

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:	2022/62/91044/W
Site Address:	15, Cleveland Road, Edgerton, Huddersfield, HD1 4PP
Description:	Erection of single storey rear extension and alterations (within a Conservation Area)
Recommending Officer:	Luke Walstow

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 09-Dec-2022

Site Description

The application site relates to a semi-detached dwelling which is located within a wholly residential area with a variety of property styles, ages and designs in the street scene.

The application property is faced in pebble dashed render with elements of natural stone on the ground floor front elevation. It has a concrete tiled roof. To the rear there is a small outrigger and within the back garden a detached, sectional garage. There is an area of decking to the rear garden. The adjoining property, no. 13 is not extended to the rear and has a raised patio to the rear. There is boundary treatment separating the two properties in the form of soft landscape and picket style fencing of around 1.5m in height.

There is a slight elevational change between the row of houses on each side of Cleveland Road, with houses located on the opposite side of the site area being on a higher elevation due to ground level and type of house.

To the southeast of the site, behind the site boundary (end of the property's garden) are terraced dwellings that are beyond the boundary of the conservation area. These properties are 'end-on' to the application site. The end of Colwyn Street adjoins the rear of the garden.

The dwelling is located within the Edgerton Conservation Area.

Proposed Development

The applicant is seeking planning permission for the erection of single storey rear extension and external alterations.

The proposed rear extension would project 2.5m from the principal rear elevation of the dwelling and extend to a width of 3.35m and a height to the ridge of ~4m. The eaves height would be ~2.5m. It would be set off the boundary with no. 13 by approx. 250mm. It would adjoin the existing outrigger, including its mono-pitch roof but project ~1m beyond its rear elevation. As the proposed extension would project further than the outrigger, the roof form would include a catslide roof. It is proposed to face the rear (SE)

and side (SW) elevations in spray render and the other side elevation (NE) in artificial stone. The roof would be concrete tiled, to match the main roof.

The outrigger would be altered by the removal a door leading out onto the garden to accommodate the new extension. The removal of the door will include walling up the previously occupied space and the inclusion of a new white UPVC window. The extension will house a new aluminium folding door which leads onto the rear garden. The ensuing accommodation would form an enlarged dining room and wc.

History of Amendments

The scheme has been amended and reduced in size / scale in the interests of visual and residential amenity.

- 1) Reduced in depth from 3.0 to 2.5m.
- 1) Height of roof reduced slightly both intersection with existing house and at eaves.
- 2) Roof pitch altered to reflect the existing outrigger.

Planning History

There is no planning history for the site, of note is the following application at no. 13, Cleveland Road, Marsh, Huddersfield, HD1 4PP –

89/00429: Erection of first floor bedroom extension – Approved 17th March 1989. This does not appear to be implemented, but there is a single storey side addition present.

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, site notice and press advertisement as the development could impact on the setting of the Edgerton Conservation Area.

Press advert – expired 25th June 2022

Neighbour Notification Letters – expired 24th June

Site Notice – expired 13th July

2 Representations received, one of these is from the applicant in support of their application.

The amended plans received have reduced the size and scale of the proposed development, as a result it is considered the scheme as advertised adequately alerted the public to the nature of the development, and further advertisement of the amended scheme was not necessary in this case.

Parish/Town Council comments – not applicable

Two letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

Received 13 June 2022: The single-story extension is described to be close to the existing boundary of the property, resulting in concerns for loss of light. It is stated there would be a loss of light to the main downstairs window and the patio.

Letters of Support from the applicant writing in support of their own application

Received; 20 July 2022. Main comments responding to the letter of objection. States the following points;

- There is an existing hedgerow and shrubbery in between the two properties and the height of this exceeds 6ft. The proposed extension will not be much higher than this existing vegetation.
- There is an existing fence in between the two properties. The proposed extension will not be much higher than this existing fence, which already limits the intervisibility between the two properties quite significantly.
- The council's adopted House Extensions and Alterations SPD (adopted June 2021) does not prohibit single storey rear extensions, it simply asks that they are designed carefully to ensure that their height and windows do not harm the privacy of any neighbours. In this case there will be no windows which directly overlook the garden of No. 13 Cleveland Road and the height will not exceed 4 metres.

The points in support of the application are noted.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

The site is located within the Edgerton Conservation Area but is otherwise unallocated in the adopted Kirklees Local Plan. The site is designated as lying within a Coal Authority Standing Advice Area within the adopted Kirklees Local Plan (adopted February 2019).

The following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP35 Heritage
- LP53 Land Stability

Supplementary Planning Documents

House Extensions and Alterations SPD (June 2021)

Other Guidance

Edgerton Conservation Area Appraisal

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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Heritage
4. Impact upon residential amenity
5. Impact upon highway safety
6. Climate Change
7. Impact upon Land Stability
8. Representations
9. Conclusion

1 – 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 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”. The adopted SPD on House Extensions and Alterations sets out detailed guidance on this form of development expanding on LP24. This includes specific guidance that a development scheme shall either comply with the guidance or, where this does not, that the deviation from the SPD is justified.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 130 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The SPD states that single storey 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 metres; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

In this case the development would satisfy all these points, except it would be less than 1m from the property boundary.

The host property is a semi-detached dwelling, the proposed extension is to the rear and is single storey. The design and siting of the proposed extension is considered to be such that the extension would be in keeping with the character and visual amenities of the host property and immediately surrounding development. As it is to the rear, it would not have an adverse impact on the street scene and would not be a prominent feature if glimpsed from the end of Colwyn Street to the south of the site. The materials proposed would generally match the house's appearance by using render for most walling (not pebble dashed) with artificial stone on the side elevation facing no. 13. Roof tiles are proposed to match the main roof. The proposal would harmonise with the design and appearance of the host property and would be a simple addition to the host property. The use of artificial stone, rather than natural stone, can be accepted here due to the discreet nature of its use. It would also limit future maintenance along the boundary close to no. 13. The plans submitted provide some detail of the materials, but the colour of the spray render finish should be conditioned to harmonise with the colour of the pebbledashed render for completeness – condition 3.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework. The limited separation distance of the extension to the property boundary, whilst not in compliance with the SPD, can be accepted in terms of visual amenity here. This is because it would appear as a simple, discreet and modest addition to the dwelling and is of limited projection. Subject to meeting certain criteria, the application of permitted development rights would allow the erection of a rear extension of greater projection (3m) and building this to the property boundary without planning permission. The proposed development has less impact than this potential fallback position.

3. Heritage

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 195 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm. In this case, the proposal is within part of Edgerton Conservation Area. This expansive CA has a published Conservation Area Appraisal. Although Cleveland Road is highlighted within the appraisal, the application property does not fall to be a positive or negative contributor to the character, appearance or significance of the conservation area. The street scene around the application site is varied. The older dwellings, natural stone and of far more imposing appearance, have a positive impact on the CA. This pair of semi-detached houses are an anomaly in the street scene, alongside other later developments. Given all this, a modest single storey rear extension to this property which is of a simple and respectful design to the host dwelling, would cause no harm to the significance, character or appearance of the CA. Rather, like the dwelling itself it would have a neutral impact.

It can be concluded that the proposal would cause no harm to the significance of the CA and that the development would accord with Policy LP35 of the Local Plan and Chapter 16 of the NPPF.

4 – Impact on 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.

Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. The proposal would not significantly reduce outdoor space associated with the dwelling and is therefore not considered to constitute overdevelopment of the site.

Impact on no. 13 Cleveland Road

The proposal would project 2.5m beyond the rear wall of the main dwelling and reach a maximum height of 4 metres, where the roof adjoins the main dwelling. There will be no window installed within the proposed extension that can overlook into the neighbouring property at no. 13.

To comply with principle 5 of the House Extensions SPD, a 45 degree rule is used to assess the impact of an extension on natural light for neighbouring properties. A line is drawn from the midpoint in the nearest habitable room window of the adjacent property (no. 13), 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. After following the guidance, it is found that the proposed extension narrowly fails to comply with the angle of 45°, it is close to 50°. The orientation of the extension to no. 13 is that it is to the south west which means some sunlight in the early afternoon would be lost to the neighbouring property as a result of the development. Some mitigation to this is that there is mature boundary treatment between the properties at this time which forms some shading, especially the outdoor space. There is also a more harmful scenario which would be the application of permitted development rights which would allow an extension of 3m in rear projection, of the same ridge height and to be erected on the boundary. This is a realistic fallback position that weighs in favour of the current proposal for a more modest scheme. This reduced scheme is the subject of amended plans. The affected windows – which appear to serve a habitable room, would still have an open outlook and receive sunlight over a significant period of the day, as would the expansive patio area. Taking all this into account, the development is considered acceptable in this specific case.

The limited scale of this single storey extension with a mono-pitch roof form is considered not to have an overbearing impact on the amenities of no. 13.

There are no other properties that would be materially affected by the proposed development, given the separation of the extension to neighbouring dwellings.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, and 6 of the adopted House Extensions and Alterations SPD and that there is sufficient justification to permit the development in respect of Principle 5.

5 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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. Principle 16 requires appropriate facilities for bin storage and collection to be provided.

The proposal would not increase bedroom accommodation within the dwelling, as such it is considered there would not be a material impact upon access and highway safety / parking as a result of the proposal. Facilities for the storage of bins within the site would remain unchanged.

It is therefore considered that in terms of access and highway safety / parking the proposed development would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the Council's House Extensions and Alterations SPD and policies within chapter 9 of the National Planning Policy Framework.

6. Climate Change

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 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, Principles 10 and 11 request that extensions and alterations 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 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.

Given the scale of development in this instance, it was considered unnecessary to require specific details of response to the climate change agenda. However, the extension would help to improve the insulation envelope of the ground floor and the large window opening would receive passive solar gain and reduce reliance on artificial light for longer period of the

day.

7. Impact on Land Stability.

Coal Legacy:

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 184 of the National Planning Policy Framework.

8. Representations:

This planning application received one objection from a neighbouring property. The main concerns raised were regarding light being obstructed from the new construction and privacy being compromised. Having evaluated the proposal within 2 and 4 of this report, it can be concluded that the proposal would not adversely impact on privacy as there are no side facing windows. The development does not accord with Principle 5 of the SPD as the rear extension would cut the 45 degree line. However, justification to allow the development in this case takes into account the limited scale of the development and the realistic prospect of a more harmful scenario that could occur if an extension was erected utilising permitted development rights.

8. 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: 2022/91044

Officer Recommendation: Conditional full permission.

Conditions

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 (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: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24, LP35 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15 and 16 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 9, 12, 14 and 16 of the National Planning Policy Framework.

3. The artificial stone proposed for the side elevation of the extension hereby approved shall harmonise with the colour of natural stone walling used in the front elevation of the host dwelling. The colour of the spray render finish to the other external walls of the development hereby approved shall harmonise with the colour of the pebbledashed render finish to the rear elevation of the host dwelling.

Reason: In the interests of visual amenity, to preserve the significance of the Edgerton Conservation Area and in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			28 th March 2022

Plan Type	Reference	Version	Date Received
Proposed Single Story rear extension and alterations.	2021/064/03	Rev A	30 th September 2022
Heritage Statement			29 th March 2022
Location Plan			28 th March 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. The scheme has been amended and reduced in size / scale in the interests of visual and residential amenity. This decision is based on the amended scheme.

Report Dated: 08.12.2022

Coal – low