

**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:	2023/62/93253/W
Site Address:	1, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY
Description:	Erection of first floor side extension
Recommending Officer:	Laura Yeadon

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: 28-Aug-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93253
Location	1, Armytage Crescent, Lockwood, Huddersfield, HD1 3TY
Proposal	Erection of first floor side extension
Publicity end date	15 th December 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated but within 'bat alert' layer on mapping system and site is within a 'low risk' area from former coal mining
Extension to Time (EoT)	Requested EoT Date: 28.8.2024
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Planning History

The following application is considered relevant:

2023/90026 – Erection of first floor extension to side, single storey extension to rear and conversion of garage to living space – Refused for the following reasons:

- 1. The design and appearance of the proposed first floor extension would result in a cramped and incongruous form of development due to the*

proximity of the extension to the site boundaries and the oblique angles of the garage elevations and boundary lines. The varying roof forms would result in a development which would appear incongruous to the host dwelling and within the street scene. This would be harmful to the visual character and appearance of the area and would fail to accord with Kirklees Local Plan Policy LP24 (a and c), parameters set out within the adopted House Extensions and Alterations SPD paragraphs 5.21 and 5.22 and Key Design Principles 1 and 2 of the SPD, and policies contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed development would cause demonstrable harm to the amenities of occupiers of 186 and 188 Victoria Road by reason of oppressive and overbearing impact caused by the scale and design of extensions which would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD, and policies contained within Chapter 12 of the National Planning Policy Framework.

3. The single storey rear extension by virtue of its projection, orientation and proximity to the boundary of no. 3 Armytage Crescent, would cause an undue overshadowing and overbearing impact which would be detrimental to residential amenity. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the House Extensions and Alterations SPD, and policies contained within Chapter 12 of the National Planning Policy Framework.

Following the refusal of this application, a further application was submitted for the erection of a single storey extension and the conversion of the garage which was subsequently approved and granted permission under application number 2023/90908. This is an extant permission which can be implemented at any within the 3 year limit condition imposed on the decision notice.

Whether the proposal the subject of this application has overcome the reasons for refusal of application 2023/90026 is addressed within the 'Assessment' section of this report.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 51 – Protection and improvement of air quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Document 'House Extensions and Alterations' (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

	YES NO /	SUMMARY
Negotiations/Amendments during course of application	Yes	The Agent wished to amend the plans to create a wider front elevation and taper the extension off towards the rear – amended plans were received on 29 th May 2024 under Revision G. Following noted discrepancies with the plans, further amendments were requested under Revision H which were received on 28.8.2024
Parish/Town Council comments sought	No	N/A
Planning History		Set out earlier in this report
Consultations required		None

Assessment

The application seeks permission for a first-floor side extension. The works would incorporate the widening of the front elevation of the ground floor of the existing garage from 2.7 metres to 4.4 metres with the extension tapering towards the rear elevation. The extension would have an eaves height which would match the height of the existing eaves and a hipped roof line which is set down from the existing roof line by 1 metre.

The proposed construction materials would be to match the host property.

The plans differ from those within the previous refusal by the widening of the front elevation of the garage structure, changing the roof form to be more cohesive than the previous scheme, reducing the bulk and massing facing the neighbours by tapering the extension towards the rear.

It is also noted that the single storey extension that was previously approved has been demonstrated on both the existing and proposed plans.

The Kirklees SPD sets out that two storey and first floor side extensions should comply with certain parameters set out at paragraphs 5.21 and 5.22 on pages 29 and 30 (and listed below) and if they do not, they need to be justified.

Side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ensure reasonable levels of natural light to the habitable rooms in neighbouring properties	Yes – it would comply with this	
Positioning windows to minimise or avoid any potential overlook into neighbouring gardens	The windows proposed within the first floor would be a secondary window to the bedroom and a small en-suite window which is likely to be obscurely glazed	
Two storey and first floor side extensions should:		
ideally be visually smaller in relation to the original house	Yes – whilst visually the front elevation appears wide, the extension tapers off to the rear – the roof line is set down significantly which allows the extension to be read as an addition to the property	

be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house		No – the extension is not set back from the front elevation of the plot however the roof line is set down from the existing to ensure the extension is read as such
have a roof design that follows the form of the existing roof	Yes – hipped roof in keeping with existing	
retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.		No – due to exiting layout – no properties to side to create a terracing effect.

Design and Visual Amenity:

Two storey end-terraced property constructed from stone faced front elevation with red brick to the sides and rear of the property. Has a side elevation which faces the rear elevations of the properties on Victoria Road and due to topography, it is set on a higher ground level than these properties. Small path to the side which is a privately owned unadopted access path.

Surrounding development mainly terraced dwellings with properties on the north side of Armytage Crescent characterised by front porches and the properties on the south side characterised by front bay windows.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	Improvement from previous refusal – improved roof lines overcoming reason 1 of previous scheme	✓
Impact on original house	• KDP2 of the SPD	Subservient due to lower roof ridge – matching construction materials	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF		
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Subservient due to roof line being set down appearing proportionate to the host dwelling	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials to match	✓
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Hipped roof – in keeping with host dwelling	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Windows within front and side elevation appear proportionate – no openings within first floor rear elevation	✓
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension – to alterations to general access arrangements	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 16 & 18 Armytage Crescent – facing properties to front elevation separation distance not reduced – limited impact
- 186 & 188 Victoria Road – to south-east of application site – justification has been put forward by the Agent in relation to reason 2 of previous refusal – *separation distance of approx. 12 metres due to extension tapering away – views from windows will remain little affected due to the design to reduce the height of the roof – sectional drawing included on plan to demonstrate that the feeling of being closed in would not be increased* – this justification / further submitted detail and amendment to the design is considered to overcome the previous reason 2 of refusal
- 3 Armytage Crescent – attached neighbouring property – unaffected due to siting of proposed extension

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Limited impact – see above	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact – see above	✓
Impact on overbearing or overshadowing	• KDP 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Limited impact – see above	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	On balance, acceptable	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	N/A	N/A
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	Driveway retained and 1 no. vehicle can be parked off-street. Bedrooms increased by one additional bedroom to form 3 no in total, it is not considered reasonable for the LPA to insist upon a 2nd parking space to be formed due to the existing garage being substandard and has approval to be converted	✓
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Not shown on plan however sufficient space within site boundary to accommodate wheelie bins	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters:

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	None	N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	Bat alert layer – informative to be attached to decision notice should bats be found during construction phase	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
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None	N/A	N/A
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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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/93253

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, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 12, 14 and 15 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.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1, 2 and 9 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: 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 and that that the works carried out is lawful.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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
Location plan, site plan, existing elevations and floor plans	2238/01A		2 nd November 2023
Location plan, site plan, proposed elevation, floor plans and sections	2238/02H		28 th August 2024
Climate Change Statement	Appendix A		2 nd 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.

The Agent wished to amend the plans to create a wider front elevation and taper the extension off towards the rear – amended plans were received on 29th May 2024 under Revision G. Following a discrepancy on the plans, amendments were sought under Revision H which were received on 28th August 2024.

Report Dated:

28th August 2024

