# 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: | **2023/62/90381/W** |
| Site Address: | 12, Hammerton Road, Fartown, Huddersfield, HD2 2PS |
| Description: | Erection of two storey extension |
| Recommending Officer: | Lucy Taylor |

**DECISION - REFUSED**

**I hereby authorise the refusal 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: 14-Apr-2023**

**Officer Report.**

**Reference:** 2023/90381

**Location:** 12, Hammerton Road, Fartown, Huddersfield, HD2 2PS

**Proposal:** Erection of two storey extension

**Site Description.**

12 Hammerton Road is a two-storey semi-detached property located in Fartown, Huddersfield. The property is constructed from red brick and render and has a gable roof infilled with tiles. The property benefits from an extensive driveway to the front and side elevation, with garden amenity space located to the rear.

The property is located in a residential area where there is a strong sense of similarity within the vicinity of the application site. This is because all of the properties within the streetscene of Hammerton Road are semi-detached in their construction style and are faced with render.

A PROW (footpath) is located adjacent to the rear boundary of curtilage at the property, namely HUD/378/20.

**Description of Proposal.**

Planning permission is sought for the erection of a two-storey extension.

The proposed two-storey extension will be of a wrap-around style, projecting from the rear elevation and from the eastern side elevation of the host dwelling.

The two-storey rear extension will project from the rear elevation of the host dwelling by 3 metres, with a width of 7.75 metres. The two-storey side extension will have a projection of 1.7 metres and a length of 1.55 metres. The extension would have a hipped roof to the rear and a gable roof to the side. The hipped roof would have a maximum height of 7.4 metres (set down 0.15 from pitch of host roof) and the gable roof would have a maximum height of 6.6 metres.

To the western side of the two-storey rear extension, a flat roofed single storey extension is proposed, with a projection of 3 metres, a width of ~0.45 metres and a maximum height of 2.4 metres.

The exterior walls of the extensions will be constructed from red brick and render to match the host property and the hipped and gable roofs will be infilled with matching roof tiles.

To the rear elevation, three windows are proposed to the first floor and a window and glazed doors to the ground floor. Two windows are proposed to the front elevation of the side extension.

Within the interior of the dwelling the extension will function as a store room, kitchen and dining area to the ground floor and as bedrooms to the first floor.

**History of Negotiations.**

This planning application has been determined on the basis of the original plans submitted (6th and 28th February 2023). Given that several planning applications have previously been determined at the site, it was not considered that there would be a design solution that would provide the level of accommodation sought.

**Relevant Planning History.**

- 2021/90130 – erection of single storey and two-storey extension. *Refused.*

- 2021/92819 – erection of single and two-storey extension. *Refused.*

- 2021/93760 – erection of single and two storey extension. *Refused.*

**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, a site notice and within the newspaper, due to the proximity of a public footpath to the site collectively expiring on 13th April 2023 – no representations were received.

**Consultation Responses.**

No consultations were deemed necessary in the determination of this application.

**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).

A PROW (footpath) is located adjacent to the rear boundary of curtilage at the property, namely HUD/378/20.

The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

**Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality

**Supplementary Planning Documents:**

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD:
The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

**Assessment.**

The following matters are considered in the assessment below: -

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.

The House Extensions and Alterations SPD (June 2021) 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 (including previous extensions and outbuildings)
- 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 metre
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The House Extensions and Alterations SPD (June 2021) states that two-storey side extensions should:

- not take up all or most of the space to the side of the house
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

From a visual amenity perspective, the cumulative impact of the proposed rear and side extensions would lead to a dominant addition to the host

property, projecting beyond the eastern side elevation of the host dwelling by 1.7 metres and spanning across the entire width of the rear elevation of the host property. As such, the scheme is not considered to be proportionate to the size of the original dwellinghouse.

Furthermore, the design of the proposed extensions is not considered to respect the architectural form of the host dwelling, with the projection beyond the side elevation adding a layer of complexity to the proposed additions, exacerbated further by virtue of two different roofing forms flat, (hipped and gable) proposed above the extensions to the rear and side. The inclusion of a flat roofed single storey element to the rear also adds to the complexity of the proposed scheme, introducing an unsympathetic architectural form, that appears disjointed from the architectural form of the host dwellinghouse.

In addition, the proposed hipped roofing style above the two-storey rear extension (due in part to its relationship with the gables element of the extension) is considered to be obtrusive and disjunctive, whereby it is considered to cause undue bulking and massing, set down only a marginal 0.15 metres from the dominant roof and would not be considered to harmonise with the established gable roofing style, making it overtly prominent to the rear of the dwelling. This is further emphasised through the considerable projection of the hipped roof from the host dwelling.

With regard to the wider streetscene of Hammerton Road, the extensions would be visible from the fronting highway of Hammerton Road, particularly when approached from a south easterly direction – due to the proposed side extension and elongated length of the rear extension and hipped roof. It would also be apparent and incongruous in appearance from the PROW to the rear of the site. Again, emphasising the obtrusive nature of the proposed extensions to the rear from a visual amenity perspective.

It is therefore considered that the proposed developments would be unsympathetic and incongruous to the design of the host property which would, in turn, harm the character and appearance of the dwelling and the character of the wider streetscene, contrary to Chapter 12 of the NPPF, LP24 (a and c) of the Kirklees Local Plan and guidance within Principles 1 and 2 of the House Extensions 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.

The impact of the development on each of the neighbouring properties will be accessed in turn.

*No. 14 Hammerton Road* – this property is located to the west and adjoins the application site.

It has been concluded that the proposed extensions to the rear of 12 Hammerton Road would result in overbearing for the occupiers of this neighbouring property, with the proposed extensions projecting significantly from the host dwelling, having an obtrusive two-storey roof height, and to be built up to the boundary at ground floor level, with a minimal separation distance of only 0.5 metres at first floor level.

In addition, given the size/scale of the extensions proposed and their siting/orientation in relation to the shared boundary, it is concluded that the scheme would lead to an unacceptable level of overshadowing for the occupiers of 12 Hammerton Road. Desktop sunlight calculator software has been used to confirm that the extensions will lead to overshadowing on this neighbouring property between 06:00 and 10:00 and between the hours of 10:00 and 14:00, the proposed extensions pose overshadowing upon the neighbouring rear garden amenity space. In the winter months, overshadowing is posed from 08:00 through to 14:00. Given the extent of this overshadowing, especially in relation to the location of glazing on the rear of the neighbouring property, the extensions are deemed to present an unacceptable extent of overshadowing in relation to residential amenity.

With regard to the 45-degree rule, as set out under Key Design Principle 5 of the House Extensions and Alterations SPD, the scheme fails to comply with regard to the neighbouring ground floor and first floor window, which both likely serve a domestic room internally.

*No. 10 Hammerton Road* – this property is located east of the application site.

The proposed extensions would lead to some additional overbearing to No. 10 due to the scale of the additions proposed and the fact that this neighbouring property is set to a significantly lower ground level than No. 12. However, given the oblique relationship and the orientation of the properties to one another, this is not considered to be undue.

The two-storey side extension presents a separation distance from the shared boundary of 2.5 metres and no glazing is proposed to the side elevation of the side extension. Therefore, on balance it is concluded that the proposal would not result in detrimental impacts of overbearing or overshadowing for the occupiers of No. 10 Hammerton Road.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, with the potential to detriment the living conditions associated with No. 14 Hammerton Road. The proposal therefore fails to accord with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 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 has the potential to marginally reduce the extent of on-site parking amenity space at 12 Hammerton Road, where the two-storey side extension would potentially impede upon the use of the hard-surfaced driveway down the side elevation of the property. However, on balance, given that parking is retained to the front of the site and that off-site parking is readily available along the fronting highway of Hammerton Road, the scheme is considered acceptable from a highway's safety perspective.

It should also be noted that, the proposed works will not impact existing access to and from the property in conjunction with the adjoining highway.

In turn, erecting the proposed extensions at 12 Hammerton Road 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 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 application has, however, been submitted with a climate change statement setting out how the extension could include suitable mitigation measures in respect in climate change. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

*PROW:*

Given that the proposed extensions and additions to 12 Hammerton Road will not prejudice the function, continuity, or implementation of footpath HUD/378/20 as a walking or cycling network, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan. In turn, footpath HUD/378/20 will be protected following the erection of the proposed extensions and additions to 12 Hammerton Road.

*Coal Legacy:*

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

## 6) Representations

No representations were received.

## 7) Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

The proposal presents an unacceptable extent of detriment to residential amenity and does not fulfil Policy LP24 in the Kirklees Local Plan or Achieving Well-Designed Places in the NPPF. In addition, the scheme fails to comply with the visual design requirements as set out in Kirklees Council's House Extensions and Alterations SPD, adopted June 2021.

**Recommendation: Refuse**

**Decision Authorisation: Delegated Powers**
**Application Number: 2023/90381**
**Officer Recommendation: Refuse**

**Reasons for Refusal:**

1. The proposed extensions, by virtue of their design, scale and massing, would appear as incongruous and discordant features to the host building, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24

(a) and (c) of the Kirklees Local Plan, Design Principles 1 and 2 of the Council's House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed extensions, by virtue of their siting in relation to the shared boundary with No. 14 Hammerton Road and their scale and massing, would lead to detrimental levels of overshadowing and overbearing for the occupiers of this neighbouring property. Therefore, the proposal would fail to provide a high standard of amenity for the occupants of the adjoining and neighbouring property, contrary to LP24 (b) of the Kirklees Local Plan, Design Principles 5 and 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Location Plan | - | - | 06.02.2023 |
| Existing Elevations | UD-507-02 | - | 28.02.2023 |
| Existing Floor Plans | UD-507-01 | - | 06.02.2023 |
| Proposed Elevations | UD 507-11 | - | 28.02.2023 |
| Proposed Floor Plans | UD-507-11 | - | 06.02.2023 |
| Climate Change Statement | - | - | 28.02.2023 |

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. No negotiations were undertaken, and no amended plans were sought or submitted. Given that several planning applications have previously been determined at the site, it was not considered that there would be a design solution that would provide the level of accommodation sought.

Report dated: 14.4.23