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:	**2022/62/92708/W**
Site Address:	79, Broad Oak, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TE
Description:	Demolition of existing conservatory and erection of part two storey and part single storey rear extension
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 12-Dec-2022

Officer Report.

Reference: 2022/92708

Location: 79, Broad Oak, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TE

Proposal: Demolition of existing conservatory and erection of part two-storey and part single storey rear extension

Site Description.

79 Broad Oak is a two-storey semi-detached property located in Linthwaite, Huddersfield. The property is faced in natural stone to the front and side elevations and render to the rear elevation. The property has a hipped roof, which is infilled with blue slate tiles. To the rear elevation, the property benefits from a single storey conservatory. Within the wider curtilage, a rear garden provides outdoor amenity space and on-site parking amenity space is available to the front elevation.

Within the wider streetscene, No. 79 there is a variety of house types and ages.

Description of Proposal.

Planning permission is sought for the erection of a part two-storey and part single storey rear extension.

The existing conservatory to the rear of 79 Broad Oak will be demolished to facilitate the erection of the proposed rear extension.

The two-storey part of the extension will have a projection of 3.3 metres from the rear elevation of the host dwelling, a width of 4 metres and a height of 6.5 metres. The extension will be set down from the pitch of the host roof by 1.2 metres.

The single storey part of the extension will also have a projection of 3.3 metres, with a width of 3.85 metres and a height of 3.65 metres.

The external walls of both extensions will be faced in natural stone and render.

A hipped roofing style will be erected above the two-storey part of the extension and a lean-to roof will be erected above the single storey part. Both roofs will be infilled with blue slate tiles.

Glazing is proposed only to the rear elevations of both extensions. This is in the form of two sets of glazed bi-folding doors to the ground floor and one regular window to the first floor.

Roof lighting is also proposed, with two velux windows proposed in the lean-to roof of the single storey extension.

Within the interior of the dwelling, the extension will function as a snug and kitchen to the ground floor and as a bedroom to the first floor.

History of Negotiations.

The case officer recommended that the originally proposed scheme be amended in accordance with the Council's House Extensions and Alterations SPD. The officer further suggested that the scheme be amended to reflect the design of the extensions to the rear of the adjoining neighbouring property (No. 77 Broad Oak), suggesting a part two storey and single storey extension. These amendments were sought so that the proposal would not negatively impact upon the amenity of the neighbouring properties.

The applicant successfully submitted amended plans which proposed a part two storey and part single storey extension, reflecting the design and layout of existing extensions to the rear of No. 77 Broad Oak.

In turn, the overall determination of this application is on the basis of amended plans submitted 6th December 2022.

Relevant Planning History.

At the application site:

- **2008/90672** – Erection of two storey extension and conservatory – granted conditional full permission.

At neighbouring properties:

- **2013/91582** – Erection of two storey side and single storey rear extension – granted conditional full permission

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 6th October 2022 – no representations were received.

Although amended plans were submitted, it was not deemed necessary to re-advertise the scheme via new neighbour letters. This is because the revised proposal improved the scheme from a residential amenity perspective, reducing the extent of built form proposed, through creating a part two storey and part single storey extension.

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 site falls within the River Colne Corridor Strategic Green Infrastructure Network.

The land to the rear of the site is a designated Housing Allocation (ref: HS129) within the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD (2021)

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 onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on

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

1) **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The Council's House Extensions and Alterations SPD states that two-storey rear extensions should:

- be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metres

- not adversely affect habitable room windows where they adjoin a neighbour's boundary

The SPD also sets out that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Although it has been acknowledged that the proposed extensions to 79 Broad Oak fail to explicitly comply with all of the design criteria of the House Extensions and Alterations SPD as listed above, the proposal is considered to be acceptable on the individual merits of the application site and wider context. A full assessment of this is set out below.

Firstly, it is important to acknowledge that the design and layout of the proposed extensions to the rear of 79 Broad Oak reflect those previously erected to the rear of the adjoining neighbouring property of 77 Broad Oak. Therefore, it is concluded No. 77 has previously established a precedent for this type of development to the rear of this specific pair of semi-detached properties, whereby No. 77 has erected a rendered part two storey and part single storey extension, which was granted planning permission under application 2013/91582. Therefore, the proposals to 79 Broad Oak are considered to be acceptable in terms of the immediate character of the area.

From a design perspective, the proposed extensions to the rear of number 79 Broad Oak are considered to be acceptable visually. The single storey part of the extension will be subservient due to its height and lean-to roofing style, which by form, works to naturally reduce undue bulking or massing. With regard to the two-storey extension, the significantly set down position of the roof from the pitch of the host dwelling encourages overall subservience, helping to ensure that the host dwelling remains the dominant visually.

Further promoting the overall subservience of the proposed extensions is the use of matching exterior construction materials to face the walls and to infill the roofs. Furthermore, the forms of fenestration are also considered acceptable from a visual amenity perspective. Although the extensions will introduce new features to the dwelling, including glazed bi-folding doors and velux windows, these are considered to be acceptable contemporary additions. It should be noted that the adjoining neighbour of No. 77 established glazed bi-folding doors and velux windows to their rear extensions.

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

Although officers acknowledge that developments have previously been erected at 79 Broad Oak, including a two-storey side extension, it is not considered that the erection of the proposed further extensions to the rear would result in overdevelopment of the site in this isolated case. This is a result of the subservient design of the proposed rear extensions under this application and the significant size of the residential curtilage at No. 79, which is considered to be able to adequately support further development. The existing development at no.77 is also taken into account in this analysis as the quantum of development at both properties would be of a similar scale.

For all of the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see a very slight reduction in the extent of outdoor amenity space at 79 Broad Oak, but given the size of the rear garden, it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the application site, these being No. 77 Broad Oak and No. 81 Broad Oak.

No. 77 Broad Oak – this property adjoins the application site to the north.

The proposed single storey rear extension will be situated closest to the shared boundary with No. 77 Broad Oak. The single storey rear extension will project from the rear elevation of the host dwelling to the same extent as the

previously erected single storey rear extension at No. 77, directly adjacent to the shared boundary. Therefore, given that the southern side elevation of No. 77's single storey rear extension is solid with no glazing, the proposed single storey rear extension to No. 79 does not pose detriment with regard to overbearing or overshadowing.

The two-storey extension to No. 79 will retain a seperation distance from the shared boundary of 4 metres. As a result of this seperation distance, it is considered that the proposed two-storey rear extension will not cause undue levels of overbearing or overshadowing for the occupiers of No. 77.

Both extensions appropriately comply with the 45-degree rule as set out under Key Design Principle 5 of the House Extensions and Alterations SPD.

With regard to the proposed glazing, the extensions are not considered to detriment the residential privacy of No. 77. The extent of glazing to the ground floor will be reduced as a result of the demolition of the existing conservatory and the proposed window to the first floor will enable the same outlook as can be currently obtained from the existing first floor windows to the host dwelling.

No. 81 Broad Oak – this property neighbours the application site to the south.

The proposed extensions will retain a seperation distance from the shared boundary of 1 metre and an even greater separation distance from the neighbouring dwelling of No. 81 itself (approximately 2.3 metres). This seperation distance works to ensure that the extensions will not result in undue levels of overbearing or overshadowing for the occupiers of No. 81 Broad Oak. The extensions appropriately comply with the 45-degree rule as set out under Key Design Principle 5 of the House Extensions and Alterations SPD.

Desktop sunlight calculator software has been used to confirm that the proposed extensions will not present any detriment of overshadowing to the residential curtilage of No. 81 in either the summer or the winter.

With regard to the proposed glazing, the extensions are not considered to detriment the residential privacy of No. 81. This is predominantly because glazing is proposed only to the rear elevations of the extensions, with the proposed first floor window enabling the same outlook as can be currently obtained from the existing first floor windows to the host dwelling.

It should be noted that boundary treatment is in place between these two neighbouring properties, in the form of tall wooden fencing. This will further work to mitigate some of the potential impacts from development.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Designated Housing Allocation – to the rear of the application site

It should also be mentioned that the extensions do not impact upon the development of this designated housing site and that the works will not negatively impact upon any future occupiers of the site following housing development taking place. This is because the extension is to be set approximately 24 metres from the rear boundary of curtilage at the site, which is the boundary which adjoins land allocated for housing.

For these reasons, the proposed development at 79 Broad Oak is not considered to cause undue harm to the residential amenities of neighbouring properties or future occupiers of the extended dwelling. It 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.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed extensions will see a decrease in the number of bedrooms internally, with the property going from a 4-bedroomed dwelling to a 3-bedroomed dwelling. Therefore, the existing parking arrangements on site are considered adequate, whereby the proposed developments propose no alterations that will affect these. In addition, it is important to note that the developments will not alter vehicular access to or from the site in conjunction with the fronting highway of Broad Oak.
Therefore, erecting the proposed extensions to 79 Broad Oak would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD. Ample space would remain on site for the storage of wastes in compliance with KDP 16 of the SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

River Colne Corridor Strategic Green Infrastructure Network:

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

It has been noted that the proposal will not see the removal of any existing trees or hedgerows on site.

The proposal is not considered to have a significant impact upon the Strategic Green Infrastructure Network and is concluded to be acceptable in this regard.

5) Representations

No representations were received.

6) Conclusion

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

application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2022/92708
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.

1. 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,

LP31 & LP51 of the Kirklees Local Plan, Key Design Principles of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapters 2, 4, 12, 14 & 15 of the National Planning Policy Framework.

2. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	22/783/01	-	16.8.22
Existing Plans and Elevations	22/783/03	-	16.8.22
Existing Site/Block Layout	22/783/02	-	16.8.22
Proposed Site/Block Layout	22/783/05	-	16.8.22
Proposed Plans and Elevations	22/783/04b	2	06.12.22

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 in accordance with the Council's House Extensions and Alterations SPD and the design of other extensions previously established to neighbouring properties. The applicant submitted amended plans, revising the scheme to become part two-storey and part single storey.

Report Dated: 07.12.22