

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:	2023/62/92985/W
Site Address:	16, Spaines Road, Fartown, Huddersfield, HD2 2QA
Description:	Demolition of outbuildings and replacement of outbuildings, erection of rear dormer to existing dwelling and alterations
Recommending Officer:	Tom Hunt

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: 22nd January 2024

Officer Report

Site Description

2023/92985 – 16, Spaines Road, Fartown, Huddersfield, HD2 2QA

The application site relates to a two-storey dwellinghouse with a single-storey link attachment to a 1.5 storey outbuilding at the rear. It is on a small corner plot between Spaines Road and an access road and is bounded by a high stone wall to its side with a low stone wall to the front. It is constructed with natural stone to front, render to the side elevation, natural stone to the link attachment and natural stone and render to the outbuilding. Natural slate is used to both the dwelling and outbuilding's side gable roof. They have a hard surfaced side amenity space.

Description of Proposal

Demolition of outbuildings and replacement of outbuildings, erection of rear dormer to existing dwelling and alterations

Dwellinghouse

A rear flat roofed dormer is proposed to be 4.45m width, 1.8m height with its roof finishing 0.7m below the ridge of the host. it would be set in 0.6m from the flank boundaries of the roof and set back 0.25m from the eaves of the host. It would project 3.3m from the roof plane. It would have two large windows symmetrically arranged to the rear only.

To the rear of the dwellinghouse, one first floor windows (bathroom) would be made obscurely glazed. Bi fold doors will be inserted to the dining room at the host's northeast elevation replacing windows.

The three storey dwellinghouse would have 4 bedrooms (three double/1 single), one shower-room, one W.C., living room, dining room and kitchen with W.C. A garden area is set out for this unit to the front and side. The unit will add two additional bedrooms over existing.

The existing link attached, single-storey building would be flat roofed in GRP. The northeast elevation will be re-rendered again.

Outbuilding

It is proposed to replace a 1.5 storey existing outbuilding like for like. This would consist of a pitch roofed building with an overall height of 4.7m from ground, 7.7m width by 4.7m depth by 3.3m height single-storey section. This would have one door and two windows at ground floor and one window over the door to its front elevation (southeast). There would be one round topped attic window to the gable end facing northeast. No additional windows are proposed.

Two parking spaces are set out with bins storage areas also shown on the submitted plans. The boundary wall would be unaltered. A single-storey outbuilding 7.6m by 2.8m by 2.8m height is to be demolished forward of the apartment block.

History of negotiations/amendments received

Following Officer feedback that the original proposal would not be supported on grounds of overdevelopment, highway safety, residential and visual amenity, amended plans and an agreed change of description of development was received to reduce impacts on those planning material considerations.

Relevant Planning History

No previous planning applications for this 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: 28/12/2023.

No representations have been received.

Amended plans were received however they were not readvertised as they did not substantially change the scheme from that as initially advertised to the public.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Coal Authority – Initially responded advising further investigation required for a new dwelling in a High Coal Risk Area.

Officer note: As the scheme seeks planning permission for works to an existing dwelling and is now a house holder planning application it is considered there is no further requirement to consult the Coal Authority on the basis of the removal of the element of the scheme which relates to the creation of a new dwelling.

Policy & Allocations

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 within the Fartown Town Centre boundary as indicated upon the Kirklees Local Plan. It is within a High Risk Coal area. Spaines Road is a Classified C Road: C6107.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 December 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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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”*.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal's visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

As the proposal relates to an existing dwelling in an identified centre, and the proposal does not relate to the change of use of the site / building, it is considered the proposal would not have a significant on the existing centre and consideration of the impact is not relevant in this case.

2 – Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02 and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, and protect amenity. LP24 also requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, relating which aims to ensure future proposals for development of extensions and alterations is of high-quality design.

Paragraphs 5.24-5.27 of the SPD (pages 31-32) set out that dormer and roof extensions are generally *“a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”*

They should be located to the rear, be small and subservient with a substantial area of the original roof retained and should reflect the local character of existing types in the streetscene. The proposed rear dormer would be set within the roof plane and not project above the host roof ridge, and be faced in hung tile to match the existing roof ensuring a small, harmonious addition on a prominent plot.

The SPD provides guidance on outbuildings within paragraphs 5.29-5.30 (page 33), the proposal is to replace a poor condition and long-standing outbuilding for one of the same dimensions and reduced fenestration arrangements and is therefore concluded to be acceptable. The outbuilding would be faced in natural stone and have tile to its pitched roof to harmonise with the host. With the removal of a small single-storey outbuilding, this is considered to cumulatively improve the streetscene with this subtle update. Other minor alterations to the host and its single-storey rear extension would appear in keeping with the streetscene.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and subject to conditions that the materials of construction of the dormer are tiles to match those used in the construction of the existing roof, and that the materials of construction of the outbuilding match those of the existing building it is considered that the proposal is acceptable in this regard and accords with Policies LP02 and LP24 of the Local Plan, principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 135 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD provides guidance to Officers in the consideration of residential amenity.

No. 18 Spaines Road

The replacement of the outbuilding for the same dimensions would have a largely neutral impact on the neighbour in terms of overshadowing and overbearing. There would be a reduction in fenestration facing this neighbour with an improvement in the perception of overlooking and loss of privacy.

The rear dormer would be to the northeast of the neighbour and is not adjacent to any rooflights to affect overshadowing, overbearing or loss of outlook. The scale of the dormer, set in from the roof plane would sufficiently ensure that its limited additional bulk and massing would not have a significant additional impact on residential amenity. There are no other proposed alterations to the host that could affect the neighbour.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would have a neutral impact on the remaining outdoor private amenity space available to future and present occupiers for use or privacy.

To ensure the impact of the proposal would be acceptable, a condition is recommended requiring the outbuilding hereby approved to be used incidental to the host property.

The proposal would therefore be in general conformance with LP24b and the Key Design Principles 3, 4, 5 & 6 of the House Extensions and Alterations SPD as well as policy within Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Turning to highway safety, the Highways Design Guide advises that new dwellings should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces. The proposal would supply two off street parking spaces within the site. Bin arrangements will remain as existing. To ensure the impact upon parking is acceptable, a condition is recommended requiring the outbuilding to remain in incidental use in relation to the host property.

Officers consider that this modest undersupply of parking provision would be acceptable in light of its proximity to very frequent sustainable public transport links and the facilities of Fartown Bar Local Centre to reduce car dependency. In addition, the proposed development would not significantly intensify the use of the building and therefore would not cause additional harm to highway safety, in accordance with Policies LP21 and 22 of the Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

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.

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.

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and there are some records of localised surface water flooding. As such, Officers recommend a condition to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

High Risk Coal area for development

As mentioned earlier in his report, the application site is within a high coal risk area for development however the reduced scheme with no new dwelling units attached to the proposal can now rely on the standing advice from the Coal Authority for domestic extensions. An informative would be attached to the decision advising the applicant on the matter and the scheme would meet the requirements of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF in this regard.

Trees

The proposed outbuilding would be sited next to semi-mature trees. Whilst those are not of significant amenity value and are not protected trees, they do have a pleasant visual contribution to the streetscene cumulatively. As the proposed development would not increase the dimensions of the previous outbuilding or alter its domestic use, this is considered to have a neutral impact on those trees, and this would be the applicant's responsibility to ensure damage to those privately owned trees is avoided. A footnote is recommended to ensure this is satisfactorily addressed.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated

Application Number: 2023/92985

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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

3. The external walls of the rear dormer hereby approved shall be tile hung to match those used in the construction of the roof of the host property and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP02 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. The external walls and roofing materials of the outbuilding extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

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

5. Prior to the hereby approved parking area being first brought into use, the parking area shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the parking of vehicles.

Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and to accord with Key Design Principle 14 of the 'House Extensions and Alterations SPD'.

6. Use of the outbuilding hereby approved shall be restricted to purposes incidental to the enjoyment of 16, Spaines Road, Fartown, Huddersfield, HD2 2QA and it shall not be used for any business or commercial purpose.

Reason: In the interests of the residential amenity of future occupiers and occupiers of neighbouring properties and access and highway safety to accord with policies LP21, LP22 and LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected, including privately owned trees, and that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location and Site Plans.	Drawing no. TR-A23-0902-001.	F	11/01/2024
Location and Proposed Site Plans with Parking Layout.	Drawing no. TR-A23-0902-006.	F	11/01/2024
Existing Streetview.	Drawing no. TR-A23-0902-015.	F	11/01/2024
Existing North East and South West Elevation Plans.	Drawing no. TR-A23-0902-003.	F	11/01/2024
Existing South East and North West Elevation Plans.	Drawing no. TR-A23-0902-004.	F	11/01/2024
Existing Sections AA and BB.	Drawing no. TR-A23-0902-005.	F	11/01/2024
Existing Floor Plans.	Drawing no. TR-A23-0902-002.	F	11/01/2024
Existing Front and Rear Elevation Plans for Outbuilding.	Drawing no. TR-A23-0902-016.	Unamended	11/01/2024
Proposed North East and South West Elevation Plans.	Drawing no. TR-A23-0902-008.	F	11/01/2024
Proposed South East and North West Elevation Plans.	Drawing no. TR-A23-0902-009.	F	11/01/2024
Proposed Sections AA and BB.	Drawing no. TR-A23-0902-010.	F	11/01/2024
Proposed Floor	Drawing no. TR-	F	11/01/2024

Plans.	A23-0902-007.		
Proposed Front and Rear Elevation Plans of Outhouse.	Drawing no. TR-A23-0902-013.	F	11/01/2024
3D Views of Front and Rear Elevation Plans.	Drawing no. TR-A23-0902-011.	F	11/01/2024
Proposed Street View (Front and Right).	Drawing no. TR-A23-0902-012.	F	11/01/2024
Design. Access & Heritage Statement	Design. Access & Heritage Statement by Trend Architecture. Ref: TR-A23-0902.	Unamended	03/11/2023
Coal Mining Risk Assessment Report	Coal Mining Risk Assessment Report by GEOL Consultants Ltd. Project no. GEOL23-7346.	1	31/10/2023
Climate Change Statement	-	-	11/10/2023

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 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. Following Officer feedback that the original proposal would not be supported on grounds of overdevelopment, highway safety, residential and visual amenity, amended plans and an agreed change of description of development was received to reduce impacts on those planning material considerations.

Report Dated: 16/01/2024

