

**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:	2022/62/91337/W
Site Address:	18, Longley Lane, Lowerhouses, Huddersfield, HD4 6PS
Description:	Erection of single storey rear extension
Recommending Officer:	Lucy Taylor

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: 08-Sep-2022

Officer Report.

Reference: 2022/91337

Location: 18, Longley Lane, Lowerhouses, Huddersfield, HD4 6PS

Proposal: Erection of single storey rear extension

Site Description.

18 Longley Lane is a two-storey semi-detached property located in Lowerhouses, Huddersfield. The property is faced in stonework with a hipped roofing form infilled with tiles. The property benefits from on-site parking amenity space, with a hard surfaced driveway down the eastern side elevation of the property. To the rear of the driveway, a detached garage is present within the curtilage of site. Garden amenity space is present to both the front and rear elevations of the property.

Within the wider streetscene of 18 Longley Lane there is a mix of property types and designs present, as such, there is a mixed sense of similarity established.

The application site is not specifically Allocated in the Kirklees Local Plan; however, it has been noted that a public right of way (ref:- PROW HUD/161/10) runs to the rear of the application site, across an area of designated Urban Green Space within the Kirklees Local Plan.

Description of Proposal.

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

The rear elevation of 18 Longley Lane is of differing projections; therefore, the proposed extension will project 2.4 metres from the furthest rearward projection of the host property and 4 metres from the inset rear elevation of the host property, creating an 'L-shaped' extension. The total width of the extension will be 6.3 metres, with an eaves height of 3 metres and maximum height of 3.9 metres.

The extension will be set 0.5 metres away from the southern boundary of curtilage.

The external walls of the extension will be faced in render and the roof will be infilled with light weight tiles coloured to match the dominant roof above the host dwelling.

Glazing is proposed only to the rear elevation of the extension, in the form of one regular window and a set of bi-folding doors. The window will be framed in white UPVC and the bi-folding doors will be framed in white aluminium.

Within the interior of the property, the extension will function as a sun room.

History of Negotiations.

The case officer sought amended plans to ensure that the scheme complied with the Council's House Extensions and alterations SPD, including setting the extension in from the southern boundary of curtilage by a total of 1 metre rather than by 1 metre and reducing the total projection of the extension down from 4 metres to 3 metres.

The applicant did not submit amended plans, nor were any written justifications submitted to fulfil the 'comply or justify' basis of the House Extensions and Alterations SPD.

In turn, the overall determination of this application is on the basis of the original plans as submitted 20 April 2022.

Relevant Planning History.

No relevant planning history.

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 a site notice, within the newspaper and through neighbour notification letters, collectively expiring on 30 May 2022 – no representations were received.

Consultation Responses.

No consultations were deemed necessary.

Policy/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).

The application site is not specifically Allocated in the Kirklees Local Plan; however, it has been noted that PROW HUD/161/10 runs to the rear of the application site, across an area of designated Urban Green Space within the Kirklees Local Plan.

In addition, the application site is located within a Strategic Green Infrastructure Network (Holme Valley Corridor) and in an area with a known presence of bats.

Furthermore, the site falls in an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP31 – Strategic Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

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.

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 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural 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
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) Conclusion

1) Principle of 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 on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on 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.”*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

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 terrace houses or by 4 metres for detached properties
- 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 18 Longley Lane will exceed a total projection of 3 metres, due to the differing rear projections of the host dwelling and the ‘L-shaped’ design of the extension, the proposed projection is considered acceptable on balance. This is primarily because the extension will project only 2.4 metres from the most rearward host projection, therefore

considered partially compliant in terms of projecting less than 3 metres from the rear wall of the original house.

In addition, although the extension will retain a gap of only 0.5 metres from the southern boundary of curtilage rather than 1 metre, given the semi-detached nature of the host property, it is considered that there would be no design benefit to setting the extension in further.

The proposed rear extension to 18 Longley Lane is considered to be a subservient addition to the host property, predominantly due to its single storey height and 'L-shaped' design. In addition, the erection of a lean-to roofing design, by form, naturally works to reduce any potential for undue bulking or massing from the overall appearance of the extension.

The external walls of the extension are proposed to be faced in render. Although the host dwelling is faced in stone, the use of render to construct the extension is considered acceptable from a visual amenity perspective. This is because render is a predominant feature established within the streetscene of Longley Lane, whereby several neighbouring properties have a mix of stone and render established to the face of the host dwelling, including No.'s 22 and 24 Longley Lane.

The forms of fenestration proposed to the extension are also considered acceptable visually, in keeping with the architectural design of the host property, including the use of White UPVC and White aluminium to frame the window and bi-folding doors.

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

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 National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extensions and Alterations SPD.

2) 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 the privacy of neighbouring occupiers, cause

unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, the proposed development will see the retention of an appropriate extent of outdoor amenity space.

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. 16 and No. 20 Longley 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. 16 Longley Lane – this property is located north of the application site.

Given the single storey nature of the proposed extension to 18 Longley Lane and the separation distance of approximately 3 metres between the proposal and the shared boundary with this neighbouring property, it is concluded that no significant impacts of undue overbearing or overshadowing will be caused for the occupiers of No. 16 Longley Lane.

In addition, no glazing is proposed in the side elevation of the extension. Therefore, the proposed extension to 18 Longley Lane poses no increased detriment of overlooking, in turn, retaining appropriate levels of residential privacy.

It should also be noted that boundary treatments are present between these two neighbouring properties, in the form of wooden fencing and shrubbery. These forms of boundary treatment will further work to mitigate against any potential impacts from development.

No. 20 Lowerhouses Lane – this property adjoins the application site to the south.

Given the single storey nature of the proposed extension to 18 Longley Lane, and the retained separation distance of 0.5 metres from the shared boundary with this neighbouring property, it can be concluded that no undue impacts of overbearing are likely to result from the erection of the proposed extension.

In addition, although the proposed extension to 18 Longley Lane falls short of the 45-degree rule as set out in Key Design Principle 5 of the Council's House Extensions and Alterations SPD, with regard to the ground floor rear window installed to No. 20 closest to the application site, in this instance, the extension is considered acceptable with regard to overshadowing. This is because of the location of No. 20 Longley Lane, due south of 18 Longley Lane; whereby sunlight calculator software has been used to confirm that the proposed extension presents potential overshadowing between only the hours of 19:00-20:30 in the summer, with no potential overshadowing in the winter

months. Therefore, on balance, the scheme is considered acceptable with regard to overshadowing.

It should also be noted that boundary treatments are present between these two neighbouring properties, in the form of wooden fencing and hedging. These forms of boundary treatment will further work to mitigate against any potential impacts from development.

The proposal would not significantly reduce the amenity space available for the occupiers of the host property and is not considered to constitute overdevelopment in this regard.

For these reasons, the proposed development at 18 Bradley Grange Gardens is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) 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 & 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 increase the domestic function of No. 18 Longley Lane, 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 18 Longley Lane would appropriately accord with policies within Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 5 of the House Extensions and Alterations SPD.

4) Other Matters

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 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 policies within Chapter 14 of the NPPF & Policy LP51 of the Kirklees Local Plan.

Bats

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. Given the age / design of the property and scale / nature of the proposal it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

PROW

Policy LP23 of the Kirklees Local Plan relates to cycling / walking network and sets out that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted.

This policy further states that existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced.

Given that the proposed rear extension to 18 Longley Lane does not prejudice the function, continuity or implementation of footpath PROW HUD/161/10mn as a walking or cycling network, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan.

In turn, footpath HUD/161/10 will not be impacted upon following the erection of the proposed rear extension to 18 Longley Lane.

Strategic Green Infrastructure Network

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The proposal would not see the removal of any trees or hedgerows.

The proposal is not considered to have a significant impact upon the strategic green infrastructure network and is concluded to be acceptable in this regard.

5) Representations

No representations were received.

6) 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: 2022/91337

Officer Recommendation: Approve

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, LP23, LP24, LP31 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7 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 colour finish of the roof of the single storey extension to rear hereby approved shall match that of the existing building, the colour finish of the walls shall be white or off white. The colour finishes shall be thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Note: Due to its location, a bat roost 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 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.

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

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Block Plan	-	-	20.4.22
Location Map	-	-	20.4.22
Proposed Elevations	Page 2	-	20.4.22

Existing Elevations	Page 1	-	20.4.22
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amended plans were submitted.

Report Dated:

7.9.22