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:	**2023/62/92428/W**
Site Address:	12, Hammerton Road, Fartown, Huddersfield, HD2 2PS
Description:	Erection of two storey extension
Recommending Officer:	Lucy Taylor

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: 04-Oct-2023

Officer Report.

Reference: 2023/92428

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

Proposal: Erection of two storey extension

Site Description.

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

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

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

Description of Proposal.

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

The two-storey extension would have a projection of 3 metres from the rear elevation of the host dwelling and would wrap around the eastern side of the host dwelling, projecting beyond this by 1.7 metres. In turn, the total width of the two-storey extension would be 6.4 metres. The maximum height of the two-storey extension would be 6.9 metres, set down from the host roof pitch by 0.65 metres.

A single storey extension would be attached to the western side of the two-storey extension. This would have a projection of 3 metres, a width of 1.85 metres and a height of 3 metres.

The extensions would be faced in render and brick to match the design of the existing dwelling. The roof of the two-storey extension would be infilled with tiles to match the host roof.

With regard to fenestration, the two-storey extension proposed two windows to the front of the side projecting element and three windows to the rear elevation. A set of glazed bi-fold doors is also proposed to the rear elevation of the extensions.

History of Negotiations.

No negotiations have taken place and no amended plans were sought or submitted.

Relevant Planning History.

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

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

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

- 2023/90381 – erection of two storey extension. *Refused for the following reasons.*

    1. The proposed extensions, by virtue of their design, scale and massing, would appear as incongruous and discordant features to the host building, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan, Design Principles 1 and 2 of the Council's House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

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

A key consideration in the determination of this application is whether the reasons for refusal of application 2023/90381 have been overcome given the proposal is similar, albeit reduced, scheme. This is discussed in more depth in the following report.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and within the newspaper, due to the proximity of a public footpath to the site collectively expiring on 29th September 2023 – no representations were received.

Consultation Responses.

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

Policy/Legislation.

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

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

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

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP51 – Protection and improvement of local air quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development

- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment.

The following matters are considered in the assessment below: -

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other Matters
5) Representations
6) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The House Extensions and Alterations SPD sets out that two-storey rear extensions should:

- be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings)
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The House Extensions and Alterations SPD also sets out that two-storey side extensions should:

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

From a visual amenity perspective, it is considered that the proposed two-storey extension to 12 Hammerton Road would be a subservient addition. The two-storey extension would be set down from the roof pitch of the host dwelling to both the side and rear and the side projection would be set back from the principal elevation of the host property of 5.5 metres.

Although the side element would have a projection of 1.7 metres, it is considered that an adequate extent of openness would be retained around the site, to be separated from the nearest boundary by 2.5 metres. In addition, to the rear, the two-storey extension would retain a seperation distance of approximately 1.85 metres from the shared boundary with No. 14 Hammerton Road. As such, it is considered that the two-storey extension would be proportionate to the size of the original dwellinghouse.

Whilst the addition of a side extension would add a layer of complexity to the host property of 12 Hammerton Road, given its size/scale and it's set down and set back position, it is not considered that it would unduly impact upon the architectural character of the property or wider streetscene.

Two roofing forms are proposed above the two-storey extension (hipped and gable). Whilst the hipped roof will be a new form to be established to 12 Hammerton Road, given it's 0.5 metre set down from the host roof pitch and its overall size, scale and projection, it is not considered that it would appear overtly prominent or result in overt obtrusive. It should also be noted that, on balance, a hipped roofing form can encourage better levels of residential amenity in terms of overbearing and/or overshadowing. Residential amenity will be discussed in more detail in the next section of this report.

The House Extensions and Alterations SPD states that single storey rear extensions should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terrace houses or by 4 metres for detached properties
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed single storey element is considered to be subservient, due to its single storey height and harmonising appearance. In addition, the erection of a flat roof, by form, naturally reduces the potential for undue bulking and massing from the overall appearance of the extension.

All of the extensions would be faced in materials to match the exterior appearance of 12 Hammerton Road (brick and render) and the roof of the two-storey extension would be infilled with matching tiles. In addition, the forms of fenestration proposed are considered to be in keeping with the architectural form of the existing dwellinghouse, windows and one set of glazed bi-fold doors.

Given that the majority of additional built form would be located to the rear of the host building and that the extensions have been concluded acceptable visually, it is considered that the proposal would not detriment the character of the host dwelling with regard to it's setting within the wider streetscene.

Whilst the main design changes from the previous refusal relate to the reduced mass and scale of the roof and also the reduced scale of the first floor of the proposal it is considered the overall re design has adequately addressed reason no.1 of refusal of application 2023/90381 and the proposal is concluded to be acceptable in this regard.

For all of the reasons outlined above, it is considered that the proposal would not cause impact upon visual amenity of the host property and wider locality to such a degree that a refusal could be substantiated in this case. The proposed development is therefore considered to meet the requirements of policies within Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see a reduction in the overall extent of rear garden amenity space at 12 Hammerton Road, however, it is considered that an adequate amount would be retained in accordance with Key Design Principle 7 of the House Extensions & Alterations SPD.
The impact of the development on each of the neighbouring properties will be accessed in turn.

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

The proposed two-storey extensions to the rear of 12 Hammerton Road would retain a seperation distance of approximately 1.8 metres from the shared boundary with No. 14. This seperation distance, in conjunction with the size, scale and height of the two-storey extension proposed, is concluded to result in no significant impacts of undue overbearing or overshadowing been caused for the occupiers of No. 14 Hammerton Road.

Whilst the single storey element of the rear extension would meet the shared boundary with No. 14 Hammerton Road and fail to be compliant with the 45-degree rule as set out under Key Design Principle 5 of the House Extensions and Alterations SPD, in this instance, there is a realistic fallback for a single storey structure to be constructed up to the shared boundary under Permitted Development Rights which is of a scale similar (or potentially greater) than that proposed as part of this scheme.
The property of 12 Hammerton Road benefits from full Permitted Development Rights and the proposed single storey element of the development appears compliant with all Permitted Development criteria for single storey rear extensions.

No glazing is proposed to face towards this neighbouring property, resulting in no detrimental impacts to residential privacy as a result of overlooking.

It is therefore considered that, taking account of the re designed scheme and the reduced scale and massing of the proposal, and having regard for the single storey element which is in proximity to this property, and potential for construction of a similar (or greater) sized structure under pd rights, the proposal overcomes reason no.2 of application 2023/90381 and is acceptable in regard to impact upon the amenity of the occupiers of this property.

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

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

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

For the reasons set out above, the proposed development at 12 Hammerton Road is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees

Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal has the potential to marginally reduce the extent of on-site parking amenity space at 12 Hammerton Road, where the two-storey side extension would potentially impede upon the use of the hard-surfaced driveway down the side elevation of the property. However, on balance, given that parking is retained to the front of the site and that off-site parking is readily available along the fronting highway of Hammerton Road, the scheme is considered acceptable from a highway's safety perspective.

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

In turn, erecting the proposed extensions at 12 Hammerton Road would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

PROW:

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

Coal Legacy:

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

5) Representations

No representations were received.

6) 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers
Application Number: 2023/92428
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 Policies LP1, LP2, LP21, LP22, LP24 & LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building and be thereafter retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Note: The application site is located in a low risk coal area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	UD-507 -02	-	14.8.23
Proposed Floor Plans	UD-507 -11	-	14.8.23

Location and Site Plan	UD-507	-	14.8.23
Existing Floor Plans	UD-507-01	-	14.8.23
Proposed Elevations	UD-507-11	-	14.8.23
Climate Change Statement	-	-	14.8.23

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 2.10.23