

**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:	2022/62/90923/W
Site Address:	5, Pastures Way, Golcar, Huddersfield, HD7 4QG
Description:	Erection of two 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.

John Holmes

AUTHORISED OFFICER

Date: 24-Jun-2022

Officer Report

2022/90923 – 5 Pastures Way, Golcar, Huddersfield, HD7 4QG

Site Description

The application site is within the residential area of Golcar, characterised by semi-detached dwellings of various types. The site is situated at a cul-de-sac / courtyard area in a residential layout delineated by semi-detached properties 1 and 3 Pastures Way to its southwest and 5 and 7 Pastures Way. A cluster of detached utility buildings are situated on the northwest of this common courtyard, with access opening on the southeast onto Pastures Way.

The host property is a two-storey semi-detached dwelling constructed in stone blockwork and roof tiles, an existing front (southwest) lean-to porch, an existing rear (northeast) conservatory, and associated front, side (northwest), and rear gardens, within its residential curtilage.

Description of the Proposals

The application seeks planning permission for the proposed erection of a two-storey side extension to create a new study and extended kitchen / dining area on the ground floor level, and 1no en-suite bedroom on the first-floor level.

Planning History

The most relevant planning history to the application site is as follows:

Reference: 88/62/03607/C1

Description: Residential Development (erection of 22 No. dwellings)

Status: GRANTED CONDITIONALLY

Reference: 2004/62/95593/W1

Description: Erection of Conservatory

Status: CONDITIONAL FULL PERMISSION

It is noted that permitted development rights were partially removed in the approved and implemented permission for the dwelling (ref: 88/03607).

Representations

The application has been advertised by neighbour notification letters. Initial publicity expired 22 April 2022. Amendments were sought with the amended plans and proposal received on 27 May 2022 and was subsequently readvertised.

One (1) neighbour objection has been received to the initial proposal prior to amendments. The concerns raised are summarised as follows:-

- Impact of the proposal in regard to overshadowing
- Trees on the boundary should be reduced in height if the proposal is to be implemented
- Colour of window frames should be brown.

No further comments were received regarding the amended plans and proposals. Final publicity expired on 13 June 2022 as per the first amendment received 27 May 2022.

Further discussions and amendments were sought with the proposal being amended again set out in plans received 21 Jun 2022, consisting of the amended drawings NPPW/2022/02RevC, NPPW/2022/03RevC and NPPW/2022/04RevB.

These amended drawing reduced the size and scale of the proposal, including its projection from the side and also set the proposal back / down from the host property.

As the further amendments sought and received 21 June 2022 do not significantly diverge from the description of the initial proposal and the previous amendment received 27 May 2022, readvertisement / reconsultation was not considered to be required in this case.

Consultee Responses

No responses were received.

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 most relevant Policies for consideration in this case are:

Kirklees Local Plan (2019)

- LP1 Achieving Sustainable development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design

Supplementary Planning Documents (SPD):

House Extensions and Alterations SPD

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 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 4.5 of the Kirklees House Extensions and Alterations SPD specifically relates to the overall scale, massing, external design and detailing of extensions and reads as follows,

4.5 Proposals for extensions should normally be smaller in scale than the original property and set back from the existing building line. Two-storey extensions should be set down from the ridge line and generally smaller in footprint. The materials, design, roof pitch and detailing should normally match the existing house detailing.

Paragraphs 5.15-5.16 and 5.19-5.20 of the SPD specifically relates to two-storey side extensions and reads as follows,

“5.15 Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.

5.16 Side extensions should maintain the quality of the environment for neighbours by: Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and Positioning windows to minimise or avoid any potential overlook into neighbouring gardens. Single storey side extensions[...]

5.19 Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

5.20 Two-storey side extensions should: not take up all or most of the space to the side of a house; maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and be set back at least 500mm from the front wall of the house.”

These principles and the relevant design guidance of the House Extensions and Alterations SPD is taken into account within sections 2 and 3 of this report.

In this case, the principle of extending the existing dwelling is considered 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.

Paragraph 5.17 of the SPD refers to single-storey side extensions 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.

The concerns raised in objection to the proposal (detailed within the 'Representations' section of this report) insofar as relevant to visual amenity are considered within this section.

It is recognised that the requirements to appropriate offset and the set-back of 500mm from the building line are repeated in Paragraph 5.20 specifically relating to two-storey side extensions, which, in conjunction, provide the spatial standards to ensure that proposals would complement the host property and remain proportionate and subservient for both single-storey and two-storey side extensions.

The two-storey side extension as initially proposed would project 3.85m from the existing side (northwest) elevation of the main house and would have a length of 7.55m, a dual-pitched roof section at a height of 7.6m to the ridge and 5.3m to the eaves, with a small gable insert feature on the first floor level intersecting the roof plane to the front elevation. The proposed materials

including the stonework for external walls, concrete roof tiles, and brown coloured inset windows and patio doors would match that on the existing house. The case officer raised concerns to the design, particularly the overall scope and amount, and scale, massing, layout, and orientation of the proposed two-storey extension with relation to that of the existing main house, the proposed front roof insert / gable feature that would appear incongruent with the architectural style and features on the existing house, and the outlook and appearance as seen from neighbouring properties and the public domain.

Further discussions have seen amended plans submitted which reduce the side projection of the proposal to 3.05m from the existing side (northwest) elevation of host property. The proposal, as amended, would maintain a separation of 5.9m from the curtilage boundary. The side to rear distance between the proposal and dwellings to the north east being 11m.

The proposal has been amended with the roof height and front elevation being set down / back from that of the host property.

As such, subject to the condition securing external materials and appearance matching that of the existing main house, the proposal, as amended 21 June 2022, is considered to be proportionate and subservient when considered with relation to the existing main house.

As such, the proposal, as amended 21 June 2022, is considered acceptable in terms of design and visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, KDP 1 and 2 of the House Extensions and Alterations SPD, and Policies within Chapter 12 of the NPPF.

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.

Paragraphs 4.16-4.18 of the SPD relates to the assessment of proposals with particular reference to potential impact on shading, natural light on neighbours, and the wider residential amenity, and reads as follows,

“4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.

4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in 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. In appropriate circumstances, where local

context supports this, larger guidelines may be considered on a case-by-case basis.

4.18 Consideration should also be given to the position of the proposed extension in relation to the sun's path and the impacts of different times of day and year when considering the impact of the 45° guidelines."

The proposed two-storey side extension, as amended, would project 3.05m from the side (northwest) elevation of the main house and would have a length of 7.05m aligning with the existing rear (northeast) elevation of the main house and set back from the existing principal (southwest) elevation by 500mm, with a dual-pitched roof section at a height of 7.8m to the ridge and 5.3m to the eaves.

One ground floor opening is proposed to the side elevation, which serves a kitchen. Openings serving a kitchen, study, bedroom and en suite are proposed to the front and rear elevations.

Paragraphs 4.19-4.20 of the SPD further gives specific guidance on the possible and likely impact in terms of dominance and overbearing impact on neighbours and reads as follows,

4.19 Consideration of the outlook of neighbouring properties will also be considered in assessments of extensions and alterations. Dominance and outlook relate to how an extension will change the character of the neighbouring house and garden and affect the outlook from a neighbour's window. Proposals which would result in a poor or reduced outlook from neighbouring properties are unlikely to be acceptable.

4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals.

The concerns raised in objection to the proposal (detailed within the 'Representations' section of this report) insofar as relevant to residential amenity are considered within this section.

The Scheme has been amended to reduce the side projection and therefore the overall width of the two-storey side extension to 3.05m, which, when compared with the initially proposed 3.85m projection from the existing side elevation, would ensure the rear to side relationship between the proposal and properties to the north would be 11m.

Considering the scale and massing of the proposal and the separation between the proposed side extension as amended 21 June 2022, the impact of the proposal in terms of being overbearing or leading to overshadowing is not considered to be to such a degree to warrant refusal. It is concluded the development would not result in an outlook from the adjacent neighbouring properties (283 and 285 Leymoor Road) which would be significantly impacted upon to such a degree as to justify refusal to grant consent in this case.

The proposed opening to the side elevation would be screened by existing boundary treatments given it is to the ground floor and would not significantly increase overlooking as a result of the development. In terms of openings to the front and rear, given these do not protrude beyond the front plane of the

rear / front elevations these are not considered to be significant in this regard. It is recommended that to ensure no significant level of overlooking occurs from the side elevation, a condition be included restricting the ability for openings to be inserted to the side at a later date under permitted development rights.

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 side, and rear garden, and the proposed extension would clearly satisfy the requirement for at least 50% outdoor space within the residential curtilage being retained when viewed in conjunction with the existing rear conservatory in its cumulative impact.

Due to its location, layout, orientation, separation, and overall configuration, the proposed extensions and alterations, as amended 21 June 2022, are considered acceptable with regard to residential amenity in accordance with the policies within Section 12 of the NPPF, Policy LP24 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 proposed two-storey side extension would increase the total number of bedrooms of the property from the existing 3no to 4no in the form of 1no additional bedroom on the first-floor level.

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 & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

KDP 15 and Paragraph 4.42 of the SPD provides specific guidance to the parking provision with regard to the number of bedrooms at the property and is worded as follows,

“4.42 Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces
4+ bedroom dwellings provide 3 off-street parking spaces.”

The application site, as existing and proposed, would provide 1no parking space in the detached garage block to the front of the property and 2no parking spaces to the front of the property on its front garden / hardstanding area within its residential curtilage.

The proposed two-storey side extension, as amended 21 June 2022, would not materially intensify the site to the extent that additional parking provision would be required; therefore, the proposed development would not materially impact on matters of parking and highway safety and would accord with KDP 15 of the SPD in terms of parking provision and highways safety.

Other Matters

Carbon Budget

KDP 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. KDP 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, KDP 10 and 11 recommend extensions and alterations to 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.

The proposal, as amended 21 June 2022, could clearly be seen as an addition and alterations reflecting the continued and evolving use of the property as a residential dwelling, with the proposed materials and construction methods being energy efficient wherever possible and applicable and would therefore be appropriate in securing and safeguarding sustainability. The proposed window openings, in particular, the rear patio doors with full-height glazing on the proposed ground floor rear elevation, would contribute to capturing passive solar gain and in turn improve the energy efficiency of the dwelling; the proposed dual-pitched roof plane sections, particularly the northeast facing rear roof plane, would also provide the basis for the installation of solar panels in the future due to its layout and orientation to facilitate the appropriate use of renewable energy and contribute towards a low-carbon future.

As the scope of the works proposed, as amended, would be 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 should the proposal be granted the necessary planning consent. The scheme therefore complies with the aims of policy LP24 of the KLP, KDP8-11 of the SPD in promoting energy efficiency and the adoption of renewable energy, and Chapters 9 and 14 of the NPPF, which seek to promote a low carbon future and securing sustainability in development proposals.

Representations

One (1) neighbour objection has been received to the initial proposal prior to amendments. No further comments were received regarding the amended plans and proposal on 27 May 2022 and 21 June 2022. The comments raised

have been addressed within the Visual and Residential Amenity sections of this report.

Conclusion

Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposed works as amended on 21 June 2022, in isolation and aggregate, would not pose or create a significant detrimental impact greater than that of the existing house, and in turn upon its visual, residential, and public amenity within its wider residential setting. Regarding all these elements, the proposal represents an acceptable and appropriate form of development both upon the house and its surroundings.

Recommendation

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

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, and LP24 of the Kirklees Local Plan, the Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 15 of the Council's adopted House Extensions and Alterations SPD, and Policies within Chapters 2, 12 and 14 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 building. The materials of construction shall be retained 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 and 14 of the National Planning Policy Framework.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall

be created in the north western (side) elevation of the two storey extension to side hereby approved.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, principles 3 and 4 of the Council's adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

Schedule of Plans and Specifications

Plan Type	Reference	Version	Date Received
Application Form	-	-	16 Mar 2022
Location Plan	1525480		16 Mar 2022
Planning Statement	-	-	16 Mar 2022
Existing Elevations	NPPW/2022/01		16 Mar 2022
Existing and Proposed Floor Plans	NPPW/2022/02	Rev C	21 Jun 2022
Proposed Elevations	NPPW/2022/03	Rev C	21 Jun 2022
Proposed Site Layout	NPPW/2022/04	Rev B	21 Jun 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. Final amendments to the proposal were received 21 June 2022. Amendments to address concerns raised in relation to the impact of the development upon amenity were submitted.