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:	**2022/62/90242/W**
Site Address:	28, Rawthorpe Terrace, Rawthorpe, Huddersfield, HD5 9NY
Description:	Erection of single storey side extension
Recommending Officer:	Hubert Lam

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: 12-May-2022

Officer Report

2022/90242 – 28 Rawthorpe Terrace, Rawthorpe, Huddersfield, HD5 9NY

Site Description

The application site is within the residential area of Rawthorpe, characterised by terraced, semi-detached, and detached dwellings. It is situated opposite an education centre to its west on the opposite side of the Terrace and accessed by Rawthorpe Terrace to the front of its principal (southwest) elevation. The host property is a two-storey end terrace dwelling constructed in a mixture of brick, stone, and roof tiles, with an associated front garden, rear yard, and a side private drive / hardstanding area within its residential curtilage. There is an adjoining stone arch and gateway aligning with the principal elevation of the main house forming the entrance to the side hardstanding and rear garden.

Description of the Proposals

The application seeks planning permission for the proposed erection of a single-storey side extension, which would project beyond the rear elevation, adjoining the northwest elevation of the existing main house and various associated external alterations, to create a sitting room, shower and toilet, and a living room.

Planning History

Reference: 87/62/01595/B1
Description: Proposed extension to form living room and porch
Status: GRANTED CONDITIONALLY

Representations

The application has been advertised by neighbour notification letters in accordance with Table 1 of the Kirklees Development Management Charter. Final publicity expired 02 March 2022. No representations were received.

Consultee Responses

The site is within a Hazardous Materials Site Outer Consultation Zone for the HSE. The Health and Safety Executive were consulted as per statutory requirements in the course of the application to assess the potential risks and impact that might arise from the proposed works.
The Health and Safety Executive subsequently stated that they would not advise against the proposal in the consultee response ref: [HSL-220509161848-243].

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 on the Kirklees Local Plan.

The application site is within a Coal Advice Area, a Hazardous Materials Site Outer Consultation Zone, and no other relevant designated areas as described in the Kirklees Local Plan.

The most relevant Policies for consideration in this case are:

LP1 Achieving Sustainable development
LP2 Place Shaping
LP7 Efficient and effective use of land and buildings
LP24 Design
LP53 Contamination and unstable land

Relevant Supplementary Planning Documents and Guidance

Supplementary Planning Documents (SPD):
Kirklees Council has adopted (as of 29th June 2021) supplementary planning document for House Extensions and Alterations. This is now a material consideration in the assessment of householder planning applications. 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, the wider street scene and the amenities of neighbouring residents.

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 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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The Health and Safety Executive subsequently stated that they would not advise against the proposal in the consultee response ref: [HSL-220509161848-243].

Appraisal

Principle

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.*

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”.

Paragraph 5.6 of the House Extensions and Alterations SPD states that,

> “5.6 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 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."

Paragraph 5.17 of the SPD specifically relates to single-storey side extension and reads as follows,

"5.17 Single storey side extensions should be offset and complement the original building. As such, 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 this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Visual Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, 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. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

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 and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The proposed single-storey side and rear extension would project 3.1m from the existing side (northwest) elevation of the main house and continue in length to the rear for 10.1m, aligning in parallel with this existing side (northwest) elevation, and extending beyond the existing rear (northeast) elevation of the main house by 2.4m, with its front elevation set back from the principal elevation of the existing main house by 0.7m, removing the existing adjoining stone arch in-line with the front elevation of the main house. The height would be 2.7m to the eaves and 3.7m to the monopitch ridge and an associated lean-to roof section set at a 15-degree pitch angle. It would have 1no uPVC window to its front elevation, 1no patio door to its rear (northeast) elevation leading onto the rear yard, and 1no uPVC rooflight to its proposed side roof plane. The proposed front elevation would be constructed in stone, the proposed side and rear elevations would be constructed in brick, with slate tiles to the roofing, all of such materials to match that of the existing house in their external appearance. The proposed scale, massing, layout, and overall scope of the side and rear extensions would be in accordance with guidelines set out in the SPD. Furthermore, the palette of materials and the configuration of the extensions to surrounding property would not detrimentally affect the appearance of the streetscene. The removal of the stone arch would not adversely impact on the character of the area. As such, subject to condition requiring matching materials and finishes of construction to a consistent external appearance, the proposal would be considered acceptable in terms of design and visual amenity and would accord with Policies LP7 and LP24 of the KLP, and KDP1 of the SPD.

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.

The proposed side and rear extension would introduce 1no new opening on its side (northwest) elevation in the form of 1no uPVC rooflight on the proposed monopitch roofplane. Due to its scale, massing, layout, and particularly its orientation, and considering the existing fencing treatment along the curtilage boundary with the semi-detached dwelling 30 Rawthorpe Terrace to its northwest this window would not result in overlooking. This dwelling is also set on a higher ground level and although it has a conservatory to the rear, given the close boarded fencing there would be no overshadowing or overbearing impact. The proposed extension would not introduce any new window openings on its side (southeast) elevation facing the adjoining semi-detached property 26 Rawthorpe Terrace, and due to its scale, massing, layout, and orientation, would clearly be sufficiently set away from this adjoining neighbour to avoid overshadowing or overbearing impacts.

KDP 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The application site benefits from a relatively generous outdoor space in the form of its rear yard, and the proposed extension would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained.

Due to its location, layout, orientation, separation, and overall configuration, the proposed extension would not pose any greater impact on the shading, privacy, and residential amenity than that of the existing dwelling, and would not detract from the character and the setting of its surroundings as seen in outlook from neighbouring properties. As such, the proposed extension would accord with Section 12 of the NPPF, Policy LP24b of the Local Plan, and the specific guidance on residential amenity as described by the Kirklees House Extensions & Alterations SPD KDPs 3-7.

Highways Safety

The dwelling benefits from on-site parking with a provision of at least 1no parking space on its private drive / hardstanding area to the front of the house for a small car. The proposal would not increase the number of bedrooms of the house and would not materially intensify the site so as to the point where the provision of additional parking provision is critical. Therefore, the proposed development will not materially impact on matters of highways safety and would accord with KDP15 of the SPD in terms of parking provision and highways safety.

Health and Safety

The application site is within a Hazardous Materials Site Outer Consultation Zone. The Health and Safety Executive were consulted as per statutory requirements in the course of the application to assess the potential risks and impact that might arise from the proposed works, and subsequently stated that they would not advise against the proposal in the consultee response ref: [HSL-220509161848-243]. As such, the existing site contamination/instability would not have the potential to cause harm to people or the environment as a result of the proposal. The proposal would therefore accord with Policy LP53 of the Local Plan in terms of development affecting contaminated and/or unstable land.

Other Matters

Carbon Budget

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.
The proposed front (southwest) and rear (northeast) new windows for the sitting room and living room respectively would be situated in the logical positions to maximise the solar gain given the constraints of the site layout and orientation; the proposed materials would also match that of the existing house and would be reasonably efficient and sustainable in their construction, maintenance, and upkeep. The proposal has afforded proportionate consideration in achieving energy efficiency and in its contribution to sustainability and would therefore accord with KDP 8 and 9 of the SPD in those respects.
As the scope of the works proposed are relatively modest and would not introduce a significant environmental impact compared with that of the existing house and its associated outbuildings and structures, it is not considered reasonable to add any carbon budget / climate emergency related condition. The proposal would therefore align with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, and KDP 8 and 9 of the SPD, which seek to promote sustainable development and to support low carbon future.

Representations
No representations were received.

Conclusion

Having assessed the application against the relevant local planning policies, SPD and the National Planning Policy Framework, it is considered that the proposed works, in isolation and aggregate, would not bear any significant detrimental impact to the residential and public amenity of the house or its residential setting. Regarding all these elements, the proposal represents a sustainable and appropriate form of development both upon the house and its surroundings.

Recommendation

That this application be GRANTED permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: In the interests of sustainable design principles and sound planning practice, in accordance with Policies LP1, LP2, LP7, and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing dwelling. The materials of construction shall be retained as such thereafter.
Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Location Plan	RT01.#		26 Jan 2022
Existing Ground Floor / Site Plan	RT02.#		26 Jan 2022
Existing Elevations	RT03.#		26 Jan 2022
Proposed Ground Floor / Site Plan	RT04.#		26 Jan 2022
Proposed Elevations	RT05.#		26 Jan 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.