

**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:	2023/62/91509/W
Site Address:	Canaan House, Pike Law Lane, Scapegoat Hill, Huddersfield, HD7 4PL
Description:	Erection of single storey front extension, raised terrace and external alterations
Recommending Officer:	Teresa Harlow

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: 22-Nov-2023

OFFICER REPORT

Application Reference: 2023/91509

Site: Canaan House, Pike Law Lane, Scapegoat Hill, Huddersfield, HD7 4PL

Site Description

The application site relates to Canaan House, a detached dwelling situated on a hillside above Pike Law Lane. The dwelling is constructed from stone, with neighbouring dwellings having similar construction materials, although most dwellings are individually designed, and a mix of single storey and two-storey detached. The roof appears as flat profiled concrete tiles in grey. The dwelling is located on a higher elevation than the highway, with access leading off the road and up to the dwelling. The dwelling benefits from off-street parking located to the side of the house. The boundary of the application site is lined with mature planting, creating a secluded site. The site has benefited from multiple approved planning applications including 2 storey rear and side extensions and a rear extension.

There is a Public Right of Way to the west of the application site boundary, the exact route of the PROW is unmarked. (COL/44/10)

Description of Development

The applicant is seeking planning permission for the erection of a single storey front extension with raised terrace and external alterations.

The front extension would be constructed partly from stone (front elevation) which matches the host dwelling, use a glazed timber frame to the side elevations and front elevation and have a solid roof. It would replace an external terrace leading from the hall, sited above a lower ground floor wc and utility and would serve as a 'reading room'. The dimensions are: width 5m, projection from principal front elevation 2.5m, height to eaves 2.5m and height to ridge of gabled roof: 3.60m. It would be sited centrally within the front elevation of the dwelling.

The raised terrace and external alterations associated with the scheme comprise:

Formation of new window/door openings in the southwestern side elevation of the dwelling, serving the lounge, leading out onto a raised platform of 1.3m in width and located ~2.4m above the parking area below. Most of the terrace would have a 1.8m glazed privacy screen, although this reduces in height to 1m in height forward of the front elevation. The raised terrace area forward (southeast) of the dwelling – and adjacent the reading room - would form an external terrace of approx. 13 sq m.

History of negotiations/amendments sought

Amendments were initially sought to change the original scheme to reduce the scale of the front terrace and amend its design. Amended plans were received indicating a reduction in the front extension and the use of more suitable materials.

Further amendments were sought to include the definitive route of the PROW along the southwestern boundary of the site and provide details of how the route and its users/setting would be maintained as part of the proposal. At that stage the application included a large car port and raised terrace area/2m hit and miss screen fencing along the southwestern boundary with Arden Cleeve.

On submission of the revised site plan, a conference call took place regarding the impact on the PROW. The plans were further revised to delete the proposal for the car port and the large area of raised terrace/screen fencing to the side of the property. The final amended proposal is for a more limited raised walkway to the side of the property with privacy screening – as set out in the description of development above.

Planning History

Relevant Planning History:

2001/92621. Erection of extensions to form attached double garage with balcony over study with balcony over and realigned external stair. *Conditional Full Permission – 27/11/2001.*

2013/91774. Erection of 2 storey rear and 2 storey side extensions. *Conditional Full Permission – 20/12/2013.*

2015/92851. Prior notification for single storey rear extension. *Not Required - 12/10.2015.*

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, press advertisement and site notice as having the potential to affect a public right of way.

Final publicity date expired 2nd September 2023 - no representations received.

A public right of way runs along the western side of the application site (COL/44/10). The site notice has been placed near the site to publicise the application in relation to the public right of way.

The revised plans have not been re-publicised as these have significantly reduced the scale of the original development.

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 September 2023, 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

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 rear 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 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.14 of the SPD relates specifically to single storey front extensions and states the following guidance:

5.14 Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- *The house is set well back from the pavement or is well screened;*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house*
- *The extension would not unreasonably affect the neighbouring properties.*

Due to the location of the dwelling within the application site, the building is set back from the highway, although on a higher elevation than Pike Law Lane, the front extension would not be a dominating feature to the local area due to different elevations and surrounding trees. The dwelling is detached, set in generous grounds and within an area where there is no single house type or street scene. The proposed front extension would be partly constructed from stone which matches the existing dwelling, with elements of timber framing to the front and side elevations, and supports for the raised terrace.

The roof would be gabled and have a solid grey form which harmonises with the host property. The extension is small and subservient to the original building when viewed along the front elevation too. The extension would not detract visual value from the host dwelling and the amended scheme is more aligned with the characteristics of the existing site. Due to the setting of the dwelling with the application site and the proposed design of the front extension, it is unlikely the development would cause visual harm to the host house and the surrounding area.

- Section 5.5 of the SPD provides guidance on balconies. This states they should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:
- Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.
- Sited away from locations that are sensitive to additional noise levels or disruption.

The new external terrace area would be of a similar size to the existing feature to the front of the property (which will be enclosed to form the reading room). The useable area would be located to the front of the property, the area to the side would be mostly obscured by a privacy screen and is only 1.3m wide. This would be accessed via new habitable room openings to the lounge area. These would not provide a line of sight to Arden Cleeve, to the southwest, due to the privacy screen. The scale and visual form of the raised terrace is considered acceptable. The simple supports and glazed balustrades would provide a lightweight look that would not compete for dominance with the main dwelling.

It is therefore considered that in terms of visual amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, detailed guidance in the SPD regarding front extensions and 'balconies' and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

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.

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: *“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.”*

Impact on Highfield House

Highfield House is a detached dwelling located to the north east of the application site. Similar to the host dwelling, this neighbour is located on a much higher elevation when compared to the highway. A site visit confirmed trees to line the site boundary with this neighbour. Due to the natural screening, the proposed front extension would not be visible from this neighbour resulting in no impact of overbearing, reduced outlook or negative impacts upon their privacy.

Impact on Arden Cleeve

Arden Cleeve is a residential detached dwelling located to the southwest of the application site. This neighbouring dwelling shares a similar high elevation above Pike Law Lane to the host dwelling of the application. It is single storey in height with principal windows in the southeastern and northwestern elevations. There are 2no. windows and a door in the northeastern side elevation of this dwelling that face toward the application site. There is also a screen fence that provides some obscuration of the application site viewed from these windows. Arden Cleeve appears to be at a slightly lower ground level than the application property.

There would be no materially undue overbearing, overshadowing or loss of outlook to Arden Cleeve as a result of the proposed development. The principal issue is whether there would be an unacceptable loss of privacy. There are already habitable room windows and a raised deck area looking towards Arden Cleeve. This is an established relationship. The proposed windows to the lounge have a greater potential to look towards Arden Cleeve: due to height and form, and the raised terrace is 2.4m above existing ground level. The proposed privacy screen would ensure there is no overt overlooking/loss of privacy (this can be conditioned). The raised terrace to the front of the site would not have privacy screening, but is not extensive in scale and would replicate, albeit closer, an existing external raised terrace to the front of the dwelling. On balance, given the separation and character of the site and surroundings, it is considered the terrace would retain an acceptable standard of amenity for this adjacent site.

Impact on 20 Pike Law Lane

20 Pike Law Lane is a detached dwelling located across the highway from the application site to the south. This neighbour is located on a much lower elevation than the application site. Similar to Highfield House, the front of the application site has existing trees which act as a screen to the highway and neighbouring dwellings located across the road. Because of these trees, privacy and outlook would be maintained for this neighbour, with no risk of the proposal being overbearing being created.

Impact on 55, 57a and 57b High Street

These dwellings are a mixture of semi-detached and detached dwellings located to the rear of the application site. Due to the nature of the proposals and the proposals being located to the front of the application site, these neighbours would be unimpacted by any approved development.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the proposal would utilise a small area of outdoor space, there would be sufficient outdoor space remaining to be used by current and future occupants should the development be approved. It would also provide a convenient sitting out area in good weather to the south of the site.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the adopted House Extensions and Alterations 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.

The proposed development does not propose to add any bedrooms to the site, meaning it is presumed the number of occupants on site would remain as existing. This means existing parking on site, which can accommodate 3 vehicles given the length of the driveway would be acceptable.

It is considered that waste storage and collection arrangements would remain as existing, and that the proposal would also be in accordance with Principle 16 of the House Extensions and Alterations SPD too.

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.

There is a definitive public right of way running between Pike Law Lane and High Street along the boundary of Arden Cleeve with Canaan House. The exact line of the PROW is not marked on site, and it is not possible to envisage how it could be used. The proposed development does not run close to the line of the route and thus – in isolation – would not in itself affect it, or its users. Nonetheless, it is necessary to include an informative note regarding the responsibilities regarding public rights of way onto the decision notice for this application.

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.

A short climate change statement was submitted with the application, stating how the proposed development would not be harmful to the climate.

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.

Biodiversity

Policy LP30 of the Local Plan is concerned with how development can preserve and enhance 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, given the site is also not within an area identified as having a known presence of bats.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation – Delegated Powers

Application Number – 2023/91509

Officer Recommendation – Conditionally Approve

Conditions

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 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council’s adopted House Extensions & Alterations Supplementary

Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

- Other than where indicated to be constructed from timber upon submitted drawing 2833-(100)03revD, the materials of construction of the external walls and roof of the development hereby approved shall in all respects match those used in the construction of the host property and be retained thereafter.

Reason: In the interests of visual amenity and in accordance with Policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

- The 1800mm high obscure glazed privacy screen to the raised terrace on the southwestern (side) elevation of the dwelling, indicated on plan no. 2833 -(100) 03 D, shall be erected in accordance with details shown on this approved plan before it is first brought into use. Thereafter, the privacy screen shall be retained in accordance with the approved details.

Reason: To retain the privacy of adjacent occupiers of land and property and to accord with Policy LP24b of the Kirklees Local Plan Principles 3 and 4 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

Note: The definitive route of public footpath COL/44/10 is within/adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for public rights of way or by email: publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2833 LOC		23 May 2023
Existing Plans and Elevations	2833-(100) 01		23 May 2023
Proposed Plans and Elevations	2833 -(100) 03	D	13 November 2023
Climate Change Statement			23 May 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. Negotiations took place with the agent regarding the public right of way, the scale of the development, external appearance and privacy screens. This decision is based on the amendments received.

Report Dated: 20/11/2023