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:	**2023/62/91104/E**
Site Address:	123, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Demolition of existing side extension and erection of two storey side extension
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 13-Jun-2023

OFFICER REPORT

Site Description

123 Marsh Lane is a stone fronted, semi-detached dwelling with an existing single storey extension, set back to the side. The property has an enclosed garden to the front with a separated drive to the side and an enclosed garden to the rear.

The property backs onto fields with other residential properties of varying ages to the sides and front.

Description of Proposal

The applicant is seeking permission for a side extension with a timber porch.

The side extension would replace the existing garage, set 1m behind the front of the house with a projection of 5.6m from the original side wall with a depth of 9.9m. The roof would be a steep pitch to the side of the dwelling with roof lights to provide accommodation in the roof space with a perpendicular pitched roof at the rear.

The timber canopy would project 1m from the front of the side extension, in line with the front of the dwelling with a width of 2m.

The front elevation would be constructed using stone with rendered side and rear walls.

Relevant Planning History

2023/90302 - erection of two storey side extension - refused

Representations

The application was advertised by neighbour letters, which expired on 24/05/2023

As a result of the above publicity, no representations have been received.

Kirkburton Parish Council has been consulted and responded with no objections.

Consultation Responses

None

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 Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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, and 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 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Planning permission was refused earlier this year for a two storey side extension. The current proposals have redesigned and reduced the development and shall be fully assessed below.

Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alterations SPD does state 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. Furthermore, Key Design Principle 2 of the House Extension & Alterations SPD goes onto state 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 details.

As this proposal is for a side and rear extension, the following paragraphs of the House Extension & Alterations SPD are of relevance. Paragraphs 5.15 & 5.17 with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. Paragraphs 5.1, 5.2 & 5.6 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The width of the extension is significant and would be built up to the boundary. However, this is replacing a garage to the side of the property of the same size. As such, in this instance, the width is considered to be justifiable. The height would be increased to form accommodation in the roof-space. This would still be lower than the main house and the adjacent dwelling and as such is subservient to the dwelling as it would allow the main house to remain the dominant element. The materials proposed with the use of stone for the front elevation and render to the sides and rear would form an

acceptable relationship with the main house although the colour of the render should be conditioned to be an off white colour to ensure an appropriate finish. The rear elevation does include a large timber glazed feature which is prominent from the fields at the rear. This is similar in shape and form to the neighbours extension and as such would not be out of character with the wider area and therefore difficult to justify refusal. The small timber canopy is limited in size and recessed from the main front elevation and can also be considered to be acceptable. Overall, the extensions proposed can be considered to have overcome the previous reasons for refusal and be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties directly to the rear of the site which could be affected by the works proposed.

Impact on 121 Marsh Lane

The side element of the extension would be located on the opposite side of the dwelling to the adjoining property and as such would have no effect on the amenities of the occupiers of the adjoining dwelling. The rear element would project beyond the rear wall. However, this would be set almost the full width of the dwelling from the shared boundary with the adjoining property. Given this relationship, there would be no overshadowing, overbearing or overlooking.

The introduction of accommodation in the first floor will not result in any loss of privacy to any neighbouring occupant when affording weight to the existing relationship.

With regards to the impact on the adjoining 121 Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy

LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 125a Marsh Lane

The extension would bring the first floor of the host property closer to the side elevation of the adjacent dwelling. It is noted that there is a first floor window in the side elevation of the neighbouring dwelling. However, it seems likely given the position and size of the opening that this serves a non-habitable space. The scale of the development together with the spatial relationship between the host property and the adjacent neighbour would not result in any significant overlooking, overbearing or overshadowing.

The introduction of accommodation in the first floor will not result in any loss of privacy to any neighbouring occupant when affording weight to the existing relationship.

With regards to the impact on the adjacent 125a Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 106 Marsh Lane

The neighbouring property opposite occupies a position some 27m from the host property with its own garden, the road and the applicants garden between the properties. Given this relationship, the proposed side extension would not result in any overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 106 Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use and would replace the existing garage with a lesser internal parking provision.

However, the parking area to the front of the property can accommodate two vehicles off road which is considered to represent a sufficient provision. Bin storage for the dwelling is on the front corner of the house and would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension & Alterations SPD.

Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials for the front wall to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is considered to be reasonable and necessary to condition the render finish to be an off white to ensure an appropriate appearance in the wider area.

Conclusion:

This application to erect a side & rear extension with a small timber canopy at 123 Marsh Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & Alterations SPD, the National Planning Policy Framework and

other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2023/91104
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external wall on the front elevation of the side extension hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The side and rear elevations of the extension hereby approved shall be finished with an off white render and thereafter be retaned.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	**Reference**	**Web ID**	**Date Received**
Location plan	-	985186	18/04/2023
Block plan	03	985190	18/04/2023
Existing plans	01	985189	18/04/2023
Proposed plans	02	985195	18/04/2023
Design & access statement	-	985193	18/04/2023
Climate change statement	-	985238	18/04/2023

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 07/06/2023