to that of the volume of the original dwelling. Such an increase in volume is considered to be of a scale that constitutes a disproportionate addition to the original dwelling.

When taking into account the visual appearance of development, it is considered that the works would appear disproportionate to the main dwelling by virtue of their overall size and scale given the increased massing of the roof, large projection of the rear extension which would tie into the rear roof slope of the host property and incorporate a large dormer within both the original rear roof slope and also the roof of the proposed extension to rear.

Whilst works are possible to be undertaken to the property under permitted development rights, such works could only be undertaken to a reduced degree than that proposed as part of this scheme.

Therefore, it is considered that the erection of the proposed extension would result in disproportionate development and would constitute inappropriate development in the Green Belt. There are not considered to be any very special circumstances that exist in this case which outweigh the harm of the inappropriate development to the Green Belt. The proposal therefore fails to comply with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

1. **Impact on Visual Amenity / Historic Environment**

<u>Visual Amenity</u>

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration

concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

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'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
*"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…*
*c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD further states that single storey rear extensions 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 terrace houses or by 4 metres for detached properties
• retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed rear extension to 105 Kaye Lane does not conform with every criterion of the House Extensions and Alterations SPD as set out above. Of note, the extension does not retain a 1 metre gap from all property boundaries.

The proposed single storey rear extension is not considered to be a subservient addition to the host dwelling. This is for reasons of size and scale, with the built form proposed to span across the entire width of the original footprint of the property and a projection measuring just under half the entire length of the original dwellinghouse. The roof of the extension would tie into the roof of the host property and would be above the eaves of the host property.

Resultantly, the proposed single storey rear extension is not considered to present a subordinate addition and would not be in keeping with the character of the host property particularly taking into account the rear dormer would be within both the roof slope of the rear extension and original rear roof slope of 105 Kaye Lane.

The House Extensions and Alterations SPD sets out that dormer extensions should:

• relate to the appearance of the house and existing roof
• be designed in style and materials similar to the appearance of the existing house and roof
• not dominate the roof or project above the ridge of the house
• be set below the ridgeline of the existing roof and within the roof plane
• be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The cumulative impact of the proposed dormers is considered to present an undue extent of bulking and massing to the roof of the dwellinghouse, with the proposed increase to the roof height of the garage also presenting increased obtrusiveness.

Specifically, the rear dormer is considered to be a disproportionate addition to the roof, covering a significant majority of the rear roof and also being within the rear roof slope of the single store extension. The rear dormer would have a significant length and depth. Taking this in addition with the hip to gable amendment to the roof of the host property it is considered there would be significant alterations to the host property which would not be in keeping with the character of the dwelling.

It is noted there are dormers to the front of the neighbouring property, however dormers to the front roof slope are not a typical feature upon Kaye Lane. Whilst the proposal would be for the dormers to be grey clad in the dormers would be of a larger size / scale than those of the neighbouring property and combined with the increase in the size of the roof it is considered would not represent a subservient addition to the host property.

For the reasons outlined within this section of the report, it is considered that the proposal would not be a subservient addition to the host property and by virtue of its design, scale, and massing would cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore not considered to comply with policies within

Chapter 12 of the NPPF, LP24 and LP57(d) of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment

Policy LP35 of the Kirklees Local Plan states that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

The site is some distance away from the Scheduled Ancient Monument (SAM) of Castle Hill, which is to the south west of the site, and the site is also within the Castle Hill Study Area. However, given that there would be no encroachment into any fields, and given the scale of the development combined with the distance from Castle Hill, it is considered that the proposal would not cause harm to the significance of this Designated Heritage Asset.

**2. Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: "…maintain appropriate distances between buildings" and "…minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.

The proposal would see a reduction in the extent of rear garden amenity space at 105 Kaye Lane, but it is considered that an adequate amount would be retained.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being 103 Kaye Lane and 107 Kaye Lane. It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

103 Kaye Lane – this property is located to the east of the application site.

The built form will retain the same extent of seperation from the shared boundary as at present, given the position of the existing garage; however, the height of the garage will increase as a result of development and an

increased extent of built form will be present as a result of the proposed single storey rear extension and hip to gable alteration to the roof.

These developments will undoubtably present an increased extent of overbearing, exaggerated by the lower topographical ground level of No. 103 in comparison to No. 105. Furthermore, given the presence of windows to the western side elevation of No. 103, the impacts of increasing the height of the garage at 105 will be increased further. In addition, the increased extent of built form along the shared boundary, a result of the proposed rear extension, will result in a tunnelling effect for No. 103.

The proposed single storey rear extension at 105 Kaye Lane fails to comply with the 45-degree rule as set out in the House Extensions and Alterations SPD, presenting an unacceptable extent of overbearing and overbearing for the rear window located closest to the shared boundary. The effects of this are worsened by the limited number of domestic windows to the rear elevation of this neighbouring property.

The proposed dormer extensions to No. 105 present no significant impacts to residential amenity.

The development would not increase the potential of overlooking, with no additional glazing proposed to the side elevation of No. 105 adjacent to this neighbouring property.

107 Kaye Lane – this property is located to the west of the application site.

A separation distance of only 0.25 metres will be retained from the single storey rear extension to the shared boundary with No. 107, however, given that the neighbouring property is set to a higher topographical ground level and the single storey nature of the proposed extension, as well as the fact a 3.8m gap between the properties would be retained it is considered this element of the proposal would not result in undue overbearing or overshadowing.

The proposed hip to gable and dormer extensions to No. 105 present is considered to create no significant impact to the residential amenity of this occupier given the scale of this element of the scheme and distance between 107 and 105.

The developments do not increase the potential of overlooking, with no additional glazing proposed to the side elevation of No. 105 adjacent to this neighbouring property.

For the reasons set out in this section of the report the proposed development to 105 Kaye Lane is considered to cause undue harm to the residential amenities of neighbouring properties, specifically the oppressive / overbearing impact and fact unacceptable levels of overshadowing for the occupiers of No. 103 Kaye Lane would occur. It is therefore considered that the proposed development fails to comply with policies within Chapter 12 of the NPPF,

policy LP24 of the Kirklees Local Plan and Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

## 3. 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 and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Upon formal consultation with KC Highways Development Management, it was concluded that the significant parking amenity space would be retained on site, determining the application acceptable from a highway's safety perspective. It is also important to note that highway access to and from the property would remain unaltered as a result of development.

In turn, erecting the proposed developments at 105 Kaye Lane would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

## 4. 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The

proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Key Design Principle 8, 9, 10 & 11 of the Council's adopted House Extension and Alterations SPD.

*Bats*

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

## 5. Representations

No representations were received.

## 6. 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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

The proposal is concluded to be inappropriate development in the Green Belt for which no very special circumstances exist which outweigh the harm. In addition the proposal is considered to have an unacceptable visual impact upon the host property and wider locality as a result of the design of the scheme.

Finally, the proposal is concluded to have an unacceptable impact upon the residential amenity of the occupiers of no.103 Kaye Lane. Whereby, as a result of the development, the occupiers of this neighbouring property would see unacceptable levels of overbearing and overshadowing.

Therefore, for the reasons set out in sections 1, 2 and 3 of this report, refusal is recommended.

**Recommendation: Refuse**
**Decision Authorisation – Delegated Powers**
**Application Number: 2022/90225**
**Officer Recommendation: Refuse Permission**

1. By virtue of its design, size and scale the proposed development constitutes disproportionate additions to the original dwelling which would no longer be the dominant element in appearance. This is inappropriate development in the Green Belt by definition. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. The design of the proposed development would be neither subservient to the host dwelling nor harmonise with the existing dwelling or the wider character and appearance of the area thereby causing detrimental harm to the visual amenities of the host dwelling and wider locality contrary to policies LP24 and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

3. By reason of its close proximity the proposed development would result in unacceptable levels of overshadowing and be unduly oppressive and overbearing to the occupiers of no.103 Kaye Lane contrary to policy LP24 of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations SPD and policies within chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

| **Plan Type** | Reference | Version | Date Received |
|---|---|---|---|
| Existing Plans and Elevations | 2021-007-(20)001 | - | 1.2.22 |
| Proposed Plans and Elevations | 2021-007-(200002 | - | 1.2.22 |

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

**Report Dated:** 19.7.22