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:	**2022/62/90430/W**
Site Address:	233, Scar Lane, Golcar, Huddersfield, HD7 4AU
Description:	Erection of two story side extension and associated alterations
Recommending Officer:	Sam Jackman

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 01-Apr-2022

SITE DESCRIPTION – 2022/90430

233 Scar Lane is a three-bedroom, semi-detached dwelling located within a sloping site whereby the front elevation is two storeys, and the rear elevation is three storeys. The existing building is constructed of coursed stone walls and has white UPVC windows and doors. The property benefits from a large rear and front garden and driveway, access is taken directly from Scar Lane leading to a detached single garage at the rear. The boundaries are predominantly made up of hedging and timber fencing; however, there is some concrete stone fencing on the east of the site.

The site is set within a predominantly residential area with the dwellings adjacent to the property being of the same character as the host property and the dwellings to the north of the highway are terraced and semi-detached housing that have stone-chipping fronts. Beyond the site's southern boundary there is green belt land.

DESCRIPTION OF PROPOSAL

The proposal is a modified scheme to a previously refused application 2021/91412, and seeks the erection of two story side extension and associated alterations.

The proposed two storey side extension would project 3 metres from the side of the property, be 9.4 metres long at ground floor level, 7.6 metres long at first floor level and have an overall height of 8.9 metres. The extension would be set back from the frontage by 0.6 metres. The extension would be constructed from materials to match with primary windows in the front and rear elevations including a Juliet balcony on the rear elevation. A roof light an ensuite window would be located in the side elevation. Parking arrangements would remain the same as existing.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place to amend the scheme, given the previous approved applications and extent of previous negotiations and variations. However scalable plans to a metric scale were secured.

RELEVANT HISTORY

2021/91412 – infilling of the previous carport, single storey front extension, single storey rear extension and extended raised decking area. – refused appeal dismissed.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91412

2020/91818 – 2-storey side extension – *approved not built*

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F91818

2019/92291- Erection of first floor extension and raised patio – *approved & built*

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92291

2016/9149 – Erection of two storey rear extension and associated alterations – *approved.*

2008/91988 – Erection of single storey side and rear extension – *approved.*

PUBLIC/MEMBERS RESPONSE

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 the 24.3.22, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan and falls within an area at low risk of ground movement as a result of former mining activity.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (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.

Legislation

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).

ASSESSMENT

Background

The site has been subject to a number of recent planning applications which interrelate to this scheme and for completeness is considered beneficial to set out the background.

The first application at the site (2019/92291) was for a raised patio extending 3 metres from the rear extension at a width of 4.85 metres and a height of 1.38 metres. A first-floor extension projecting 1.8 metres from the rear elevation at a width of 6.1 metres with overall height increasing to a total of 6.23 metres with a flat roof was also approved. The proposed materials for the first-floor rear extension include coursed stone walls and grey UPVC windows and doors, with a GRP flat roof that incorporates a roof lantern. This extension has now been built.

The second recent application at the site (2020/91818) retained the rear first floor extension and patio approved by application 2019/92291, but added a 2-storey side extension, incorporating a carport with master bedroom, dressing room and en-suite above. The newly created 4th bedroom in the loft would be extended into the roof space within the side extension to create a study/ 5-bedroom property. The extension would project from the gable by approx. 3m by 8m which would include a setback of 0.6m from the front elevation and flush with the original rear wall. The previous flat roof over the rear extension would remain, where the roof for the side extension would be hipped and set down from the ridge of the host property.

The third recent application at the site (2021/91412) included the infilling of the carport to create a lounge and garage. It also proposed to bring forward the ground floor of the side extension to project forward of the front elevation by 0.85m. At the rear the ground floor would also be extended a further 1.8m, in line with the existing rear extension. This would create a total length of the ground floor extension to be approx. 10.5m. The decking area would also be extended behind the new sitting room and the existing detached garage would be removed. This application was refused and subsequently dismissed at an appeal.

The current scheme seeks to address the reason for refusal on 2021/91412 and address the Inspectors' comments by removing the front extension and the extended decking at the rear.

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 NPPF.

Policy LP1 goes on further to stating that "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. In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the now adopted Kirklees Supplementary Planning Document on House Extensions (SPD) which come into effect on 29th June 2021 and attracts weight as a material consideration.

Within the newly adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “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.”

- Principle 2 – that “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.”

In Section 5.6 of the Supplementary Planning Document specifically refers to single storey rear extension which 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.

Impact on visual amenity:

The principle of a 2-storey side extension has been considered acceptable in the form of the previous approval in 2020, consideration is given to the amendments and whether these are themselves acceptable, taking into account the inspectors comments on the appeal decision for the 2021 application.

The amendments for this application are the infilling of the carport and a flat roofed single storey rear extension.

The inspector considered that the: -

> *The additional single storey rear projection would fill a corner between the two-storey part of the proposed side extension and the property’s existing rear extension. Given its limited footprint and single storey height, the additional rear projection would not be so large as to subsume or overwhelm the host building, even when taken together with the previously permitted extensions and the rear decking now proposed. Public views of it would also be limited. On that basis, I am satisfied that the additional rear projection and decking would not appear out of scale with the host property or harm the character or appearance of that existing building or its surroundings.*

However the inspector didn’t comment on the infilling of the carport and its impact on the street scene. Officers consider that infilling this element would not be harmful to the character and appearance of the site or the wider street scene and would not add any significant bulk to the site.

The proposal is, therefore, acceptable when considered against Policy LP24 of the Kirklees Local Plan. This states, “the form, scale. Layout and details of all development (should) respect... the character of the townscape”. Although the extension cannot be considered ‘subservient’ to the original building, it has been reduced in size, is in keeping with the existing building in terms of scale, materials and details. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area.

Impact on residential amenity:

In terms of residential amenity, the proposed rear extension now built, and the side extension has already been considered to be acceptable.

Consideration is now on the impact of infilling the carport and the single storey rear extension infilling the back corner between the approved rear and side extensions.

The attached property No.235 is at an acceptable distance not to be affected by the modified proposal in this case.

It is acknowledged that the property to the east of the site, no. 231 Scar Lane, is on a slightly lower level so there will be some potential that the infilling of the carport and the rear infill extension will impact in terms of overshadowing and or overbearing on the adjacent neighbour. Where the inspector considered that the: -

> *Most of that additional depth, and most of the solid wall at the side of the extension’s ground floor, would be alongside the drive and garage at the side of the house at No 231. As such, it would not harm the outlook from the main habitable room windows or private garden areas of No 231.*
>
> *Most of the additional single storey projection to the rear of the two-storey side extension would be adjacent to the rear part of No 231’s detached garage. It would fill the corner between the previously permitted side and rear extensions, and would be seen against the backdrop of the existing house and those extensions when viewed from the neighbouring house and garden at No 231. Any effect it would have on the outlook from No 231, over and above that associated with those existing and permitted structures at the appeal property, would therefore be very limited and insufficient to justify withholding*

permission on those grounds.

Given the location of the house and garden at No 231 relative to the host property, and the shading of that neighbouring property which is already likely to result from the host property and its existing and permitted extensions, the additional single storey projections and solid walls now proposed to the ground floor would not result in a significant increase in overshadowing of No 231 or its garden.

Drawing those threads together, she concluded that the proposed development would not harm the living conditions of the occupants of 231 Scar Lane with regard to outlook or light.

With regards overlooking there would be only one window in the side elevation, a secondary window to the bedroom, this should be obscurely glazed in order to prevent overlooking, which can be controlled by condition, (condition 4). The rear window is shown to be a floor to ceiling window with a Juliette balcony, where there is potential for overlooking given the nature of a Juliette balcony rather than a standard window. However, no objections have been received with regards the original plan and the window will be in line with the existing first floor windows. This is considered acceptable to retain a good standard of amenity.

To further protect the neighbours and given the changes in levels, between the two an additional condition should be imposed to prevent any additional windows in the side elevation, given that the previous kitchen window has been changed to a floor to ceiling window, given the change to the internal layout. (Condition 5)

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions…minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear & side extensions are not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The combined extensions would create a 5-bedroom property, where at least 3 spaces would be required, where the applicant had sent photos to show that 3 vehicles can be parked within the front garden. This is sufficient to demonstrate that adequate parking space can be made available on site to support increased scale of accommodation provided.

The application therefore accords with Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property appears to be in a good state of repair, however, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote would be added to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought, if the application was considered to be acceptable

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2022/90430

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP01, LP02 & LP24, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, and 14 of the National Planning Policy Framework.

3. The external walls 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and advice within the National Planning Policy Framework.

4. The development shall not be occupied until the side window in the 'Master Bed' within the eastern side elevation of the hereby approved extension and as shown on Dwg. No.s 101/06/2020 Rev D and 102/06/2020 Rev C has been obscure glazed (minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP 24 of the Kirklees Local Plan and advice in the National Planning Policy Framework

5. Notwithstanding the provisions of section 55(2) (a) (ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional window openings other than those expressly authorised by this permission shall be constructed in the eastern (side) elevation of the extension on the approved plan at any time.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with policies LP01, LP02 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

6. Any re-surfacing of the existing parking areas shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864). These areas shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans for the lifetime of the development.
Reason: To ensure adequate space within the site for vehicle parking and in accordance and to ensure adequate drainage of surface water within the site in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

NOTE: With reference to condition (6) above, the developer is advised to refer to Communities and Local Government 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864): www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plan Type	Reference	Version	Date Received
Block Plan 1:1250	103/06/2020		10.2.22
Existing & proposed floor plans	101/06/2020	D	30.3.22
Existing & proposed elevations	102/06/2020	C	31.3.22

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 Planning 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 negotiations have taken place, given the previous approved applications and previous negotiation.

Recommendation and Authorisation Box

25.3.22

Report Dated:

Coal – none