

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:	2023/62/92778/W
Site Address:	38, Rowley Hill, Common End Lane, Lepton, Huddersfield, HD8 0JF
Description:	Erection of two storey rear extension, alterations to existing porch and other 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: 21-Nov-2023

Officer Report.

Reference: 2023/92778

Location: 38, Rowley Hill, Common End Lane, Lepton, Huddersfield, HD8 0JF

Proposal: Erection of two storey rear extension, reconfiguration of existing roofscape, alterations to existing porch to form first floor terrace

Site Description.

38 Rowley Hill is a two-storey end of terrace property located in Lepton, Huddersfield. The external walls of the property are faced in natural stone, brick and timber cladding. The property benefits from parking amenity space to the eastern side elevation and outdoor amenity space to the principal elevation.

The highway of Fields Lane runs adjacent to the eastern elevation of the property. The car park for Rowley Hill Working Men's Club is north of the property. The design of No. 38 shares a strong sense of similarity with the terrace properties to which it adjoins, by way of design and appearance.

Description of Proposal.

Planning permission is sought for the erection of a flat roofed two-storey rear extension, alterations to the existing porch and other external alterations: Juliet balcony added to the front and timber cladding being replaced by brick and stone slips to the side and rear elevation of the existing two-storey extension.

The two-storey rear extension would adjoin the existing two-storey rear projecting gable to 38 Rowley Hill, with the same projection of 3.8 metres. The extension would have a width of 2.6 metres, set in from the shared boundary with No. 40 Rowley Hill by 0.5 metres. The maximum height of the extension would ~5m.

The two-storey rear extension would have two windows to the western side elevation, one at ground floor and one at first floor. A window would also be inserted to the rear elevation of the extension at ground floor level.

The proposed porch would refurbish, the existing feature, the Juliet balcony would be added to an existing glazed door on the south elevation at first floor. The cosmetic changes would be principally to the existing rear extension: replacing timber cladding features with stone and brick slips to harmonise with the existing dwelling.

History of Negotiations.

Amended plans were sought to remove a first floor raised terrace to the front of the dwelling, to reduce the scale (height of the two-storey extension) and to remove the proposal to alter the roof form of the existing extension. The request was made to add a Juliet balcony and to cosmetically update the external appearance of the existing two-storey extension. Amendments received.

Relevant Planning History.

No planning history at the application site.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 31st October 2023 – no representations were received.

The amended plans were not re-publicised as these reduced the scale of development.

Consultation Responses.

Kirkburton Parish Council – no comments received.

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).

The site falls in an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

The application site is set approximately 28 metres from the nearest Listed Building. Given the nature of the proposed developments to No. 38 Rowley Hill, and the locational relation between the application site and the nearest Listed Building, it is not considered that the proposal would result in undue impacts to the setting of this Listed Building with regards to its heritage significance. As such, no further assessment of impacts to this designation are considered necessary.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety

- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD: (2021)

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 will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

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 on to 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”*.

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.

Paragraph 5.8 of 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; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The cumulative scale and massing of the original two-storey rear extension and roof reconfiguration would have resulted in built form that would not appear as subservient and would result in a loss of character to the existing terrace property. The amended proposal has significantly reduced the scale to remove undue level of bulking and massing, and is now, in this isolated case, no longer out of proportion to the host terrace property or the other terraced properties to which the property adjoins. This takes into account the existing extension and the unique position of the dwelling in a diverse streetscene. It would leave a significant garden area to the front of the dwelling, be proportionate to the dwelling – taking account of the significant curtilage area it enjoys –. Although it extends more than 3m, this aligns with the existing extension and would provide a more cohesive appearance to the development.

The proposed rear extension, whilst somewhat visible from public vantage points around the host property, with the dwelling set in a prominent position within the streetscene would now be more discreet as the proposal has a flat roof that does not extend beyond the eaves, and the roof of the existing extension will remain unchanged. On balance, this has removed the material harm to the character and appearance of the host dwelling in the context of the wider streetscene. Whilst noting the property sits in the context of a row of terraces, which have a relatively cohesive appearance and linear rear elevation to the first-floor level, this is already interrupted by the existing extension. This will be no more materially harmed by completing the rear extension in this case. Other properties along the row do not have the significant rear garden area that this dwelling has and so the likelihood of this being replicated is unlikely.

The Juliet balcony would benefit from 'permitted development rights' as would the proposed cosmetic changes to the existing extension. Both these elements would, however, serve to improve the visual appearance of the dwelling.

It is therefore considered that in this most isolated of cases the proposed development would be sympathetic to the character and appearance of the

dwelling and the character of the wider street scene, in accordance with Chapter 12 of the NPPF, LP24 (a and c) of the Kirklees Local Plan and guidance within Principles 1 and 2 of the 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 impact of the development on each of the neighbouring properties will be assessed in turn:

No. 40 Rowley Hill:

This property adjoins the application site to the west.

The proposed two-storey rear extension would be separated from the shared boundary with No. 40 by 0.5 metres and would cut the line of 45-degrees with regard to the first-floor window on the rear elevation of this property. It is not known what accommodation this window serves. No. 40 appears to have no rear amenity space and the ground levels are such that the window in the rear (north) elevation is already shaded. As such, in this case and taking into account the revised proposal it is considered that the proposed two-storey rear extension would not result in undue levels of overbearing and overshadowing for the occupiers of No. 40 Rowley Hill: over and above the existing situation. This is also cognisant that this does not align with the SPD.

The proposed windows in the western elevation of the extension serve a playroom and bedroom 3. The playroom window would not look towards any window in the rear of no. 40. The first floor windows are indicated to be obscure glazed, which, subject to condition is considered to be acceptable.

No.'s 66 and 68 Manor Park Way:

These properties are located to the rear of the application site.

The proposed two-storey rear extension would retain a separation distance of approximately 1.8 metres from the rear boundary of these properties and a minimum separation distance of 10 metres from the neighbouring dwellings

themselves. These separation distances are considered sufficient to mitigate undue impacts of overbearing or overshadowing, with existing outbuildings and garages to the rear of these neighbouring properties further working to mitigate undue impacts.

Given the presence of an existing outbuilding towards the rear boundary of No. 68, it is not considered that the window proposed to the rear elevation of the extension would result in undue impacts of overlooking.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

In light of the above, the proposal is considered to not have an unacceptable impact on residential amenity, on balance. The scheme therefore complies with policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

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 proposed works would not increase the number of bedrooms within the interior of 38 Rowley Hill, nor would they alter the existing parking arrangements or access to and from the property in conjunction with the adjoining highway of 38 Rowley Hill.

For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

Sufficient space to the side and front of the property would be retained for the storage of wastes in compliance with KDP 16 of the 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 application is supported by a Climate Change Statement. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

5) Representations

None 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 proposals accords with the development plan and that there is justification for departing from the SPD in this isolated case.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2023/92778
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 (as amended).

2.The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP53 and LP51 of the Kirklees Local Plan, Principles 1-17 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 12, 14 and 15 of the National Planning Policy Framework.

3.The external walls of the rear extension and the external alterations to the existing two-storey rear 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 in accordance with Policies LP01, LP02 & 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.

4.The development shall not be occupied until the first floor windows within the west elevation of the rear extension hereby approved have been obscure glazed (minimum grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the windows shall be retained obscure glazed thereafter.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24b of the Kirklees Local Plan and Key Design Principle 3 of the Council's adopted House Extensions and Alterations SPD.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	209-23-PL01	-	22.09.23
Existing Floor Plans, Elevations & Site Layout	209-23-PL02	-	22.09.23
Proposed Floor Plans, Elevations & Site Layout	209-23-PL03	C	14.11.23
Climate Change Statement	-	-	19.09.23

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. Amended plans were sought to remove a first floor raised terrace to the front of the dwelling, to reduce the

scale (height of the two-storey extension) and to remove the proposal to alter the roof form of the existing extension. The request was made to add a Juliet balcony and to cosmetically update the external appearance of the existing two-storey extension. Amendments received.

Report Dated:

20.11.23