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:	**2022/62/93975/W**
Site Address:	24, Raygate, Mount, Huddersfield, HD3 3TF
Description:	Change of use of land to extend domestic garden and erection of two storey side extension and detached garage
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: 19th April 2023

Officer Report.

Reference: 2022/93975

Location: 24, Raygate, Mount, Huddersfield, HD3 3TF

Proposal: Change of use of land to extend domestic garden and erection of two storey side extension and detached garage

Site Description.

24 Raygate is a two-storey end of terrace property located in Mount, Huddersfield. The external walls of the property are faced in stone and a gable roofing form is established above, infilled with stone tiles. The property benefits from some previous additions/extensions, including a two-storey side extension and single storey rear extension. Within the wider curtilage of the site, the property benefits from outdoor amenity space to the western side elevation and rear elevation. The property currently benefits from no on-site parking.

The property is elevated from the fronting highway of Raygate, set to a higher topographical ground level and bounded to the front elevation with dry stone walling. Within the wider streetscene, there is a strong sense of similarity established, particularly with regard to the prevalence of stone facings and tiled gable roofs.

As Allocated within the Kirklees Local Plan, a Tree Preservation Order is in place to the rear of the site.

Description of Proposal.

Planning permission is sought for the change of use of land to extend domestic garden and for the erection of a two-storey side extension and detached garage.

Two-Storey Side Extension:

The extension would have a projection of 3.8 metres from the side elevation of the existing dwelling. The length of the extension would be 6.5 metres, with a 0.5 metre set back. The height of the extension would be 6.15 metres, with a 0.8 metre set down.

The external walls of the extension would be faced in matching stone and a gable roof would be erected above infilled with matching stone roof tiles.

With regard to fenestration detailing, windows are proposed to the front, side and rear elevations. A regular access door and set of glazed bi-fold doors are also proposed to the side elevation. All forms of fenestration would be

constructed using White UPVC to match existing windows and doors to the host property.

Detached Garage:

The detached garage would be erected to the west of the dwelling, set below the existing garden amenity space to the side of the property, to the same land level as the fronting highway of Raygate. The principal elevation of the garage would align with the stone wall which bounds the frontage of the site.

The garage would have a height of 2.5 metres, a width of 4.6 metres and a maximum length of 6.2 metres.

A garage door would be erected to the principal elevation.

Garden Extension:

Permission is sought to change the use of the land to domestic garden space.

As a result of this change of use, garden amenity space would be present to the western side of the dwelling and to the rear of the dwelling.

History of Negotiations/Amendments Received.

The case officer sought amended plans to the originally proposed scheme to achieve a 0.5 metre set back in accordance with the House Extensions and Alterations SPD. The applicant submitted amended plans, showing the extension to have a 0.5 metre set back. In turn, the final determination of this application is based on the plans dated 17th March 2023.

In addition, the case officer sought additional information from the applicant, to confirm whether any regrading would take place as part of the change of use of land to extend domestic garden. The applicant confirmed that this would not involve any regrading of land.

The applicant has provided written agreement (via email) to the inclusion of the two pre-commencement conditions regarding the retaining wall.

Relevant Planning History.

- 97/92960 – Erection of first floor extension and alterations to kitchen roof. *Granted Conditional Full Permission.*

- 2010/92740 – Erection of extensions. *Granted Conditional Full Permission.*

Representations.

The application was advertised via neighbour notification letters. Final publicity expired 27th January 2023.

No representations were received in response to the above publicity.

Consultation Responses.

KC Highways Development Management – the proposals are considered acceptable.

KC Trees (formal) - Have no objections or concerns regarding this proposal as the protected woodland to the rear does not offer constraint to the side extension and garage.

(informal) – The garden area is shown to encroach into the woodland TPO area, but the trees would remain protected, and any desired tree work would still need to be applied for.

KC Highways Structures – Impose two pre-commencement conditions upon any grant of approval for this application. These pre-commencement conditions are with regard to the submission of a full structural dilapidation survey and a scheme detailing the required information with regard to location, design, construction and cross-sectional information.

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 case officer has acknowledged the setting of the site in the context of being in proximity to the surrounding Green Belt, however, given that no development is proposed upon land Allocated within this designation, no further assessment of the scheme against Green Belt policy is considered necessary.

As identified within the Kirklees Local Plan, a Tree Preservation Order is in place to the rear of the site.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

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 9 – Promoting sustainable transport
- 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 will be considered as part of the assessment of the proposal:

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.

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.

- Key Design Principle 1 – Local character and street scene: *Extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene.*

- Key Design Principle 2 – Impact on the original house: *Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.*

Section 5.22 of the Council's House Extensions and Alterations SPD sets out that two-storey side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the form of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

Section 5.30 sets out the design principles of outbuildings, including garages. It states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house and follow a general principle that no more than 50% of garden space should be lost.

Two-Storey Side Extension:

The design of the two-storey side extension is such that the extension would be set back by 0.5 metres, with a roof ridge which would be set down by 0.8 metres. With regard to the width of the proposed extension, a projection of 3.8 metres is acceptable, especially given the extent of outdoor amenity space present to the side elevation of the dwelling and the distance from the nearest neighbouring property located to the west. In turn, it is concluded that, as a result of its design, the two-storey development would be read as an extension to the host property.

The sitting of the extension would retain a minimum seperation distance of 7.3 metres from the side boundary of curtilage, allowing a significant gap to be retained to the side of the property. In addition, the set back position of the extension from both the host property and building line of the row of terrace properties encourages a retained sense of space to the front of the house, which, in turn, would help to retain an attractive appearance to the wider streetscene.

Therefore, it is considered that the overall height, size, scale and massing would be considered acceptable and that the two-storey extension would be of a subservient design. In addition, the proposed construction materials would match the host property.

With regard to fenestration detailing, the proposed front, side and ear elevation openings are of an acceptable size and style, aligning with the existing architectural design of the host property.

The two-storey side extension is therefore considered to relate satisfactorily to the host building and wider locality and have an acceptable impact on visual amenity.

Detached Garage:

The detached garage would be located to the west of the dwelling. Although the structure would not be set back from the original building line, the built form would be concealed to a certain degree, with the garage to be built below the existing garden amenity space to the side of the host property and the front elevation to align with the existing boundary wall. In turn, given its siting, alongside its simple form and design, it is concluded that the detached garage would appear subservient in relation to the host dwellinghouse.

For these reasons, the development of the proposed detached garage is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area.

Garden Extension:

This part of the proposal relates to the change of use of land to the rear of the site to extend the domestic garden. The land is already within the ownership of the applicant, included within the red line boundary of the application site.

The surrounding area is predominantly residential so the change of use to garden is considered appropriate and would not cause harm to the character of the surrounding area.

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 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.

With regard to Key Design Principle 7 of the House Extensions and Alterations SPD, an appropriate extent of private outdoor amenity space would be retained at 24 Raygate.

With regard to the proposed developments, it is considered that the properties most likely to be affected by the proposal are those which directly neighbour the site, these being No. 22 Raygate and No. 28 Raygate.

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.
The neighbouring dwelling of No. 22 Raygate adjoins the application site to the east. Therefore, given that the proposed two-storey side extension would be retained behind the existing footprint and height of the host dwelling to the western side elevation, the works would not result in any detrimental impacts of overbearing or overshadowing for the occupiers of this neighbouring properties. In addition, the extension does not propose any increase in glazing to face directly towards this
neighbouring property, therefore retaining existing levels of residential privacy.

Given the sitting of the proposed detached garage structure, below the topographical ground level of No. 22 Raygate, and the seperation between its sitting and this neighbouring property, it is concluded that its erection would not result in undue impacts of overbearing or overshadowing for the occupiers. In addition, the detached garage would not impact upon residential privacy.

The dwelling of No. 28 Raygate neighbours the application site to the west. The two-storey side extension would retain a seperation distance of approximately 7.3 metres from the side boundary of curtilage and would be

adjacent to the solid eastern side elevation of No. 28. Therefore, it is not considered that the two-storey side extension, including proposed glazing, would result in undue impacts of overbearing, overshadowing or overlooking for the occupiers of this neighbouring property.

The proposed detached garage structure is to be set to a lower topographical ground level than the sitting of No. 28 Raygate. Therefore, given the resultant relationship in terms of land levels, it is concluded that the erection of the detached garage would not result in any undue impacts of overbearing or overshadowing for the occupiers of No. 28 Raygate. In addition, the detached garage would not impact upon residential privacy.

In terms of the change of use of land to extend the domestic curtilage of No. 24 Raygate. It is considered that no significant harm would be caused over and above the existing arrangements on site.

For these reasons, the proposed developments at 24 Raygate are 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 proposal is to increase the size of the dwelling from a two bedroomed property to a three bedroomed property. Local guidance would expect two off-street parking spaces to be provided. However, the current dwelling does not have any off-street parking and the applicant is proposing to provide a garage as part of the proposals.
The proposed addition of an off-street parking space is supported and will be beneficial to highway safety at this location.

With regarding to the retaining wall with the inclusion of the pre-commencement conditions regarding the retaining wall at the application site, the scheme would be considered acceptable from a highways safety perspective, in accordance with Chapter 9 of the NPPF, 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 policies within Chapter 14 of the NPPF & Policy LP51 of the Kirklees Local Plan.

Trees:

Policy LP33 of the Kirklees Local Plan sets out that proposals should normally retain any valuable or important trees and that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

As part of the assessment of this application, KC Trees were both formally and informally consulted. KC Trees raised no objections or concerns regarding to this proposal as the protected woodland to the rear would not offer constraint to the side extension or garage and that the trees within the TPO area would remain protected. It should also be noted that any desired tree work would still need to be applied for.

Therefore, for the reasons set out above, the proposal at 24 Raygate is considered to appropriately comply with LP33 of the Kirklees Local Plan and the relevant national standards regarding the protection of trees in relation to design, demolition and construction.

Land Stability:

Given the proximity of the extension, and raised deck, to the retaining structure supporting Raygate, Highway Structures were consulted on the application.

Policy LP53 of the Kirklees Local Plan states that 'for development identified at being at risk of instability…measures should be incorporated to…ensure…[this] does not have the potential to cause harm to people or the environment. Chapter 15 of the NPPF also considers the impact of instability.

Although no objections to the development have been raised by Highways Structures, they have recommended conditions to ensure that the development is carried out safely with regard to the highway retaining structure that marks the boundary of curtilage of the application site.

These conditions are reasonable and necessary given the potential that construction and the extension might have on the stability of the retaining wall, and ultimately the adopted highway. The wording of these conditions, including the pre-commencement requirements, have been agreed in writing with the applicant.

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 accessed against relevant policies in the development plan and other material considerations. It is considered that the development does not constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2022/93975
Officer Recommendation: Approve

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, LP33, LP51 & LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the 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 National Planning Policy Framework.

4. The walls of the detached garage shall be constructed from stone and be thereafter retained in this material for the lifetime of the structure.
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 National Planning Policy Framework.

5. Before the development commences, a scheme detailing the location and fully dimensioned cross-sectional information, along with the proposed design and construction details for all new retaining walls/building walls adjacent to the existing highway including any modification to the existing highway retaining wall on Raygate, shall be submitted (via the submission of AIPs) and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and be thereafter retained during the lifetime of the development.
Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan.

6. Before the development commences, a full structural dilapidation survey of the existing highway retaining wall supporting Raygate which adjoins the application site shall be undertaken by a competent person and a copy of the report submitted to the Local Planning Authority for record purposes. A further structural dilapidation survey of the retaining wall shall also be required following the completion of the works and any defects arising in the highway retaining wall due to the works associated with the proposed development shall be made good to the satisfaction of the Council's structures team, at the developer's expense.
Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan.

Note: The condition of the highway wall (retaining structure supporting Raygate) will need to be closely monitored during the development and any detectable deterioration in the condition of the highway wall must immediately be reported to Kirklees Highway Structures section and moreover, the works must cease pending further investigation in order to protect the safety of highway users, your contractor/s and yourselves. Contact Farhad Khatibi farhad.khatibi@kirklees.gov.uk

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
West Elevation as Proposed	-	-	17.03.2023
Proposed Floor Plans	-	-	17.03.2023
Existing and Proposed Plans	MG/02A	-	17.03.2023
Location & Site Plan	MG/01A	-	03/03/2023

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.

The case officer sought amended plans to the originally proposed scheme to achieve a 0.5 metre set back in accordance with the House Extensions and Alterations SPD. The applicant submitted amended plans, showing the extension to have a 0.5 metre set back. In addition, the case officer sought additional information from the applicant, to confirm whether any regrading would take place as part of the change of use of land to extend domestic garden. The applicant confirmed that this would not involve any regrading of land.

Report Dated: 18.4.23