

**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:	2023/62/93255/W
Site Address:	15, Clara Street, Fartown, Huddersfield, HD1 6EN
Description:	Extension forward of the principal elevation and associated alterations (modified proposals)
Recommending Officer:	John Holmes

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-Dec-2023

Officer Report – 2023/93255

Site Description

15 Clara Street comprises a mid-terrace house with its main elevation facing east towards the adopted highway and its rear elevation facing west towards a shared access lane. It is built in painted stone and tile. It is in a densely built up residential area but with a landscaped strip and the Bradley Greenway to the rear.

The prevailing character of the street is that of unaltered frontages which form part of terraced rows of properties which front one another. There are few extensions to the front, or original features of the dwellings which protrude from the front elevations, of dwellings in the street.

Any additions to the front of dwellings or protrusions to front consist of small scale bay windows or small scale porches.

Description of development

The applicant is seeking planning permission for a single storey extension to front, which would be of the following dimensions:

- 4m in height to the topmost part of the roof (lean to roof design)
- 3m in height to the eaves
- 2.6m projection from the front

A raised platform would be 0.6m above ground level with two steps up, with an access door and two windows in the front elevation and two roof lights within the lean-to roof.

It is noted this application follows a recent application seeking retrospective permission for an extension forward of the principal elevation and associated alterations.

The retrospective development has seen the construction of a Conservatory style structure to the front of the host property which has the following dimensions:

- 3m in height to the eaves

- 3.6m in height to the topmost part of the roof
- 3.2m projection
- 6.2m width across the full width of the host property

In addition, a raised platform has been constructed which projects beyond the front of the extension by 1m and is at a height of 0.6m with railings at a height of 0.9m above.

History of Negotiations / Amendments Received

Given the scale of the proposal, no amendment has been sought.

Relevant Planning History

The planning history for this site relates to the following:

COMP/22/0381 – enforcement complaint regarding the extension subject of this retrospective application.

Application 2023/90778 – retrospective application for an extension forward of the principal elevation and associated alterations – Refused 6th July 2023 for the following reasons:

1. As a result of the design, scale, prominence within the street and materials of construction, the development has a harmful visual impact upon the host property and the character of the wider locality. It introduces a development to the front which does not harmonise with the visual amenity of the host property or wider street scene, contrary to contrary to Policy LP24 (a and c) of the Kirklees Local Plan, principles 1, 2 and paragraph 5.13 of the Council's House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.
2. As a result of its scale, siting and glazed design the development leads to an unacceptable level of overlooking of neighbouring residential properties contrary to principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD, Policy LP24b of the Kirklees Local Plan and paragraph 130 of the National Planning Policy Framework.

Whether these reasons for refusal have been overcome by the current application is discussed in greater detail in the 'Assessment' section of this report.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as a on the Council's website and by neighbor notification. The expiry date of the publicity period was the 15th December 2023. No representations have been received.

Consultations

None

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is located within an area identified as being at risk of ground movement by the Coal Authority on the basis of the impact of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP51 – Protection and Improvement of Local Air Quality

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, 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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents

House Extensions & Alterations SPD (adopted June 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 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Land Stability
7. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on character and appearance of the area

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies

LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Key design principle 1 (Local character and street scene) – *'Extensions and alterations to residential properties should be in keeping with the appearance scale design and local character of the area and the street scene.'*

Key design principle 2 (Impact on the original house) – *'Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.'*

Paragraph 5.13 relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

The development is considered to constitute an addition which is not in keeping with the host property or wider street scene. The character of the street is that of uniform linear development which has a clearly established building line with the use of traditional materials of natural stone. The dwellings are approximately 100 years old and have a design such that there is no significant use of glazing to the frontages.

Whilst the proposal is to revise down the size and scale of an existing addition to the front, the proposal would still be a significantly sized addition which would have an out of character appearance when viewed in the context of the street.

It is noted that large amenity spaces to front are in place within the street, and the proposal would be set back from the road by 7m (approx) however it would be highly prominent being to the front and would have a significant impact on the character of this row of terraced properties whereby there are no additions to the front

The development would extend across the majority of the frontage of the ground floor and would see windows or proportions which are not in keeping with that of the host property. Notwithstanding this point it is considered the bulk and massing of the development would have a harmful impact in any case were the windows to be amended to a design in keeping with the host property.

Within the determination of the previous application it was considered the retrospective development at the site was such that its overall impact was

harmful. This included with regard to the character of the street, significantly impacted upon the host property having its traditional features within the frontage subsumed within the development such that the frontage has a contrasting visual impact which is visually jarring with the traditional design of the building at first floor and unsympathetic and modern addition at the ground floor level. The scale of the proposal, and its design is such that it is considered the development proposal put forward as part of this application does not overcome the previous reason (no.1) of the refusal to grant retrospective planning permission for the existing development which stands at site.

It is noted the materials of construction would be in keeping with the host property and this element of reason no.1 of the previous refusal has been overcome. However it is considered the other elements of reason no.1 remain applicable given the substantial size of the proposal and its overall design taking account of its highly prominent location. In light of the size / scale of the proposal and fact it is likely only a much reduced scheme which sought a front extension of the scale of a porch could be supported, it was not considered appropriate to seek amendment to the scheme on that basis in this case and the application determined on the basis as submitted.

It is therefore concluded that as a result of the design, scale and prominence within the street, the development has a harmful visual impact upon the host property and the character of the wider locality introducing a development to the front which does not harmonise with the visual amenity of the host property and wider street scene contrary to policy LP24a and c of the Kirklees Local Plan, principles 1, 2 and paragraph 5.13 of the Council's House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Paragraph 130 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

LP24 sets out that *'proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'* 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area

of private outdoor space is retained. Principle 16 goes requires that developments maintain appropriate storage arrangements for waste.

Specifically, with regard to principles 3, 4, 5 and 6, the SPD states the following:

Key Design Principle 3: Extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4: Habitable rooms and side windows 'Extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.'

Key design principle 5: Overshadowing/loss of light 'Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.'

Key design principle 6: Preventing overbearing impact 'Extensions and alterations should not unduly reduce the outlook from a neighbouring property.'

The proposal would have a reduced projection from the unauthorized structure which stands at site, and would not cut a 45 degree line when taken from the nearest window to the neighbouring property. The proposal would be of a lean to design and would be set away from the shared boundaries (albeit marginally with no.17 by 0.3m). As such it is considered that the scale of the proposal is such that it would not be unacceptably oppressive / overbearing to neighbouring occupiers and it would not lead to a reduction in daylight which is such that it leads to an unacceptable impact with regard to overshadowing.

The existing structure as stands at site is glazed, which allows for views to be taken from the side elevations directly into that of neighbouring properties. The proposal would see windows to the front elevation only, and the raised platform is not considered to be of a scale which would be utilized for anything other than access to the entrance.

It is therefore considered that the proposal put forward as part of this application would not lead to a significant level of overlooking given the distance of properties opposite the front elevation of the proposal (22m) and as such the proposal put forward as part of this application has overcome the previous reasons for refusal in relation to overlooking (reason no.2).

It is therefore concluded that the proposal would meet the requirements of principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD, policy LP24 of the Kirklees Local Plan and paragraph 130 of the National Planning Policy Framework.

4. 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 Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

The development proposal is not considered to have a significant impact upon parking arrangements in relation to the site or the ability for waste storage to be undertaken within the curtilage of the dwelling. It is therefore considered that the development has an acceptable impact having regard to access and highway safety, parking and also waste storage.

5. 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.

Considering the scale and nature of the development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change Statement was submitted with the application. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Land Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. 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 development is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.

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. The development is identified as being contrary to a number of policies within the Council's adopted local plan. It is therefore considered the development constitutes unsustainable development and is therefore recommended for refusal.

The development is therefore considered to be contrary to policy LP2 which seeks to ensure all development builds on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reason set out in section 2 of this report, refusal is therefore recommended.

Recommendation

Refuse

Decision Authorisation – Delegated Powers

Application Number: 2023/93255

Officer Recommendation: Refuse

Reasons

1. As a result of its design, scale and prominence within the street, the development would have a harmful visual impact upon the host property and the character of the wider locality introducing a development to the front which does not harmonise with the visual amenity of the host property and wider street scene. This is contrary to Policy LP24a and c of the Kirklees Local Plan, principles 1, 2 and paragraph 5.13 of the Council's House

Extensions and Alterations SPD and policies within Chapter 12
of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Plans	2023/008/02		2 nd November 2023
Location Plan	LP01		2 nd November 2023
Climate Change Statement			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. No amendments were sought given the scale of the development proposed and site history.

Report Dated:

19th December
2022

Coal – high