

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:	2023/62/93224/W
Site Address:	15, Mountjoy Road, Edgerton, Huddersfield, HD1 5QB
Description:	Erection of single storey rear sunroom extension (within a Conservation Area)
Recommending Officer:	Joanna Rednall

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: 18-Jan-2024

THE SITE

15 Mountjoy Road is a semi detached dormer bungalow located in the Greenhead Park/New North Road Conservation Area. The property benefits from a detached flat-roof garage to the rear and has a driveway with hard surfacing to the front of the property. No.15 is set approximately 12 metres back from the roadside with the main amenity space being a modest sized lawned garden to the rear. Boundary treatments consist of fencing and mature trees to the rear and west facing boundaries.

The application property is one of a cluster of 5 Bungalows on Mountjoy Road. Surrounding development consists of large Victorian properties. All of the properties have a very similar style of design and construction, semi-detached with a traditional stone exterior.

THE PROPOSAL

The application seeks permission for the erection of a single storey rear sunroom extension. The extension would be located on the south-east facing elevation and extend along the shared boundary with 13, Mountjoy Road.

The extension would consist of one window on the rear (south-east facing) elevation as well as patio doors on the side (south-west facing) elevation. There would be a ~1 metre by ~1 metre panoramic flat rooflight at roof level.

The dimensions of the extension would be as follows:

- ~3 metre rear projection along the shared boundary
- ~3.7 metre width
- ~1.8 metre rear projection of the south-west facing elevation
- ~2.7 metres in total height

In terms of materials, the extension would be constructed from marshalite coursed buff stone with a Sarnafil or Ruberoid flat roof.

PLANNING HISTORY

There is no planning history for the site which is considered relevant to the current proposal.

NEGOTIATIONS & AMENDED PLANS

Amended plans were sought regarding the projection and height of the proposal. Amendments were submitted to address concerns relating to the size and scale of the initially proposed scheme, given the amended scheme has reduced the size and scale of the proposal it was not considered necessary for further advertisement of the amended scheme to be undertaken

and the scheme as advertised was considered to adequately alert the public to the nature of the development proposal.

PUBLICITY & 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, advertisement in the Huddersfield Examiner, and a site notice.

Final publicity date expired 15th December 2023

One representation has been made as a result of this publicity. This is summarised as follows: -

Letters of objection

- Loss of light and overshadowing to the rear garden which is their main amenity space
- The projection would breach the 45-degree angle rule
- Increased sense of confinement on main amenity space
- Potential damage to shared roof and brickwork during construction

CONSULTATIONS

No statutory consultations were requested for this application.

ALLOCATION & POLICIES

The site is located within the Greenhead Park/New North Road Conservation Area but is otherwise unallocated in the adopted Kirklees Local Plan.

The site is designated as lying within a Coal Authority High Risk Area and a Bat Alert Zone.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic environment

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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

ASSESSMENT

The following matters are considered in the assessment below –

1. Principle of development

2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. 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 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 addition, given that the application site is located within a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be taken into consideration, requiring local authorities to pay special attention to the desirability of preserving/enhancing the appearance of designated heritage assets.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. Any impact on heritage assets (the Greenhead Park/New North Road Conservation Area) will be given consideration, having regard to Chapter 16 of the National Planning Policy Framework and policy LP35 of the Kirklees Local Plan.

In this case, the principle of extending the existing dwelling is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, also having regard to the wider benefits of the development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act required that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Kirklees Council's House Extensions and Alterations SPD (June 2021) 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 terraced houses or by 4 metres for detached properties;
- Where extensions exceed 3m in length the eaves height should generally not exceed 2.5 metres; and
- Retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed extension would be finished with marshalite coursed buff stone to match the host dwelling and surrounding neighbouring dwellings. The single storey sunroom extension would be small and subservient to the original dwelling and would not project further than 3 metres from the rear wall

of the property. The total height of the extension would be ~2.7 metres with a flat roof design. In terms of visual amenity, this design would be acceptable in this case due to the original dwelling incorporating a small ~1.1 metre by ~4.1 metre rear projection which is designed with a flat roof. The proposed works would be adjoined to this which is considered acceptable and in keeping with the original design of the existing dwelling and that of the adjoining property.

The extension would not retain a gap of at least 1 metre from the shared property boundary. Despite this, the dwelling has full Permitted Development rights and it is likely that this would be a realistic fall back that could be utilised in any event. The shared boundary is also lined by a 1.25 metre tall fence on a 0.9 metre high wall. Over half of the total area would be retained as a result of the works and is considered to be acceptable in terms of the impact on amenity space provision.

From a conservation perspective, it is considered that the proposal would have minimal impact on the conservation area as it is set within the rear amenity space and would not be visible from the main street scene on Mountjoy Road. The design of the extension is such that it would have a small scale visual impact given it is of a design which is similar to that of the host property in terms of incorporating a flat roof and tying into an existing flat roof section of the building.

The impact of the existing dwelling upon the nearby Listed Building and the wider Conservation Area is not significantly altered by the proposed development and as such it is concluded that the proposal would not affect the setting of a listed building and wider Conservation Area. The proposal is not considered to lead to harm to these historic assets and is therefore concluded to be acceptable in this regard, in accordance with the aforementioned policy and legislation.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework. In addition, it is considered that the proposal is not considered to lead to harm to the heritage significance of the Greenhead Park/New North Road Conservation Area and listed building in proximity to the site.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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 properties potentially affected by the proposed development are those which directly neighbour the site, these being 13, Mountjoy Road.

13, Mountjoy Road

No.13 is attached to the application site on the east-facing elevation. This neighbour is almost identical to No.15 in terms of size and design. It is considered that the proposed works would not have a detrimental impact on this neighbour's privacy due to the development being single storey in height with boundary screening in place. The main amenity space of No.13 would appear to be at the rear of the property and adjacent to the proposed works. The existing boundary consists of a 1.25 metre high fence on a 0.9 metre high wall. As the total height of the extension would be ~2.7 metres, it is considered that there would not be a significant extent of massing / built form over and above that of the boundary wall which screens the majority of the development which incorporates a blank elevation along the shared boundary. The proposal is therefore concluded to comply with Key Design Principles 3, 4, and 6 of the House Extensions and Alterations SPD.

Key design principle 5 of the SPD recommends that, in relation to overshadowing, the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this case, the 45 degree line would be cut (at approximately 1.87m from the rear of the host property) however, as the structure is single storey in height and there is existing boundary treatment in place, it is not considered that there would be a significant increase in harm to this neighbouring property.

It is noted the extent of the works being proposed are similar to that of a development which could potentially be undertaken under permitted development rights. Notwithstanding this point it is concluded that the proposed works poses no significant impact upon privacy greater than that which already exists, would not be significantly overbearing / oppressive and would not have an impact as a result of overshadowing which would be to such a degree as to warrant refusal.

The proposal is considered to be a sufficient distance from neighbouring occupiers that it would have an acceptable impact in terms of overlooking, overshadowing and / or oppressive & overbearing impact.

It is therefore considered that in terms of residential amenity, the proposed development would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and policies 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 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 development would not directly increase domestic use of the application property as no addition bedrooms are proposed. The proposed sunroom would be located on the rear elevation and would not have direct impact on the levels of off-street parking at No. 15. The extension would not alter site access to or from the adjoining highway.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposal is relatively modest. Therefore, it is considered unlikely that the proposals would have an impact on the bat population. An informative would be provided, however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 pre-dates 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.

A Climate Change Statement has been submitted with the application which is considered to suitably address this issue having regard to the size / scale of the development which is proposed.

6 – Representations:

Insofar as they are not addressed elsewhere in this report, the third party representations received are addressed here:

- Potential damage to shared roof and brickwork during construction

Response: In the event that such an occurrence took place, this would be a private civil matter between the respective land owners and is an issue which is afforded little weight in the consideration of this application.

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 Powers

Application Number: 2023/93224

Officer Recommendation: 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP35 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapters 2, 9, 12, 14 and 16 of the National Planning Policy Framework.
3. The external walls and roofing materials of the 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 Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan, the Council's adopted House Extensions and Alterations SPD, policies within Chapters 12 and 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			6 th November 2023
Climate change statement			6 th November 2023
Design access and heritage statement			6 th November 2023
Existing and proposed	DL829	01 A	16 th January 2024
Photos			6 th November 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. Amended plans were sought regarding the projection and height of the proposal.

Report Dated: 16th January 2024