

**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:	2023/62/91031/W
Site Address:	21, Portland Close, Marsh, Huddersfield, HD3 4BS
Description:	Erection of first floor side extension
Recommending Officer:	Luke Walstow

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: 15-May-2023

OFFICER REPORT

Application Reference: 2022/93956

Site: 21, Portland Close, Marsh, Huddersfield, HD3 4BS

Site Description

The site is a detached dwelling located within the residential area of Marsh, Huddersfield. The dwelling is constructed from artificial stone with grey roof tiles. The dwelling benefits from a single storey side extension, approved under planning application 2015/92648. The street scene consists of residential houses constructed from similar materials as the dwelling within the application site. The dwelling has a rear garden, but no designated off-road car parking. The site is not located within a conservation area.

Description of Development

The applicant is seeking planning permission for erection of first floor side extension.

Length: 7.8m maximum length

Width: 3m maximum width

Height: ~5m to eaves, ~7.1 maximum height

The proposed first floor side extension would lie flush with the existing first floor segment of the dwelling but would have a different height, by being 0.3 metres lower than the host roof. The extension would sit flush on top of the ground-floor side extension approved within 2015 under planning application 2015/92648. The materials proposed are stone for the external walls, with grey roof tiles for the roofing, which would match the existing features of the host dwelling. The proposal is to create a third bedroom with en suite facilities within the first floor. Decorative detailing, use of contrasting walling material, has been added to the first floor exterior side elevation.

History of negotiations/amendments sought

No amendments were sought in the processing of this application because there were fundamental concerns with the impact of the development on neighbouring property.

The Agent was advised in writing that the amended scheme could not be supported and was offered the opportunity to withdraw the application, otherwise it would proceed to determination for refusal. The agent requested the application be determined.

Planning History

86/01857. Erection of Garden Shed. Granted Conditionally - 06/06/1986.

2015/91996. Erection of 2 storey side extension. Refused – 13/08/2015.

2015/92648. Erection of single storey side extension. Conditional Full Permission – 14/10/2015

2022/93956. Erection of first floor side extension. Refused – 06 March 2023.

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters. Final publicity date expired 11 May 2023 – no representations received.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

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 in the adopted Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP 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 case, the principle of the first-floor side extension extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

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, beautiful and sustainable 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.”

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.

Policy 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...” and “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.

Section 5.3 of the house extensions and alterations SPD provides advice on side extensions, stating the following:

5.15 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.

5.16 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.*

Sections 5.21 and 5.22 of the SPD give specific advice on first floor side extensions, providing the following guidance:

5.22 Two-storey and first floor 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*
- *Retain a gap of at least 1m to boundary walls to avoid a terracing effect and to retain rear access to gardens.*

The application site is a detached dwelling located in a residential area characterised by properties with similar construction materials. The proposed first floor side extension is proposed to be constructed from art stone with a grey tile roof, thus matching the local street scene. The proposed side extension would project 3 metres to the side, lying flush with the ground floor side extension. The ridge of the extension is set down from the host dwelling, thus being SPD compliant but is not set back from the primary front elevation of the dwelling. Decorative contrast walling is proposed along the side elevation of the extension which would appear as an incongruous and jarring feature within the street scene. This could be removed by condition if the extension was deemed otherwise acceptable.

Due to the existing canopy along the ground floor front elevation and the set down from the ridge height in this revised scheme, the proposed extension would – on balance – be visually smaller than the original dwelling, but only just. There is no set back, as required in the SPD. However, in this case, given that the property is at the end of the row and is detached, in an area where there are more semi-detached houses, it would not look out of place in the context of the streetscene.

To conclude, on balance the design of the extension – in this isolated case – is deemed to be acceptable.

3 – Impact on residential amenity

LP24 of the Kirklees Local Plan (2019) states how proposals should promote good design by ensuring *“they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employ”*.

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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
- Principle 4 – that: “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
- Principle 5 – that: “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 – that: to prevent overbearing impact “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 – that: “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”
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Officers have deemed the following properties most likely to be affected by the proposal:

15, 17, and 19 Portland Close are semi-detached and detached dwellings located to the west of the application site. Whilst nos. 15 and 19 would obliquely look towards the extension, the offset windows and the separation distance would help to retain a good standard of amenity.

The property that would be directly affected by the proposed extension is no. 17 which looks straight towards the gable elevation of the applicant property. At present there is a 9-metre separation between ground floors of these properties and a 12m separation at first floor. The proximity and mass of the first-floor extension would reduce the distance at first floor to 9m and would form an overbearing impact to the bedroom window, and indirectly to the ground floor lounge window. This would significantly alter the outlook from these windows and be contrary to 4 and 6 of the SPD and Policy LP24B of the Local Plan. Whilst there are no windows proposed upon the side elevation of the extension, this does not overcome the significant harm that would ensue. Although this application includes the addition of decorative walling on the elevation facing the neighbouring dwellings and is slightly sat down from the

host dwelling roof, it does not overcome issues raised above which resulted in the refusal of planning application 2022/93956.

1-7 Portland Close are flats located to the South of and Southeast of the application site. These neighbouring dwellings would be minimally affected by the proposal in terms of privacy, overbearing and loss of light, due to the existing separation distances being maintained and the orientation of the extension to these dwellings. All principles from the house extension and alterations SPD are maintained for these neighbours in relation to the proposal.

To the east of the site is no. 19 Portland Close. As the extension would be to the west side of the property and not extend further forward or back than the existing extension, the occupiers of this property would not be affected by the development.

There are no other dwellings proximate to the site that would be materially impacted by the proposed development.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. The proposal would not impact the amount of outdoor space available to the host dwelling, therefore complying with principle 7 of the house extensions and alterations SPD.

The proposed first floor storey extension, by reason of its scale, massing and its proximity with the dwellings to the west, would result in a development that would be overbearing to the occupants of no. 17, Portland Close. The proposed decorative walling and the slight set down of the roof does not reduce the impact the first floor side extension would have upon neighbouring dwellings therefore the development would be contrary to Kirklees Local Plan Policy LP24b, KDP 4 and 6 of the SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF 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 Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Section 4.42 of the Extensions and Alterations SPD state:

The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows:

- *2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces*
- *4+ bedroom dwellings provide 3 off-street parking spaces*

The original dwelling had off street parking on a driveway. When planning permission was granted for the ground floor side extension (2015), this was replaced by a garage. The garage has subsequently been converted into habitable accommodation and the property does not have any off street parking. The proposed development would provide a 3rd bedroom to the dwelling which could increase the demand for parking. The dwelling is located on a quiet cul-de-sac where there are some limited facilities for on-street parking. The siting of the applicant dwelling is not ideal, being adjacent a private drive serving two dwellings. However, the SPD states that a 2-3 bed property should have two parking spaces and the addition of one bedroom would not increase the perceived demand when judged with the SPD. Whilst, again, this is less than ideal it is considered it would not be a reason to refuse the application.

It is considered that waste storage and collection arrangements would remain as existing, although there appears to be no rear access for the property, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

Climate Change

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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.

- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.

Considering the modest nature 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 been submitted with a climate change statement.

Biodiversity

Principle 12 of the House Extensions and Alterations SPD states that: “Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.” Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case. The existing roof is of a type and so well-sealed that there is no reasonable likelihood that it would be a suitable roosting place for bats or birds.

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.

6 – Representations:

None 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.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2023/91031

Officer Recommendation: Refuse

Reason

The proposed first floor side extension, by reason of its scale, massing and its proximity with the dwellings to the west, would result in a development that would be overbearing and result in a loss of outlook to the occupants of no. 17, Portland Close. To permit such as development would be contrary to Kirklees Local Plan Policy LP24b, Key Design Principles 4 and 6 of the House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Layout and Elevations	2237/01		04/04/2023
Proposed Layout and Elevations	2237/02B		04/04/2023
Climate Change Statement			04/04/2023

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 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 agent was contacted regarding officer concerns over the impact on neighbouring properties and how the new proposal had not overcome concerns within the previous application.

Report Dated: 12/05/2023

Coal - Low