

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:	2022/62/92148/W
Site Address:	59, Thorpe Green Drive, Golcar, Huddersfield, HD7 4QT
Description:	Removal of existing rear conservatory and erection of single storey extension
Recommending Officer:	Katie Chew

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.

Stuart Howden

AUTHORISED OFFICER

Date: 05-Sep-2022

Site Description

59 Thorpe Green Drive, Golcar, Huddersfield, HD7 4QT

The application site relates to a two-storey stone-built semi-detached dwelling which benefits from both front and rear garden/amenity areas, an integral garage and off-street parking to the front.

The site is not located within a Conservation Area and there are no Listed Buildings in close proximity to the site.

A culverted watercourse runs through the site, but is not classified as a main river.

Description of Proposal

The applicant is seeking approval for the removal of existing rear conservatory and erection of single storey extension.

The proposed single storey rear extension is to measure approximately 3.3m x 2.9m, with a ridge height of 3.2m.

The extension will have a pitched roof and be constructed from stone to match the host dwelling. The roof will also have matching roof tiles.

History of negotiations/amendments received

Amendments have been sought to amend the location, scale and size of the proposed rear extension given officers concerns in respect to both visual and residential amenity.

Relevant Planning History

2001/91248 – Erection of conservatory. Approved 4th June 2001.

Representations

Final publicity date expires:

Neighbour Letters – Expired 9th August 2022.

No representations have been received to date.

Officer note: We are currently undertaking the legal 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 only, details of which are outlined above. Whilst it is acknowledged that amendments have been made to the scheme as originally submitted, these amendments sought to reduce the proposed extension in both length and height and therefore would now have a lesser impact on neighbouring

properties when compared to the scheme they were originally consulted on. Officers therefore believed re-consultation was not required on this occasion.

Consultation Responses

KC Strategic Waste – Comments received 2nd September 2022. The site is approximately 146m from the former landfill site. The last known monitoring for landfill gas in 1994 produced very low levels (0.1%) of methane. Bearing in mind the distance from the potential generation source and the substantial level of built environment between the two sites, it is considered unlikely that methane would be able to migrate this distance in sufficient quantities to present a hazard. However, as a precaution a footnote should be applied on any decision.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP27 – Flood Risk**
- **LP51 – Protection and Improvement of Local Air Quality**

Other Guidance Documents:

- House Extensions and Alterations SPD (2021)
- Highways Design Guide SPD (2019)

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. In this instance the chapters of most relevance include:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable travel
- 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Highway Impacts
- 4) Other matters
- 5) Conclusion

1 – Principle of Development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As the site is without notation in the Kirklees Local Plan (KLP), it is considered that the principle of development in this instance could be acceptable, but this 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.

2 - 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 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”.

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, whilst 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 the development in the local area, thus retaining a sense of local identity.

Policies LP24 states that all proposals should promote good design by ensuring the following:

“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 & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

‘Key design principle 1 (Local character and street scene) – Extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene’.

Key design principle 2 (Impact on the original house) – Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail’.

Section 5 of the SPD goes on to provide advice in relation to specific extensions and alterations, with Section 5.1 relating to rear extensions. Paragraphs 5.1 and 5.2 within this section state the following:

“Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- Being set behind the original building, and not projecting beyond the sides; and*
- Maintaining external access to the rear garden.*

As a general rule, a rear extension should:

- respect the original house and garden in terms of its size and scale;*
- use appropriate materials which match or are similar in appearance to the original house; and*
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.”*

Further on, the SPD provides advice in relation to single storey rear extensions. Paragraph 5.5 of the above SPD states that: *“Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.”* Paragraph 5.6 goes on to say 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 4m in height;*
- Not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses;*
- Where they exceed 3m in length the eaves height should generally not exceed 2.5m; and*
- Retain a gap of at least 1m from a property boundary, such as a wall, fence or hedge.”*

In this instance the proposed rear extension is deemed to be in keeping with the scale and style of the original house by utilising matching materials, and although it seeks to provide a pitched roof, this is not considered to be alien in the locality and would be located to the rear of the dwelling and therefore would not be viewed in context of the street. The proposals would also not cover more than half of the total area around the original house. External access to the rear is non-existent, and the proposal would not project beyond the side walls.

The proposed extension would not exceed 4m in height but would project more than 3m from the rear wall of the original house (~3.3m) however, the eaves height of the extension would not exceed 2.5m and therefore accords with this requirement. Officers note that a gap of just 0.3m would be provided between

the extension and adjoining neighbouring property, although this is not in line with the recommended 1m separation distance, the proposed extension is to be constructed on the footprint of the existing conservatory, and although would be slightly larger in length (by around 0.2m), this increase is considered to be minimal and would not have a significantly different relationship to the adjacent neighbour when compared to what currently exists at the site and would not appear cramped given the modest height of the extension. It is also noted that a single storey rear extension of a larger height could be built in this location under permitted development so long as it did not extend more than 3m in length. Officers therefore consider that on balance the submitted scheme would be the preferred option in respect to both visual and residential amenity.

Officers do note that a two-storey side extension appears to have been undertaken at some point to the host dwelling, it is not considered necessary or reasonable to remove permitted development rights at this property in this instance given that the extension would cover a not too dissimilar footprint to the existing rear extension to the building.

To conclude, the proposal is considered to be appropriate in size, scale and design in this location, thereby preventing detrimental harm to the visual amenities of the locality. The proposal therefore accords with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and recommendations outlined within the Council's adopted House Extensions and Alterations SPD.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Impact on no. 61 Thorpe Green Drive

This neighbouring property adjoins the application site to the east. As no windows are proposed within the east elevation of the proposed extension there are no significant concerns with regards to overlooking or loss of privacy.

In respect to overshadowing, loss of light and the proposals appearing overbearing in nature, the proposed extension would breach the horizontal 45 degree line when measured from the nearest rear facing window to the site, and this window appears to serve a habitable room. It is acknowledged that the proposed extension whilst slightly larger in both length and height than the existing conservatory, would not be significantly different to what current exists to the rear of no. 59. In addition, a similar sized extension could be erected under permitted development, alongside a 2m high boundary fence. It is therefore considered that the proposed extension would not cause materially greater harm than the existing extension to No.59 in terms of loss of light, overshadowing and the creation of an overbearing impact. Further to this, the height of the extension is more conservative than one that could be erected under permitted development.

Occupiers of site

Principle 7 of the Kirklees House Extensions and Alterations SPD highlights that new development should ensure that an appropriately sized and useable area of private outdoor space is retained. In this instance the entirety of the front garden/amenity space would be retained, and whilst it is acknowledged that a portion of space to the rear would be lost to the proposed extension, the remaining garden space is considered to be acceptable in this instance.

In conclusion, taking the above into account it is considered that the proposal would not result in any significant or detrimental impacts on the privacy and amenity of any neighbouring properties, complying with Chapter 12 of the NPPF and Policy LP24 (b) of the Kirklees Local Plan in terms of amenities of neighbouring properties, as well as Principles 3, 4, 5, 6 and 7 of the House Extensions and Alterations SPD.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

Given the nature of the proposals and the location of the proposed extension, no changes are proposed to the existing access or parking arrangements. Officers note that no additional bedrooms are to be created and therefore the existing number of car parking spaces at the site is acceptable. Waste storage and collection arrangements are also likely to remain as is.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 contained within the National Planning Policy Framework.

5 – Other Matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

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.

The proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Principle 12 of the SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment*

and biodiversity.” Given the nature of the proposal, it is not considered proportionate to seek enhancements in this instance.

Drainage

A culverted watercourse appears to run through the site, but this is not registered as a ‘Main River’. Policy LP27 of the Kirklees Local Plan states that:

“Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state.”

The culvert, whilst running through the site, appears to be some distance from the proposed siting of the extension therefore it is considered that harm in relation to flooding risk will be avoided. Of note, the extension would be built on a fairly similar footprint to an extension constructed in the early 2000s. A footnote in relation to the culvert will be attached should planning permission be granted.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2022/92148

Officer Recommendation: Approve with conditions.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP27 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the host dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 2 of the Council's adopted House Extensions and Alterations SPD.

NOTE: The applicant is hereby advised that there is one closed landfill site within 250m of the application site. Bearing in mind the distance of the site from the generation source and the substantial level of built environment between the two sites, it is considered unlikely that methane would be able to migrate this distance in sufficient quantities to present a hazard. However, the applicant may wish to consider carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are present. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: According to the Council's mapping system, a culverted watercourse runs through the site. The Government has provided the following advice regarding the responsibilities and rules to follow for watercourses on or near property, and permissions that may be required to do work around them: <https://www.gov.uk/guidance/owning-a-watercourse>

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	TQRQM22175144138075	-	27 th June 2022

Existing Plans and Elevations	001	P1	4 th July 2022
Proposed Plans and Elevations	002	P2	13 th August 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been sought to amend the location, scale and size of the proposed rear extension given Officer concerns in respect to both visual and residential amenity. Amendments were received addressing these concerns.

Report Dated: 05/09/2022