

**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:	2022/62/92331/W
Site Address:	59, Tom Lane, Crosland Moor, Huddersfield, HD4 5QQ
Description:	Demolition of existing porch and utility and erection of single storey rear and side 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: 18-Oct-2022

Officer Report.

Reference: 2022/92331

Location: 59, Tom Lane, Crosland Moor, Huddersfield, HD4 5QQ

Proposal: Demolition of existing porch and utility and erection of single storey rear and side extension

Site Description.

59 Tom Lane is a semi-detached bungalow located in Crosland Moor, Huddersfield. The property is faced in red brick with a gable roofing form infilled with concrete tiles. Within the wider curtilage of the site, the property benefits from garden amenity space to both the front and rear elevations and hard surfaced driveway amenity space to the front and side elevations.

59 Tom Lane is located in a residential area where a sense of similarity is established. This is because the properties along Tom Lane share the same style of design and construction, predominantly bungalows.

Description of Proposal.

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

The existing porch and utility will be demolished to facilitate the erection of the proposed side and rear extension.

The proposed rear and side extension will be of 'L-shaped', wrapping around the western side elevation of the host property and the rear elevation. The extension to the side of the property will be set back from the original principal elevation by 6 metres.

The extension will project 2.3 metres beyond the western side elevation of the host property and 3.3 metres beyond the rear elevation of the host dwelling. To the eastern side of the rear extension, the projection will be reduced to 2.3 metres.

The total length of the extension will be 9.9 metres. The height of the 'L-shaped' extension will be 3 metres, with a flat roofing form.

The external walls of the extension will be faced in brickwork to match the appearance of the host property.

A window will be installed to the front elevation of the 'L-Shaped' extension, a small window and an access door will be installed to the western side elevation and two windows and a set of glazed bi-folding doors are proposed to the rear elevation. The windows and doors will be constructed using white uPVC.

Roof lighting is also proposed to the extension in the form of a roof lantern and roof light. These will both be located within the flat roof of the rear projection.

Within the interior of the property the extension will function as a utility, dining area and dressing room/study.

History of Negotiations.

The case officer sought amended plans to alter the proposed external construction materials of the extension. Originally, the scheme proposed that the 'L-shaped' extension be faced in white render. The case officer requested that revised plans be submitted to show the extension faced in brick to match the appearance of the host dwelling. This was to ensure that the scheme appropriately complied with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

The applicant successfully submitted amended plans which showed the extension to be faced in brickwork. Therefore, the overall determination of this application is on the latest set of proposed plans and elevations as submitted 12 October 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 neighbour notification letters which expired on 22 August 2022 – no representations were received.

Although amended plans were sought and submitted, it was not deemed necessary to re-advertise the scheme. This is because the amended plans did not alter the proposed built form to 59 Tom Lane, only the external materials.

In turn, the amendments were not considered to give rise to any further impacts upon residential amenity.

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 Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- 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
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) 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 on to 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.

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 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 Extension and Alterations SPD 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.

The SPD further states that side extensions should:

- not exceed more than two thirds of the width of the original house
- not exceed a height of 4 metres

- be set back at least 500mm from the original building line to allow for a visual break.

The proposed extension to 59 Tom Lane is considered to appropriately comply with the key design criterion of the SPD as set out above.

It is first important to note that, the existing solid projections to the side and rear of 59 Tom Lane are to be demolished to facilitate the erection of the proposed 'L-shaped' extension. In turn, although these projections are smaller in size/scale than the extension proposed under this application, to some extent, built forms have previously been established to the side and rear of the dwellinghouse.

The proposed extension to 59 Tom Lane is considered to be a subservient addition to the host dwelling, due to its single storey height and harmonising appearance with regard to the use of matching exterior construction materials. In addition, the erection of a flat roof, by form, naturally reduces the potential for undue bulking and massing from the overall appearance of the extension.

In addition, the side extension is to be set back from the principal elevation of the host dwelling by 6 metres. This further works to promote the overall subservience of the proposed extension, positioned to be offset from the original building line to allow for a visual break.

The forms of fenestration are also considered acceptable visually, in keeping with the architectural design of the host property, whilst enhancing the contemporary design of the property through the use of glazed bi-folding doors and a roof lantern. The incorporation of these contemporary design features is in accordance with the Council's House Extensions and Alterations SPD, which states that *'The council will support innovative and modern design approaches which are of a high-quality and appropriate to the local context'*.

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

Within the wider streetscene, the proposed extension will not be overtly visible. This is because of the proposed 'L-shaped' design of the extension, with the majority of built form to be located to the rear of the host property and is also because of the set back position of the dwelling from the fronting highway of Tom Lane and the even further set back position of the extension.

For all of the reasons outlined above, it is considered that subject to condition requiring the external walls to be constructed from matching materials 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 NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3. 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 privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Although the proposal would see a reduction in the extent of outdoor amenity space at 59 Tom Lane, it is considered that an appropriate extent of garden amenity space will be retained to the front and rear elevations of the host property. Therefore, the application is considered to appropriately comply with Key Design Principle 7 of the SPD.

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. 57 Tom Lane and No. 61 Tom Lane, as well as No. 3 Boothroyd Drive and No. 40 Battye Avenue.

No. 57 Tom Lane – this property is located to the east of the application site.

Given the single storey nature of the proposed extension at 59 Tom Lane, as well as the retained separation from the shared boundary (approximately 0.3 metres), it can be concluded that the proposed extension presents no significant impacts of undue overbearing for the occupiers of No. 57 Tom Lane. In addition, the angled design of the extension to the eastern side elevation further promotes this conclusion, with a projection of only 2.3 metres closest to the shared boundary of curtilage. In turn, this design helps to reduce any potential detriment of undue bulking or massing through minimising the extent of solid built form closest to the shared boundary.

Although No. 57 has a pre-established rear projecting conservatory, the erection of the proposed ‘L-shaped’ extension is not considered to result in undue levels of overshadowing. This is firstly because the proposed ‘L-shaped’ extension complies with the 45-degree rule as set out in the SPD with regard to glazing on the rear elevation of the conservatory at 57 Tom Lane and also because sunlight calculator software has demonstrated that potential overshadowing would be limited to between only 15:30-19:00 in the summer.

No glazing is proposed in the side elevation of the extension facing towards this neighbouring property, resulting in no detrimental impacts to residential privacy as a result of overlooking.

No. 61 Tom Lane – this property is located to the west of the application site.

Given the single storey nature of the proposed extension to 59 Tom Lane, as well as the retained separation from the shared boundary (approximately 3.5 metres) and further separation from the property of 61 Tom Lane itself (approximately 12 metres), it can be concluded that no undue impacts of overbearing or overshadowing will be caused for the occupiers of 61 Tom Lane as a result of development.

In addition, although one window is proposed in the western side elevation of the extension, it is not considered that this will detriment residential privacy. This is firstly because of the locational relationship between these two neighbouring properties, whereby the window will not facilitate any direct overlooking into the neighbouring property of No. 61 Tom Lane. Any potential of overlooking is mitigated even further, a result of a detached garage structure adjacent to the proposed extension within the curtilage of this neighbouring property. Secondly, it is because this window will serve a non-habitable room internally, proposed to be installed in conjunction with the proposed utility room.

No. 3 Boothroyd Drive – this property is located to the south-west of the application site.

Given the single storey nature of the proposed extension to 59 Tom Lane, as well as the retained separation from the shared boundary (approximately 3 metres) and further separation from the property of 3 Boothroyd Drive itself (approximately 12 metres), it can be concluded that no undue impacts of overbearing or overshadowing will be caused for the occupiers of this neighbouring property as a result of development.

With regard to residential privacy, given the locational relationship and setting of these two properties in relation to one another, none of the glazing proposed to the extension will present a direct outlook towards 3 Boothroyd Drive. In turn, the proposed extension at 59 Tom Lane is concluded to retain appropriate levels of residential privacy.

No. 40 Battye Avenue – this property is located to the rear of the application site.

Given the single storey nature of the proposed extension to 59 Tom Lane, as well as the retained separation from the shared boundary (approximately 16 metres) and further separation from the property of 40 Battye Avenue itself (approximately 25 metres), it can be concluded that no undue impacts of overbearing or overshadowing will be caused for the occupiers of this neighbouring property as a result of development.

This vast separation distance also works to ensure that the proposed forms of glazing to the rear elevation of the extension will not detriment residential privacy with regard to overlooking. It should also be noted that boundary treatment is present along the rear boundary of curtilage of 59 Tom Lane, in

the form of tall and dense hedging and shrubbery. This boundary treatment will further work to prevent any undue impacts to residential privacy.

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 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.

4. 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 extension to 59 Tom Lane will not directly increase the domestic function of the property, 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 'L-shaped' extension at 59 Tom Lane would appropriately accord with LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5. 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 Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

6. Representations

No representations were received.

7. 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: 2022/92331

Officer Recommendation: Approve

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 Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 89, 10, 11, & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the NPPF.

3. The external walls of the extension hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained. The flat roof of the extension hereby approved shall be of a dark grey colour finish which shall be thereafter retained

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the NPPF.

Note: The application site is not located in a coal risk area.

Plan Type	Reference	Version	Date Received
Plans and Elevations as Existing	2001-P02	-	14.7.22
Plans and Elevations as Proposed	2002-P04	2	12.10.22

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. Amended plans were sought and submitted with regard to the proposed exterior construction materials of the extension.

Report Dated:

13.10.22