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:	**2022/62/90398/E**
Site Address:	12, Strike Lane, Skelmanthorpe, Huddersfield, HD8 9AY
Description:	Demolition of existing side conservatory and erection of side extension with storage below and erection of detached garden room to front
Recommending Officer:	Lyle Robinson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 05-May-2022

Officer Report

Site Description

The application site relates to a split level bungalow in the settlement of Skelmanthorpe. Levels fall northwards away from the public highway, Strike Lane, affording the property a lower ground floor level and what is effectively a storey wing at the north east facing rear elevation. The house is somewhat of an outlier in terms of its form, being sited on a street of predominantly terraced properties.

Description of Proposal

This is a householder application for planning permission for a two storey side extension at the west/north west facing side elevation. It would replace the existing conservatory. The extension would have a depth of 3, width of 5m, and would be set down from the main roof ridge. It would serve an extended kitchen/diner at ground floor level and storage accommodation at the lower ground floor. A single storey 7.5m x 3.5m outbuilding is also proposed within the front of the plot; to serve a garden room.

History of negotiations/amendments received

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

Relevant Planning History

2003/93145 ERECTION OF SINGLE AND TWO STOREY EXTENSIONS *Approved 09/SEP/2003*

Representations

Publicity is being taken in accordance with statutory requirements. Neighbour letters were sent out with an expiry date of 18th March 2022. Following this publicity no letters of representation have been received.

Consultation Responses

Denby Dale Parish Council – no objection

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping

- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Land stability

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion/Planning Balance

House Extensions and Alterations SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework.

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be

approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

This planning application proposes residential domestic development within a settlement boundary. The site is unallocated in the Kirklees Local Plan. The site is located within a run of existing residential development. This sort of development in this location is acceptable subject to the satisfactory taking into account of relevant material considerations.

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

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

The bungalow has already been extended resulting in what could be seen as a two storey dwelling when viewed from the rear. The proposed extension would replace a somewhat dated looking conservatory with a substantial built extension to the host dwelling. The proposed extension would be set down from the roof ridge so as to appear clearly visually secondary and subservient in scale, in line with the guidance for two storey side extensions in the Kikrlees SPD on house extensions. The existing dwelling has a mix of stone and brick facing materials and the proposed materials palette would clearly accord with this. The resultant extended dwellinghouse would not read as our of place when viewed in the context of the streetscene.

Paragraph 5.30 of the Kirklees House Extensions and Alterations SPD states that outbuildings should normally;

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The proposed outbuilding would be forward of the front elevation; however in this particular instance the building line is staggered. The terraced properties to the immediate south east, nos. 8-10 Strike Lane establish a building line which the proposed outbuilding at the application site would accord with. The outbuilding would merely replicate the stepped, irregular building line present already. Furthermore, the outbuilding would be subservient in scale to the host dwelling, and would preserve ample amenity space about the property consistent with the situation at neighbouring dwellinghouses. For these reasons, it is considered that the outbuilding would not be detrimental to the character of the area having regard to the particular circumstances of the application site

The development therefore would also be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

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

Impact on no. 14 Strike Lane

The proposed ground floor (first floor in terms of levels at the rear of the site) kitchen/diner window would be sited directly across from the side gable of no. 14 Strike Lane. This neighbouring elevation has one window opening which serves a non-habitable window. In the context of the extension window being a side window this is seen as an acceptable relationship.

Impact on 2 Emley View

The proposed kitchen/diner window would read as a first floor window here given the difference in land levels. Some 14m would be retained to the middle of the rear amenity space of no. 2 Emley View. Where a new dwellinghouse proposed here this may be seen as too close a relationship in terms of overlooking, particularly given that this window would appear as a first floor window. However, it is important to bear in mind the existence of the conservatory which serves as habitable accommodation. Compared to this existing situation, the resultant kitchen/diner extension would not introduce any further overlooking or loss of privacy to no. 2 Emley View. Due to the reduction in extent of glazing compared to a conservatory, and the fact that this window would serve the kitchen portion of the proposed kitchen/diner, the impression of overlook may actually be reduced slightly in comparison with the existing situation.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

The proposal would not involve any alteration to the access to the site. It would not increase the amount of bedrooms and therefore would not alter parking requirements.

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

5 – Other matters:

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change

through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The application for a domestic extension. Further conditions attendant to the climate change should be assessed in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG). Further conditions ensuring the environmental sustainability of the development are not considered necessary or reasonable in light of the householder nature of this development and bearing in mind the requirements of Building Control regulations.

6 – Representations:

No letters of representation have been received.

7 – Conclusion/Planning Balance:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the Development Plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2022/90398
Officer Recommendation: Approve
Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
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 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: 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 LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan	002		07/FEB/2022
Existing and Proposed Plans, Elevations and Visuals	001		07/FEB/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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.