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:	**2022/62/90899/W**
Site Address:	115, Kaye Lane, Almondbury, Huddersfield, HD5 8XT
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 23-May-2022

Officer Report

Reference: 2022/90899

Location: 115, Kaye Lane, Almondbury, Huddersfield, HD5 8XT

Proposal: Erection of single storey rear extension

Site Description.

115 Kaye Lane is a two-storey semi-detached property located in Almondbury, Huddersfield. The property is faced in stone and render and has a hipped roofing form, with slate. The property benefits from a previously erected two-storey extension to the rear, granted under planning application 89/07321. Within the wider curtilage is garden amenity space to the rear and on-site parking space to the front and side elevation. There is a detached outbuilding to the rear of the site, this being a garage and workshop

Within the wider streetscene of Kaye Lane there is a mix of housing types and designs, however, the use of stone is a predominant characteristic.

The application site is located within Green Belt land as identified in the Kirklees Local Plan. The site is not within a conservation area. There is a Grade II listed building across the road from the site (112 Kaye Lane) and the site is within the Castle Hill Study Area.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension.

The existing detached garage and workshop will be demolished prior to the erection of the proposed single storey rear extension.

The proposed single storey rear extension will project ~2.7 metres from the extended rear elevation of the dwelling, projecting ~4.5 metres from the original rear elevation. It will have a width of ~5.6 metres and a height of ~3 metres. The extension will be faced in natural coursed stone and render and will have a flat roofing style constructed from EPDM/fibre glass.

The extension proposed glazing to only the rear elevation, in the form of glazed bi-folding doors.

Within the interior of the dwelling, the extension will function as a ‘snug’.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

However, the applicant did provide several written justifications in accordance with the Council's adopted House Extensions and Alterations SPD, these are as follows:

- They contend the proposed single storey extension follows the side wall of the previous two storey extension, it is not 1m from the boundary but is not on the boundary. To build the extension 1m from the boundary for such a narrow plot would be restrictive and actually cause more overlooking/privacy as such a gap of 1m would lead to the use of this gap for storage of garden furniture, etc.
- The overall projection is 4.5m part two storey (1.8m) and part single storey (2.7m) with a low eaves heights. The single storey element only projects 1.5m beyond the rear wall of the existing conservatory to the rear of 117 Kaye Lane with no objections raised by the neighbour.

In this instance, the case officer considered some of the applicant's justifications to be valid and in turn, deemed the proposal acceptable (discussed in greater length in the 'Assessment' section of this report). Therefore, the overall determination of this application is based on the original plans, as well as the justifications as provided by the applicant.

Relevant Planning History.

- **89/07321** – Erection of first floor extension to form enlarged bedroom and en-suite bathroom. *Granted permission 1990.*
- **2021/93799** – Removal of porch and erection of oak framed canopy to front and engineering operations to front garden to provide additional off-street parking. *Granted permission 2022.*
- **2022/90133** – Single storey rear extension – *Householder prior approval refused on 24th February 2022 (as it did not constitute permitted development).*

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 20 April 2022 – no representations were received.

Whilst the site is within relatively close proximity to a listed building across the road and is within the Castle Hill Study Area, there is considered to be no impacts upon the significance of these heritage assets or their setting (as discussed below), therefore the application was not publicised by way of site notice or press notice.

Consultation Responses.

No consultations were deemed necessary.

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 upon classified Green Belt land in the Kirklees Local Plan.

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:

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.

Highways Design Guide SPD

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 considered to present a total volume of ~329.8m3. It is noted that there is an outbuilding to the rear of the site (but evidence of the exact date of the erection of this building is unclear). An outbuilding is displayed in a similar position on a 1955 OS MAP therefore it could be the case that this outbuilding is original, but it does appear later additions have taken place to this building. Nonetheless, this is proposed to be removed under this existing application to make way for the extension, and it is considered that it would not be possible to join the proposed extension to the garage without failing to comply with the plans (should permission be granted).

The previous two-storey rear extension under planning application 89/07321 is considered to present a total volume of ~62.58m3. This created a volume increase of 18.98% to the original dwellinghouse.

The proposed single storey rear extension under this planning application presents a volume of 45.32m3. This creates a cumulative volume increase to the host dwelling of 32.72% when all of the rear extensions are considered. Arithmetically, this is considered to be a relatively generous addition to the original building. It is also acknowledged that an oak framed extension to the front of the site has been approved (2021/93799) and this will further add to the original dwelling, but that being said, this is a minor feature in scale and partly replaced an existing porch.

When taking into account the visual appearance of the overall extension, it is considered that it would appear subordinate to the main dwelling by virtue of its overall depth and height.

Therefore, it is considered that the erection of the proposed extension would not result in disproportionate development and would constitute appropriate development in the Green Belt. The proposal is therefore considered acceptable in principle in accordance with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

In line with Policy LP57(c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too.

2. Impact on Visual Amenity (and Historic Environment)

Visual Amenity

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."*

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 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 retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Although the proposed rear extension to 115 Kaye Lane does not conform with every criterion of the House Extensions and Alterations SPD as set out above. Of note, the overall extension would exceed 3 metres in depth and would be less than 1 metre to the west side boundary. The applicant has submitted several written justifications detailed within the 'History of Negotiations' section of this report which has been taken into account in the consideration of this application.

Despite being so close to the neighbouring property, this is not too dissimilar to existing rear extensions along Kaye Lane and as discussed below, this is not considered to result in undue harm to the amenity of neighbouring properties.

In addition, despite being 4.5 metres in depth cumulatively, it is considered that the overall rear extension would be a subservient addition, due to its part single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a flat roof further promotes subordination, by form naturally working to mitigate any potential of undue bulking/massing from the development. In addition, this depth is considered acceptable given that undue harm to the amenities of neighbouring properties would be avoided as discussed below.

Fenestration detailing is limited to one set of glazed bi-folding doors to the rear, and these are in keeping with the existing forms of fenestration currently erected to the rear elevation of the dwelling.

In turn, it can be concluded that the extension will not be an obtrusive addition to the host dwelling and will sympathetically complement the existing architectural style of the dwellinghouse.
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."

Although previous developments have taken place at 115 Kaye Lane, the addition of this single storey rear extension is not considered to result in overdevelopment. A large area of garden would be retained as a result of the development. The reasons for this are also set out within the 'Green Belt' section of this report, which concludes that this additional extension will not result in disproportionate development either visually or spatially.

With regard to the wider streetscene of Kaye Lane, it is important to note that the extension is to be located to the rear of the dwelling and therefore, will not be overtly visible from the highway of Kaye Lane. As such, the proposed extension to 115 Kaye Lane will not impact upon the established character of the locality or disrupt the existing visual relationship between other properties along Kaye Lane.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF,

Policies LP24 and LP57 (d) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

Policy LP35 goes on to note 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.

There is a Grade II listed building across the road from the site (112 Kaye Lane).
As the extension would be sited to the rear of the dwelling it is considered that the proposal would not affect the significance of this listed building.

The site is some distance away from the Scheduled Ancient Monument (SAM) of Castle Hill, which is to the south of the site, and the site is also within the Castle Hill Study Area. However, given that this is a modest single storey extension to an existing dwelling and that there will be no encroachment into any fields, and because the site is quite some distance away from Castle Hill, it is considered that the proposal would not cause harm to the significance of this Designated Heritage Asset.

3. 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 the retention of a functional amenity space and is not considered to be overdevelopment.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 113 Kaye Lane and No. 117 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.

No. 113 Kaye Lane – this property is located to the east of the application site.

Given the significant extent of separation distance between the proposed site of development and the shared boundary of curtilage between these two neighbouring properties (2.55 metres), in conjunction with the single storey height of development, it can be concluded that no undue overbearing or overshadowing will be caused for the occupiers of No. 113.

In addition, given that no glazing is proposed to the side elevation of the extension facing towards this neighbouring property, it will cause no increased impact to residential privacy, with no increased potential for overlooking caused.

It should be noted that the demolition of the existing detached garage structure at 115 Kaye Lane in conjunction with this proposal is considered to improve the residential amenities of No. 113.

No. 117 Kaye Lane – this property adjoins the application site to the west.

In relation to overshadowing and loss of light, the text supporting Principle 5 of the House Extensions and Alterations SPD states that as a starting point, the Council will have regard to the 45-degree guidelines, with a line being drawn from the nearest habitable room window of the adjacent property at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property. Next door at No.117 is a conservatory which the proposed extension would protrude beyond (by ~1.5m). The extension would not appear to breach the 45-degree line when measured from the midpoint of this conservatory. Given this, and that the extension would be being single storey in height and separated from the shared boundary by 0.3 metres, it is concluded that the extension will not result in undue impacts of overbearing or overshadowing for the occupiers of No. 117 Kaye Lane. This conclusion is also supported by the use of desktop sunlight calculator software, which

confirmed that the proposed works pose no potential of overshadowing after 11:30am in either the summer or winter months.

In addition, given that no glazing is proposed to the side elevation of the extension facing towards this neighbouring property, it will cause no increased impact to residential privacy, with no increased potential for overlooking caused.

The existing boundary treatment of dense hedging along the shared boundary is to be retained following development, this will work to further mitigate any potential impacts of development.

For these reasons, the proposed development at 115 Kaye Lane is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

4. 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.

The proposed development will not directly increase the domestic function of 115 Kaye Lane (i.e. no additional bedrooms), nor will it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 115 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.

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 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 and Policy LP51 of the Kirklees Local Plan.

6. Representations

No representations were received.

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: **2022/90899**
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 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 LP1, LP2, LP21, LP22, LP24, LP35, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7 and 15 of the Council's adopted House Extensions and Alterations SPD, and Chapters 2, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. The facing materials on the side elevations of the single storey extension hereby approved, shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2, LP24 and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Note: The application site is located in a low-risk coal area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	21/696/SH2/01	A	15.3.22
Existing Block Plan	21/696/SC2/02	A	15.3.22
Existing Plans and Elevations	21/696/SC2/03	A	15.3.22
Proposed Plans and Elevations	21/696/SC2/04	B	15.3.22
Proposed Block Plan	21/696/SC2/05	A	15.3.22
Planning Supporting Statement by Paul Matthews Architectural Ltd dated March 2022	21/696	-	15.3.22

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 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 took place and no amended plans were sought or submitted, however, the applicant did provide a set of written justifications in line with the Council's adopted House Extensions and Alterations SPD.

Report Dated: 18.5.22