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:	**2022/62/92474/E**
Site Address:	60, The Crofts, Emley, Huddersfield, HD8 9RU
Description:	Demolition of garage and erection of detached garage, single storey and part first floor front and first floor side extensions, patio to front and external alterations
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-Oct-2022

OFFICER REPORT

Site Description

60 The Croft is a detached bungalow sited on the corner of The Croft and School Lane. The elevation facing onto The Croft is gable with no entrance with a garden area between the house and the road, there are gardens between the property and School Lane, an existing garage at the extent of the drive between the host property and the neighbouring 58 The Croft.

There are other residential properties surrounding with a mix of ages and styles.

Description of Proposal

The applicant is seeking permission for a replacement garage to the south corner of the site along with an infill side extension and a storey and half front extension.

The replacement garage would be constructed on the site of the original garage with a width of 3.7m, a depth of 6.5m, an eaves height of 2.2m and an overall height of 4.2m. The roof form would be pitched.

The existing side extension would be increased in depth to meet the School Lane elevation and the roof form would be a continuation of the main roof.

The storey and a half extension to the front would incorporate the infill side extension and add a further 1.3m beyond the front elevation with a width of 7.1m. The roof from would be a perpendicular pitch with glazing in the new gable.

The walls of the extensions and garage would be constructed using brick with slate for the roof covering.

The plans also indicate a patio adjacent to the norther elevation. This would not increase the land levels or form a raised terrace.

Relevant Planning History

2007/93103 - erection of ground floor extension and accommodation in roof space - approved

2008/90311 - erection of single storey extension - approved

History of negotiations

The submitted plans raised significant concerns in terms of design and location of the replacement garage and the harm to the character of the host property and the wider area, given the very prominent siting to the garage. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Amended plans were sought and received which relocated the garage to a more appropriate location within the site. As the alterations did not increase the level of development, the amended plan have not been advertised.

Representations

The application was advertised by site notices and neighbour letters, which expired on 02/09/2022

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council has been consulted and responded with no objections.

Consultation Responses

None

Policy

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 site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The Croft is a residential street with a mix of properties in terms of age and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that 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. Furthermore, Key Design Principle 2 of the HESPD goes onto state that 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 details.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Infill extension

Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side infill extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The scale of the infill extension is modest relative to the scale of the host property and would not reduce the amenity space in any significant capacity. The materials proposed would match the main house with the use of brick work for the walling and tiles for the roof covering. The roof form would follow the lines of the main roof and the fenestration would be similar in appearance to the main house. The infill extension is therefore considered to be acceptable in terms of visual amenity.

North elevation extension

The northern elevation is a very prominent position in terms of its position onto School Lane. There are also some features on the elevation which could be construed as features of a principal elevation such as the bay window and the recessed door. However, there is no path to the door or access through the lawn, the access to the dwelling is not from this side nor is the letter box. As such, identifying the principal elevation of the dwelling for the purposes of the House Extension SPD is inconclusive. That being said, given the prominence of the elevation together with the style and size of the extension proposed, paragraph 4.5 of the House Extension SPD is considered to be relevant. The extension would be smaller in scale than the main house. Whilst the dwelling itself already projects beyond the building line of School Lane, the extension along this elevation would project a limited 1.3m albeit with a feature gable. The variances in the design and size of the properties in this area is considered to provide justification to support the size and design of the extension. The materials would be to match the main house with the use of brickwork for the walling and tiles for the roof covering. It would be a modern addition to the dwelling with the significant glazed feature on the elevation which would face onto School Lane. However, it is considered in this instance to compliment the host property and the wider area. The norther extension is therefore considered to be acceptable in terms of visual amenity.

Replacement garage

Paragraph 5.29 and 5.30 of the House Extension SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The existing garage is a flat roofed structure on the southern corner of the site, set away from the road. The replacement would be larger. However, it would be concealed from main views to a degree by the location between the host property and the adjacent 58 The Croft. The materials proposed would match the main house with the use of brick for the walling and tiles for the roof covering. The replacement garage is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions and garage would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The west elevation faces towards a small clinic and the northern elevation faces towards a school.

Impact on 58 The Croft

The infill extension and the northern elevation extension would have no impact on the adjacent property to the southwest given their location.

The garage would be replacing the existing structure, albeit with a larger outbuilding. However, as this would be adjacent to the neighbour's own garage, there would be no significant impact on the amenities of the occupiers of the adjacent dwelling with regards to overbearing, overlooking or overshadowing,

With regards to the impact on the adjacent 58 The Croft, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 6 School Lane

The infill extension and the northern elevation extension would align with the front drive of the adjacent dwelling. However, given the limited dimensions of both extensions together with the separation of 4.6m which would be retained, the extensions would not cause any significant overshadowing or overbearing and would not result in any loss of privacy for the adjacent neighbour.

The garage would align with the side elevation of the neighbouring property. However, it is replacement an existing garage albeit with a pitched roof form. The neighbouring property is a recent build (approved 2009/91356) which did include a high level window. The garage would be some 2.5m from this window. There would be no significant impact in terms of overbearing or overshadowing. Given the single storey nature of the garage and the separation which would be retained.

With regards to the impact on the adjacent 6 School Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use. However, the parking area to for the property includes parking in the curtilage for at least two vehicles and the garage which is considered to represent a sufficient provision. Bin storage for the dwelling i would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

<u>Other matters:</u>

Carbon Budget

The proposal is 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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application for a replacement garage with extensions and formation of a patio for 60 The Croft has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2022/92474
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 with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims 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 existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	20-001	943899	22/07/2022
Existing floor plans	20-003	943902	22/07/2022
Existing floor plans	20-004	943902	22/07/2022
Existing elevations	20-007	943907	22/07/2022
Proposed elevations	20-008 rev a	953457	27/09/2022
Proposed floor plans	20-005 rev a	953339	27/09/2022
Proposed floor plans	20-006 rev a	953340	27/09/2022
Site plans	20-002 rev a	956134	27/09/2022

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 submitted plans raised significant concerns in terms of design and location of the replacement garage and the harm to the character of the host property and the wider area, given the very prominent siting to the garage. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. Amended plans were sought and received which relocated the garage to a more appropriate location within the site. As the alterations did not increase the level of development, the amended plan have not been advertised.

Report Dated 12/10/2022