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:	**2022/62/93297/W**
Site Address:	50, Broad Oak, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TE
Description:	Erection of single storey side extension and alterations
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: 05-Dec-2022

Officer Report.

Reference: 2022/93297

Location: 50, Broad Oak, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TE

Proposal: Erection of single storey side extension and alterations.

Site Description.

50 Broad Oak is a two-storey detached property located in Linthwaite, Huddersfield. The property is faced in stone to the front and rear elevations and render to both side elevations. A gable roofing style is established to the property, infilled with roof tiles.

The curtilage of the property is substantial in size, the front elevation hard surfaced to provide on-site parking space and the side and rear elevation utilised as garden amenity space. The driveway amenity space sets the property back from the fronting highway of 'Broad Oak'.

The property is located within a semi-rural residential area where there is an established sense of similarity within the streetscene. This is because the properties located in the immediate vicinity to the application site share a similar construction materials and are principally 2 storeys in height, especially those located on the same side of the highway. This is because all of the properties have been faced in stone and are detached.

It has been acknowledged that the land to the east of the Broad Oak highway is classified as Green Belt.

Description of Proposal.

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

Single Storey Side Extension:

The single storey side extension is proposed to project from the southern side elevation of the host property by 5.75 metres, with a length of 5.85 metres and a maximum height of 4.5 metres, with an eaves height of 2.8 metres.

The front and rear elevations of the side extension will be faced in natural stone and the side elevation will be faced in render and the top part clad with cedar timber boarding. A gable roof will be erected above the extension, infilled with concrete tiles.

With regard to fenestration, a garage door is proposed to the front elevation of the extension. To the rear of the extension, a window and regular access door are proposed.

Within the interior of the dwelling, the extension will function as a garage.
Garage Conversion:

As part of the scheme, the existing garage will be converted to serve a domestic purpose, becoming a kitchen within the interior of the dwelling. To the front elevation, the exiting garage door will be removed and the opening infilled with natural stone laid in courses to match that on the existing property. To the front elevation of the gable roof, two velux windows are proposed.

In conjunction with converting the original garage, to the rear, a set of glazed bi-folding doors and a glazed access door are proposed.

Exterior Alterations to Host Dwelling:

The existing southern rendered gable is to be clad in cedar timber cladding.

A window is proposed to be installed to the southern side elevation of the host property.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

- **2021/92610** – Erection of single storey side extension, first floor rear extension, conversion of garage to habitable accommodation and external alterations to existing dwelling.

The cumulative impact of the previous planning permission and this proposal are assessed in detail under section 2 of this report, 'Impact on Visual Amenity'.

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 16th November 2022 – no representations were received.

Consultation Responses.

KC Highways Development Management – the proposals are considered acceptable to Highways Development Management.

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).
Although it has been acknowledged that classified Green Belt land is located to the east of the application site, given the extent of seperation distance and the principle of development proposed to 50 Broad Oak, no further assessment of impacts to the Green Belt are necessary.

The application site is located within a Strategic Green Infrastructure Network, namely the River Colne Corridor.

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:
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 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 further states that single storey side extensions should:

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back 500mm from the original building line to allow for a visual break.

Although the proposed single storey side extension to 50 Broad Oak does not explicitly comply with the design criterion of the SPD as set out above, given the context of the site and the design of developments granted planning permission under application 2021/92610, the proposal is considered acceptable on the individual merits of the dwellinghouse and on-site planning history.

Given the proposed size and scale of the single storey side extension, it is concluded to be a subservient addition to the host dwelling, in keeping with the aesthetic appearance of the host dwelling, with regard to design, form and exterior construction materials. The proposed gable roofing style further supports the subservience of the side extension, of a form which naturally

mitigates any undue bulking or massing and in turn, works to ensure that the extension does not appear overtly obtrusive.

In addition, the proposed fenestration to the single storey side extension is considered acceptable from a visual amenity perspective. This is because, the garage door proposed to the front elevation is to replace a similar feature to the front elevation of the original dwellinghouse and the details to the rear will harmonise with the style/design of the rear elevation in its entirety.

This scheme proposes the erection of a single storey side extension. Although case officers acknowledge the possibility to implementing this proposal alongside the extensions granted permission under planning application 2021/92610, given the potential Permitted Development fallback position available for no.50 Broad Oak, in terms of being able to undertake two extensions to the side elevations both of which could be up to half the width of the host property it is not considered detrimental in this instance to permit the erection of a further single storey side extension. Furthermore, although the two proposals could result in a substantially sized frontage to 50 Broad Oak, the proposed single storey side extension is considered a congruous and sympathetic attachment to the host dwelling, harmonising with the built form of the adjoining single storey structure with regard to height, form, footprint and materials. The pd fall back which exists in this case is a consideration which is material to the determination of this case, and weights in favour of the development.

With regard to the proposed conversion of the original garage into a kitchen, the external modifications are considered appropriate visually. This is because the conversion of the garage does not present an increase to the footprint, layout or height of the original garage and the replacement external facings and fenestration details are in keeping with the overall appearance of the original dwelling. Therefore, promoting harmonisation across the entirety of the property with regards to design and appearance following development.

The introduction of timber cladding to 50 Broad Oak is considered to be acceptable visually, a natural material that harmonises with both the external garden environment within which the extension is to be constructed, as well as the vast external landscape to the rear of the property. In addition, it should also be noted that the same design of clad detailing was granted approval under planning application 2021/92610.

In turn, given that this proposal does not present a significantly greater impact upon visual amenity in the context of previous permissions granted under application 2021/92610, it is considered that the scheme is acceptable from a visual amenity perspective. Therefore, the proposed development is 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 significant extent of outdoor amenity space retained at the property following development in accordance with Key Design Principle 7 of the SPD.

The properties most likely to be affected by the proposed developments to 50 Broad Oak are those immediately neighbouring the site, these been No. 36 and No. 52 Broad Oak. An assessment upon the residential amenities of these neighbouring properties in conjunction with the proposed scheme of development is outlined below:

No. 36 Broad Oak – this property is located to the north of the application site.

Given that development is proposed only to the southern side elevation of No. 50 Broad Oak, it is not considered that the development would result in any undue impacts of overbearing or overshadowing for the occupiers of this neighbouring property. In addition, the proposal will not impact negatively upon residential privacy, presenting no increased detriment of overlooking.

No. 52 Broad Oak – this property is located to the south of the application site.

Given the single storey nature of the proposed extension at 50 Broad Oak, as well as the retained separation from the shared boundary (0.5 metres) and from the neighbouring property of 52 Broad Oak (2.5 metres), it can be concluded that the proposed extension presents no significant impacts of undue overbearing or overshadowing for the occupiers of this neighbouring property.

Further promoting this conclusion is the fact that the proposed single storey side extension to 50 Broad Oak will sit adjacent to a predominantly solid side elevation of No. 52 Broad Oak, whereby it is not considered that the small windows to the northern side elevation of this neighbouring property serve habitable rooms.

In addition, the extension proposes no glazing to the side elevation, therefore, it is considered that appropriate levels of residential privacy will be retained, with no increased potential of direct overlooking.

The window proposed to the southern side elevation of the host property also poses no significant concerns regarding overlooking, this is because the window will be set over 13 metres from the shared boundary with No. 52 Broad Oak and will be set adjacent to solid stone walling at this neighbouring property.

It should also be noted that boundary treatment is in place along the shared boundary between these two neighbouring properties, in the form of dense hedging. This will further work to mitigate any 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.

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.

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 proposal is for the erection of a single storey side extension and alterations.

The proposal consists of extending the property to provide additional living space whilst, replacing the existing garage with a new double garage. The number of bedrooms will remain the same as existing.

The site can adequately accommodate more than the recommended minimum parking standards of 2 car parking spaces for a three bedroomed property and access is to remain as existing.

These proposals are therefore considered acceptable from a highway's safety perspective.

Given the above, the proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of

the National Planning Policy Framework and Key Design Principles 15 and 16 of the Council's House Extensions and Alterations 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.

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: 2022/93297
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, LP31 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14 & 15 of the NPPF.

3. The external walls and roof materials of the extension and garage conversion 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 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.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	6.10.22
Proposed Elevations	2022/046/03RevA	-	6.10.22
Proposed Floor Plans	2022/046/02RevA	-	6.10.22
Survey Drawing	2022/046/01	-	6.10.22

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. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 2.12.22