

**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:	2022/62/91512/W
Site Address:	6-8, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ
Description:	Erection of single storey front extension
Recommending Officer:	Sam Jackman

DECISION – Refuse

I hereby authorise the refusal 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: 01-Aug-2022

SITE DESCRIPTION – 2022/91512

6-8 High Street, Scapegoat Hill is an end stone terrace of three, with a stone slate roof. The property itself was previously 2 cottages which have now been converted into one.

The property is set back from the road and set down with a raised parking space in front of No. 8 as was.

Both the neighbours within the terrace row have had front extensions where the attached neighbour to the west has a small porch extension. However, No 12 is larger including a balcony over.

To the rear of the property is a paved area where a detached outbuilding home office has been erected.

DESCRIPTION OF PROPOSAL

The application is to demolish the 2 existing porches and build a single storey front extension, to create a dining room, new entrance with utility & WC.

The measurements of the proposal are as follows:

- 2.8m in projection
- 7.2m in width
- 2.08m in height to the eaves; 3.1m in overall height with a lean-to roof

The materials proposed included stone for the walls under either stone or artificial stone slate tiles for roof.

The submitted plans also display a reconfiguration of the hard landscaped area to the front of the dwelling including new steps and the moving of the retaining wall

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F91512>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Amended plans have been requested and the agent was informed that the proposed extension was not seen as small in scale, as referred to in the Supplementary Planning Document for householder extensions and alterations. The email went on to say that it is appreciated that the extension is slightly set back from the road, but this is not sufficient to overcome the concerns of the Officer, given the property is read as 2 cottages. The Officer confirmed they would be happy for replacement porches, as they understand the porches are not in good condition. The Officers also noted the option for a rear extension could also be potentially acceptable.

Amended plans have not been received where the agent submitted a supporting email. Officers have proceeded to determine the application.

RELEVANT HISTORY

- 2006/92536: No 8 – Single storey extension – Conditional Full Permission – (Unimplemented, Expired).
- 2018/91763: No 8 & 10 – Combined single storey rear extensions – Refused and Dismissed at appeal.
- 88/01769: No 12 – Erection of extension to form porch – Conditional Full Permission (Implemented).

PUBLIC/MEMBERS RESPONSE

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 15.6.22, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan.

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

Kirklees Local Plan (LP):

- **LP 1**– Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 14** – Meeting the challenge of climate change, flooding & coastal change.

Supplementary Planning Documents

- Kirklees Highways Design Guide
- Kirklees House Extensions and Alterations Supplementary Planning Guidance (SPD) (2021)

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. 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, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places...”

In line with the NPPF, Policy LP1 of the Kirklees Local Plan 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.”

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. This will be discussed below.

Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 of the NPPF provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable 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...”

and

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

The SPD also clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity.

The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and

- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

6 – 8 High Street is a terraced cottage on the edge of Scapegoat Hill built in the early 19th Century, comprising of, originally 2 individual cottages which have been knocked through to create one property at some point since 2006.

It is noted that the property is not a listed building or in a conservation area and that the proposed materials are acceptable. Also the proposal would not significantly reduce amenity space for the occupiers of the host property and is considered to therefore accord with Principle 7 of the House Extensions and Alterations SPD in this regard.

The proposal is for a single storey front extension replacing two smaller porches to create a dining room, entrance, WC & utility. It is acknowledged the proposed extension is approximately 6m from the road, and it could be said that the extension is set back from the road frontage. In addition, due to the topography of the area the extension would also be partially screened by the existing parking bay. However, this extension would be seen within the street scene, especially when travelling west along High Street.

The extension itself has a footprint of 20.16m², and albeit designed with a lean-to roof, it would not be seen as subservient and it is considered to dominate the host property given its length extending over ~62% of the front elevation, combined with the 2.8m projection. Of note, where there are extensions to largely front elevations in the vicinity of the site, these are much smaller than what is proposed and sit somewhat successfully in the street scene. It is therefore concluded the proposal would be visually jarring on the eye with the proposal failing to be suitably subtle, thereby causing detrimental harm to the character of the host property and the wider street scene.

The proposed extension has been designed to include a front door with windows either side where the proposed elevational treatment does not relate well to the vertical arrangement of the existing windows having a staggered relationship with one another and therefore, would harm the appearance of the host property too.

The proposed front extension, given the width of the structure and position of the proposed openings to the front elevation, when viewed in conjunction with the rest of the dwelling and the remainder of the terraced row, would be noticeably dissimilar in character and appearance. Therefore, the proposal would not be in keeping with or respect the street scene and therefore, would not comply with the guidance within the House Extensions and Alterations SPD.

However, it is accepted that a lean-to roof is acceptable in its design, and that the SPD does not stipulate what is small in scale, this has to be taken on an individual case. Where in this case as mentioned above that a 7.2 m wide extension projection 2.8m covering 62% of the frontage is not considered to be subordinate or small.

The agent has referred to a larger front extension to the front of No 12 High Street where approval was given for this in 1988, which is prior to the current Local Plan, NPPF and House Extensions and Alteration SPD. In addition, whilst it is accepted that this extension extends across the front of No 12, its projection is in line with the existing porches creating a linear form of development to this row of properties. Furthermore, this extension proposed is considered to be of noticeably greater bulk than the existing extension at No 1. Therefore, the proposed extension is not considered similar to this existing extension at No.12 and therefore, cannot be considered as setting a precedent for supporting this application.

Having taken the above into account, the proposed front extension, would have an adverse impact upon the character of the area and cause significant harm in terms of visual amenity to both the host dwelling and the wider street scene and would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations (SPD) and policies within Chapter 12 of the NPPF.

Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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.

Principle 3 of the Kirklees House Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property

No.6/8 has two side neighbours; the attached no.10 High Street and the detached no. 6a High Street. There are no immediate dwellings to the front of the property.

Impact on No. 10

No 10 is set at a higher level than the host property and with the addition of a fence along the boundary it is considered there would be no undue overbearing from the proposed extension given the difference in levels and the extension being single storey.

Along the shared boundary the neighbour already has a porch where a window is present in the side elevation. Currently the existing porch to be demolished has a gabled front elevation where the eaves are lower than the window cill of the neighbour's porch. The proposed porch with a lean-to roof would cut across this window for the lower part but is considered not to create undue over shadowing in this case given this is a non-habitable room and this porch also benefits from an additional window in its other side elevation.

There would also be no undue overlooking given there are no windows in the side elevation and due to the difference in levels.

Impact on No. 6A

No 6A is set at a slightly lower level than the host property where the single storey extension would be set away from the boundary by approx. 4m. Therefore, the extension wouldn't create any undue overshadowing or overbearing, with no overlooking as there are no windows proposed in the side elevation.

Therefore, it is considered that the proposed extension is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in relation to residential amenity, as well as Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document.

However again the acceptable impact on residential amenity does not outweigh the harm to be had from the development with regards the impact the front extension would have on the street scene and the character of the area. As such, the proposal remains contrary to policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

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.

In terms of highway safety, the depth of the parking area to the front of the site would be reduced, but Officers consider that the front can still accommodate 1 car. Further to this, the proposal would not result in the creation of a new bedroom. As such, it is considered that the proposal would meet the aims of Policies LP21 and LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Principle 16 of the House Extensions and Alterations SPD sets out that extensions and alterations should maintain appropriate storage arrangements for waste. It is considered that such arrangements would be relatively similar as to existing should permission be granted.

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

Agents supporting letter –

Following a review of the Supplementary Planning Document for Householders I would like to justify the submission for the front single storey extension at 6-8 High Street, as follows:

Based on LP24 guidelines,

- The layout and design of the extension will respect the host property in terms of scale, material and details. It is proposed to remove the two modern porches, which are not in keeping with the vernacular of the host property with pitched and hipped roof designs and replace with a single storey extension with a lean-to roof.*
- The property is not listed, or within a conservation area, therefore there is no historic reason for the property to continue to read as 2 cottages. The extension will complete the amalgamation of two cottages into one, creating one 'front door' and making better use of the unused hard landscaped area between the two porches.*
- The extension being single storey will appear subservient to the host property, it is set back from the High Street by 6.5m on average and set down from the road level and adjoining property by up to 1m. It will not have a dominant impact on the townscape.*
- There are no guidelines as to what is 'small scale', but the volume of the proposed extension is equivalent to only 13% of the volume of the host property (not including the porches).*
- The proposal will not unreasonably affect any neighbouring properties.*
- Building the extension to the front of the property will maintain the small rear garden for use as enclosed recreational space away from the High Street with potential for soft landscaping. The proposal develops an existing hard landscaped zone that can not be used for anything other than external circulation thus maintaining a good level amenity space for the existing and future occupants.*

There is an example of an extension to the front of the property at no's 1 and 3 Chapel Street, and a single storey extension to the front of a property with a 1st floor roof terrace at no. 12 High Street.

To the rear of the property a development of modern 3 storey houses have been granted permission and built which are an example of out of scale development and not respecting the setting.

I hope that the comments above can be considered as part of the Planning Application. Please contact me if this is not sufficient to support the current proposed plans.

The above comments have been considered and addressed in the report above, where it is considered that the supporting statement does not address the area of concern with regards to the size of the front extension in this case, and that the Officer's recommendation remains unchanged. The agent requested further communication if the application was considered to be refused, however, the agent was given the opportunity to amend the extension or to have further discussions of what may be acceptable if minded to reduce the extension. No amendments have been forthcoming therefore Officer proceeded to determine the application

Representations:

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

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2022/91512

Officer Recommendation: Refuse

1. The proposed development, by reason of its siting, scale, projection and fenestration detailing would fail to represent a subservient and harmonious addition to the host property, and would appear as a dominant feature to the front of the property and prominent visual intrusion within the street scene resulting in an incongruous form of development. The proposal would thereby cause detrimental harm to the character and appearance of the host property and visual amenities of the locality. The proposal would therefore be contrary to Policies LP1, LP2 & LP24 (a and c) of the Kirklees Local Plan, Principles 1 & 2 and Section 5.13 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing layout & elevations / Location plan 1:1250	6-8HS/P01	10 th May 2022
Proposed ground floor layout	6-8HS/P02	10 th May 2022
Proposed elevations & roof plan	6-8HS/P03	10 th May 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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer requested amended plans during the process of the application to seek an amendment which would reduce the impact of the development on the visual amenity, but this was not forthcoming therefore the application was refused.

Report Dated:

28.7.22

Coal – none