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:	**2023/62/90680/W**
Site Address:	2, Green Gardens, Golcar, Huddersfield, HD7 4DG
Description:	Erection of two storey extension and external alterations
Recommending Officer:	Tom Hunt

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: 05-May-2023

Officer Report

Site Description

2023/90680 – 2, Green Gardens, Golcar, Huddersfield, HD7 4DG

The application site relates to a detached two-storey property which has been substantially extended (two-storey rear, first floor side and single-storey rear extensions). It is faced in cast stone with concrete tile. The main body of the host is roofed in a cross gable design with side gable roof to the two-storey side extension and a hipped roof to the single-storey rear extension. There is a large, detached and pitch roofed double garage and single-storey pitch roof timber outbuilding to the side and a single-storey detached outbuilding to the rear.

The site is on a prominent corner plot between Intake and Green Gardens with amenity spaces front side and rear; it is bounded in part by hedging and low stone walls with timber fencing approximately 2-3m in height. The site's garden previously extended further south, to Arthur Street however it was subdivided and approved as residential development plots for No.s 83a and 83b.

The site borders urban greenspace designated land known as Golcar Flatts, Golcar Schools, Recreation Ground & Moorcroft Ave Allotments and has an unadopted footpath serving as a route. The footpath is adopted on the highway register "Footpath from 83 Arthur Street to Intake". The property is on a residential estate of similar material palettes, architectural design and enjoy predominantly single-storey rear extensions.

Description of Proposal

Erection of two storey extension and external alterations

All figures are in metres and approximate.

It is proposed to have a two-storey side extension to encapsulate the two-storey side projection extending flush from the original primary elevation to the rear extension of the two-storey rear extension. It would project 4m from the side elevation of the host, project 2.5m from the two-storey rear extension at rear and to have a depth of 9.8m.

This would have a double side gable roof set down 0.3m from the host ridge at front and the secondary side gable roof would be set down 0.6m from the host/two-storey rear extension's roof ridge. Eaves will be set down 0.3-4m from the host and its two-storey rear extension.

This would serve to add a 'kids room', W.C/wetroom and cloakroom to the ground floor with rooms reconfigured; it would add a bedroom, extend an existing bedroom with ensuite added, reconfigure the bathroom and landing at the first floor.

Materials would be cast stone to the front and rear elevation, cast stone to the ground storey of the side elevation with white or buff render to the first storey and to have tiles to match the host. Fenestration would be to match the existing.

History of negotiations/amendments received

No negotiations have taken place as it was considered that any amendment would be significant. There would not be a design solution that would provide the applicants with the level of accommodation applied for without being cumulatively disproportionate to the original design of the host.

Relevant Planning History

76/01436 – Detached dwelling. Approved.

84/6206 – Garage and kitchen/bedroom extension. Approved.
Officer Note: Checking historic survey records showing an extended footprint in 2004 from 2004 plans, it appears on the balance of probabilities that this was the current two-storey extension to the rear if it were to serve a bedroom. The rear extension is wider in width than the original main body of the host.

90/03058 – Erection of Double Garage. Approved.

2019/90097 – Demolition of existing conservatory and erection of single storey rear extension. Approved.
Officer Note: Permitted Development Rights removed on openings to the east facing side elevation of the rear extension.

2020/93818 – Erection of single storey side extension. Approved.
Officer Note: Single-storey side extension to the front of the two storey side extension. Decided 20/04/2021. Still extant within three years of the permission. Permitted Development Rights removed on further extensions and buildings within Classes AA, B or E of Part 1 of Schedule 2, Town and Country Planning (General Permitted Development) (England) Order 2015 as amended; reasons given were to avoid overdevelopment of the site and to maintain subservience to the host property for visual amenity. It is noted that the condition is not in effect until construction has commenced.

2022/90179 – Erection of detached garage. Approved.
Officer Note: This would have a pitch roof double garage. Decided 05/04/2022. Still extant within three years of the permission.

Officer Note: It appears from the contrasting cast stone colouring in materials that a first storey side extension may have been added to a single-storey side extension. A supplied site plan does not show the outbuildings viewed on the site visit.

No pre-application history.

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: 25/04/2023

No representations have been received. Plans were not readvertised following resubmission of to scale plans due to no changes to plans.

Consultation Responses

No technical consultees required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 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

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:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. This is demonstrated through the proactive provision of detailed design guidance in the House Extensions and Alterations SPD, and the availability of a pre application service.

With regards to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Key Design Principle 1 – that *"extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."*
- Key Design Principle 2 – that *"extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail."*

With specific regard to the House Extensions and Alterations SPD, the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact

- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development, the SPD, in terms of the proposed works for side extensions, has the following design guidance in paragraphs 5.15-5.16 and 5.19-5.22 on pages 28-30:
Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing.
Side extensions should maintain the quality of the environment for neighbours by:

- Ensuring reasonable levels of natural light to the habitable rooms in neighbouring properties; and
- Positioning windows to minimise or avoid any potential overlook into neighbouring gardens.Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

Two-storey side extensions should:

- not take up all or most of the space to the side of a 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 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;

In relation to corner plots, paragraph 5.23 states that side extensions should relate well to both street frontages to be:

- Facing in both directions to create two frontages, each with windows overlooking the street;
- Being set back from the existing building line on both streets; and
- Following the boundary treatment along both streets, in relation to its position, height and materials.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the 'House Extensions and Alterations SPD' and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
LP24 of the Kirklees Local Plan requires extensions to be “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 & 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 application site enjoys a large corner plot and thus would comply with not taking up most of the space to the side and retains a 1m gap to the side boundary to avoid unacceptable terracing. While it would not comply with a set back of 0.5m from the primary elevation, the design seeks to have some subservience through the set down roof ridges of the extension compared to the host. Visually the side extension viewed from the primary elevation would appear over 2/3rds the width of the host contributing to some limited subservience. The double gable roofs are aligned with the extent of the host and its two-storey rear extension. There would be an improvement visually in particular with the fenestration to the primary elevation of the extension appearing to be more animated with a better window to wall ratio. Materials are partially to match the host seeking to add a secondary render material limited to the first storey of the side elevation which would be either white or buff render. It would introduce an alien and out of keeping material with render not seen as a secondary material in the streetscene in a very prominent setting with an exposed side elevation; the use of white or buff render would not be supported due to its prominent location on a corner plot as a result however this could be conditioned as cast stone to facilitate approval. However, the design appears to mostly comply with the design guidance relating to two-storey side extensions.
In relation to the design guidance for corner plots, the proposed would have fenestration on both front and side elevations creating an active frontage, be set behind the building line of the host and No.s 83a and 83b and to have an unaltered boundary treatment. The proposal would comply with the House Extensions and Alterations SPD in this regard.
Nonetheless, the proposal seeks to completely diminish the original design and character of the host with cumulative developments totally obscuring the side and rear elevations of the host and combined with the single-storey rear extension, to have an extended dwellinghouse substantially larger with a footprint and volume far in excess of surrounding development on an exposed and prominent corner plot. It would add an exposed, complicated and contrived roof design with the depth of its bulk and massing extending to the rear of the existing two-storey rear extension appearing out of keeping with its host and its locality which fails to respect or enhance the form, scale and layout of the townscape. The two-storey side extension, with the existing quantum of development situated within a prominent and exposed corner plot

(including extant permissions and outbuildings) and its subdivided garden, would substantially contribute to an unwelcome appearance of overdevelopment.
A Design Statement was submitted justifying the design as it would consolidate poorly designed bolted on extensions to provide a needed reconfiguration of the internal space and to tie in two previous unjointed extensions for practicality. While Officers understand the reasons provided, this private benefit would not sufficiently outweigh the conflict to LP24 of the Kirklees Local Plan and Key Design Principles 1-2 of the House Extensions and Alterations SPD in relation to cumulative development. The scheme would add further complicated roof forms, hipped, gables, double gables with potential rendered side elevations which would further exacerbate the incongruous appearance of development at the site.
The proposed extension by reason of its design, scale and massing would cumulatively not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling on a prominent corner plot, which would, in turn, harm the character and appearance of the host dwelling and the wider street scene. The proposed quantum of development, together with the existing arrangements of outbuildings within the site would appear as overdevelopment of the site. The development would be contrary to Policy LP2 and LP24(a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 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.

It is considered that the proposed development would be either screened by its host building or positioned a sufficient distance away from any neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for proportionate standards of privacy.

The proposal would therefore be in general conformance with LP24b and the key design principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Key Design Principles 15 –16 of the adopted 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that new dwellings should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited.
For a 4 plus bedroom dwelling, it should have three off street parking spaces. A parking layout has not been demonstrated with car parking spaces, however the site benefits from an extant permission to have a double garage (internal specifications show as 5m width and 5.4m depth on plans) replacing an existing double garage and sufficient indicated off street hardstanding for at least one car. While the garage would not fully comply with the Highways Design Guide SPD specifications for double garages (6m by 5m), this would reasonably offer some garaging space for two vehicles.

The site is ~535m from Golcar Local Centre and ~408m from St James Local Centre supported by frequent bus services ~240m distance (as the crow flies); this would support the intensified use by providing alternate sustainable car free travel to facilities, services and amenities within walking distance.

As such, following a modest intensified use from an additional bedroom and encroachment into the hardstanding, supported by sustainable close links to public transport and services, the proposed development would not adversely affect the existing parking spaces within the site, and therefore would not cause additional harm to highway safety.

There is ample space for the continued storage of bins on the site.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to embed the climate change agenda to achieve ‘net zero’ carbon emissions by 2038. A Climate Change Statement was supplied which, in addition to building

regulations setting out high requirements for insulation and energy efficiency, would have local traders/materials and some materials salvaged for reuse. The proposal would be of benefit to the original building's envelope and would improve energy efficiency to contribute positively towards carbon reduction. For these reasons the development would comply with the House extensions SPD.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking hardstanding therefore this would have no conflict with Policy LP27 and LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

The site is not located within a sensitive area for biodiversity, and within an existing area of hard standing would only have a neutral impact on biodiversity. This would be compliant with Key Design Principle 12-13 of the House Extensions and Alterations SPD.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2023/90680

Officer Recommendation: Refuse

Reason

1. The proposed extension by reason of its design, scale and massing taken cumulatively with existing extensions and outbuildings, would not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling on a prominent corner plot which would, in turn, harm the character and appearance of the host dwelling and the wider street scene. The proposed quantum of development to the existing arrangements of building and outbuildings would visually appear as overdevelopment of the site. The development would be contrary to Policy LP2 and LP24(a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Block Plan.	Drawing No. 205-PL-01.	A	01/03/2023
Existing Floor, Roof and Elevation Plans.	Drawing No. 205-EX-01.	Unamended.	03/05/2023
Proposed Floor, Roof and Elevation Plans.	Drawing No. 205-PL-02.	Unamended.	03/05/2023
Design Statement	Design Statement - 2 Green Gardens by Dempsey + Gannon.	Original.	01/03/2023
Climate Change Statement	-	-	13/04/2023

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. For the reason set out, the development would not improve the visual amenity of the area due to disproportionate and cumulative development of the host building.

Report Dated: 05/05/2023