

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:	2023/62/93465/W
Site Address:	14, Malvern Rise, Primrose Hill, Huddersfield, HD4 6DG
Description:	Erection of single storey rear extension
Recommending Officer:	Teresa Harlow

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 19-Jan-2024

Officer Report.

Reference: 2023/93465

Location: 14, Malvern Rise, Primrose Hill, Huddersfield, HD4 6DG

Proposal: Erection of ground floor rear extension

Site Description.

14 Malvern Rise is a two-storey terrace property. The property is faced in stone to the front elevation and pebble dash render to the rear elevation on a stone plinth. It has a blue slate gable roof erected above. Within the wider curtilage, the property benefits from a hard surfaced driveway to the front elevation and hard surfaced private outdoor amenity space to the rear. Due to the topography of the area, there is significant underbuild to the rear of the property. This is obscured by a raised patio, of significant age, to the rear of the property.

There is a shared ginnel between the application property and no. 12 Malvern Rise. The property is to the north-east of the site and has an established conservatory to the rear elevation, supported on an older red brick plinth. The properties also shared a stone build outhouse with felted roof. To the south-west is no. 16 Malvern Rise. This has not been extended but does have a raised patio area. This dwelling is also built to a higher finished floor level, ~0.40m above the application property.

To the north of the property is residential development which fronts both Stile Common Road and Cross Lane. These properties are at a significantly lower ground level than the application property but would be at least ~30m away from the rear elevation of the proposed extension.

There is an informal grassed track from Cross Lane that serves the application site and has the potential to serve a pre-cast garage in the rear yard area. This does not seem to be in regular use.

The property is located in an area with a sense of similarity established, especially with regard to the predominant presence of terrace style properties along Malvern Rise.

Description of Proposal.

Planning permission is sought for the erection of a single ground floor extension, which would also result in the partial demolition of the shared outhouse.

The extension would project 4.5 metres beyond the rear elevation of the host dwelling, with a maximum width of 4 metres, in a dog-leg design and a maximum height of ~4.9 metres, including underbuild.

The external walls of the extension would be faced in materials to match the existing dwellinghouse and a hipped roof would be erected finished in blue slate to match the existing roof.

With regard to fenestration, a window is proposed to the rear elevation, and glazed door proposed to the north-eastern side elevation. Alterations to external steps to the new 'back' door and the lower yard area also form part of the development proposed.

Within the interior of the dwelling the extension would function as a kitchen.

History of Negotiations/Amendments Received.

No amendments were sought to the proposal as, with justification submitted by the agent, the development was considered acceptable – on balance.

Relevant Planning History.

On 24 March 2023 the Council refused an application for the erection of ground floor and basement extensions (application 2023/90247). The reasons for refusal were as follows:

- 1. The proposed extension by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the wider street scene. The proposal would therefore be contrary to Policy LP24(a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and National Policy set out in Chapter 12 of the National Planning Policy Framework.*
- 2. The proposed extension, by virtue of its scale, design and siting in relation to shared boundaries, would lead to a detrimental overshadowing and overbearing impact to the occupiers of No.'s 12 and 16 Malvern Rise. Therefore, the proposal would fail to retain a high standard of amenity for the occupiers of these neighbouring dwellings contrary to Policy LP24(b) of the Kirklees Local Plan, Design Principles 3, 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.*

On 17 August 2023 an application for a ground floor extension was withdrawn (application 2023/91371)

Representations.

We are currently undertaking the legal 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.

Final publicity date expired 3rd January 2024 – no representations were received.

Cllr Cooper requested the application be determined by Planning Committee, should the recommendation be to refuse.

Consultations.

No consultations were deemed necessary.

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within the Holme Valley Corridor Strategic Green Infrastructure Network and within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

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

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD: (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making

- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district.”*

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 Visual Amenity

The NPPF at paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.”*

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*

- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*
- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Given the principle of development proposed, a ground floor rear extension, the scheme is assessed against section 5.6 of the House Extensions and Alterations SPD, which sets out the general design principles for single-storey rear extensions, stating that they 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 project out more than 3 metres from the rear wall of the original house;
- where these exceed 3m in length the eaves height should generally not exceed 2.5m; and;
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or gate.

The proposed rear extension to 14 Malvern Rise does not conform to all the criteria set out in the SPD. A justification in support of the proposal has however, been submitted – in accordance with paragraphs 1.9-1.11 SPD. The consideration of the proposed scheme is assessed with the justification statement. This includes that ‘the council will be flexible where innovative and

contemporary designs which enhance the character and appearance of the area are proposed’.

In principle, the design, width, height and materials palette of the extension is in keeping with the scale and style of the original house, bearing in mind the requirement for any extension to include underbuild to allow floor levels to follow through from the original dwelling. In addition, the extension would not cover more than half the area of the total area around the house; the eaves are no more than 2.5m high when measured from the raised patio area adjacent no. 16 and a gap of more than 1m (~1.25m) is retained to the fence with no. 12. These are all significant changes from the earlier refused application.

The principal deviations from the SPD are that the extension is great than 3m in rear projection (at 4.5m) and does not have a 1m gap to the fence with no. 16. It is around 0.4m.

Taking into consideration the character of the area and its streetscene, the host dwelling neighbours other two-storey terrace properties which all share a similar style of design and construction. The design of the terrace properties and the relationship between their rear amenity spaces contribute to an overall impression of closeness and clustering. This, for those looking towards the property from Cross Lane and Stile Common Road, is exacerbated by the difference in levels of land.

Although the projection of the extension would interrupt this rhythm, the relatively low height – taking finished floor levels into account - and that it would achieve a separation to both side boundaries does mitigate the impact of its projection. It is a superior design to the longstanding extensions at nos. 10 and 12 Malvern Rise and the two-storey extension at no. 24. The submitted justification statement adds that these 2 latter extensions:

“are particularly striking because of, in respect of No. 12, its white panelling and framework strongly contrasting with the stone and render of the original home; and in respect of the extension at No. 24, its largely cream-coloured render which strongly contrasts with the much darker render of nearby properties.

In contrast, the extension as now proposed will not be incongruous and discordant which formed part of the reason why the previous application was refused. [Natural] stonework, matching colour render and matching blue slate roof will mean that the extension will appear as a modest, appropriately designed extension to the host building.

In terms of the impact on the wider street scene (The rear access track) the extension will in fact be seen as appropriately designed in marked contrast to others nearby. Furthermore, in the context of the clutter of garages and domestic paraphernalia as seen from the access track, I doubt that the proposed extension will even be noticed by anyone passing by”.

The amended scheme, taking into account the officer's assessment and the justification statement, has overcome the previous reason for refusal based on visual amenity. It is considered that the innovative design in response to challenging topography would present a subservient addition to the host property and by virtue of its design, scale and massing would not cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore considered to comply with policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *"...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The impact of the development on each of the neighbouring properties will be assessed in turn.

No. 12 Malvern Rise – this property adjoins the application site to the north-east and has a long established clear glazed conservatory projecting around 3m from the rear elevation – at a similar floor level to the proposed extension.

Due to the scale of the development and the orientation of the properties to one another, it is inevitable that any extension at No. 14 Malvern Rise would cause additional overbearing impact and present increased levels of overshadowing to the rear conservatory of the dwelling and part of the rear garden in the summer between approximately 15:00-18:00, in this case. The revised scheme has significantly reduced the projection, height and mass of the proposal which, on balance, has overcome the 'undue' impact the extension would have.

The proposed rear extension to No. 14 Malvern Drive would now comply with the 45-degree rule as set out within Key Design Principle 5 of the SPD when a line is drawn from the midpoint of the rear conservatory at No. 12. The affected windows are in the side elevation: with the rear windows and glazed roof still provided ample daylight to the rear of no 12.

The justification statement adds:

So far as the impact of the extension on the occupiers of NO. 12 is concerned, the only potential impact is from the windows in the side of the sunlounge. The view of the proposed extension from those windows (usually obscured by blinds) will be partly obscured by the storage outbuilding for No. 12 which will remain when the building's other half, that for No. 14, is demolished as part of the overall proposal. No windows are proposed in the side elevation facing No. 12.

The extension to 14 Malvern Rise proposes a glazed entrance door to the side elevation facing towards No. 12. This would not be considered to detriment neighbouring privacy, especially when the existing relationship between this neighbouring property, the ginnel and the rear garden of the application site is taken into consideration.

No. 16 Malvern Rise – this property adjoins the application site to the south-west and is at a higher level.

The revised submission has sought to overcome the considerable harm that would have accrued to this property by reasons of overbearing and overshadowing impact within the previous application. The height, design, projection and roof form have all been amended to an acceptable extent. This includes a dog-leg design to separate the full projection of the extension away from the boundary with no. 16. The plans accurately show the relationship between the two properties. The affected window in the rear elevation serves a true kitchen.

The justification statement submitted with the application sets out the following:

“So far as the impact of the extension on the occupiers of No. 16 is concerned, as seen from the kitchen window at No. 16 its bulk is shown by the horizontal eyeline shown in the north-western elevation and the 45-degree angle on both the proposed ground floor plan and the roof plan.

It is evident that the ridge of the extension will barely be higher than the eyeline and outlook at a 45-degree angle will barely be interrupted.

Being situated to the north-east of No. 16 there will be no loss of early morning sunlight to the kitchen of No. 16, nor to the outside decking”.

As a starting point at Section 4.17 of the SPD the 45-degree angle from a neighbouring window is set out as a guideline. Though the proposal marginally fails to meet that guideline in respect of the impact on No. 16, it is considered that the lower height of the extension compared with the internal floor level at No. 16 is such that undue impact because of loss of light and outlook is avoided.

Though the extension will exceed 4 metres in height at its outer edge; its immediate impact as seen by neighbours from their houses will be less than 4 metres. Though the projection is 4.5 metres rather than 3 metres, the impact

on residents on either side is considered acceptable as the effective eaves height will not exceed 2.5 metres.

Finally, a gap in excess of 1 metre to the side boundary with No. 12 will be retained. That is not achieved in respect of No. 16 but is nevertheless considered acceptable given the reduced height re respective floor levels.

In light of the revised scheme, the officer's assessment and the justification statement extract above, the proposal is considered to have an acceptable relationship with No. 12 and 16 Malvern Rise. The scheme therefore complies with Policy LP24(b) of the Kirklees Local Plan and Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD.

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 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.

Whilst the proposal would increase the size of the dwellinghouse, it would not directly increase its domestic function, whereby the scheme indicates this would provide a larger kitchen. Therefore, the existing parking arrangements at 14 Malvern Rise, which would remain unchanged, are considered sufficient.

In addition, the proposed works will not impact upon existing access to and from the host property in conjunction with the adjoining highway.

For these reasons, the proposal is considered to comply with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

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.

A Climate Change Statement has been submitted with the application which touches on levels of insulation and re-use of materials. This is a proportionate response, given the scale of development.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

It has been noted that the proposal will not see the removal of any existing trees or hedgerows on site; there are none.

The proposal is not considered to have a significant impact upon the Strategic Green Infrastructure Network and is concluded to be acceptable in this regard.

6) Representations

None 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 concluded, on balance, that this would constitute sustainable development.

The application form states that the application has been submitted by a person who is related to an elected member of Kirklees Council. The report and recommendation will therefore be assessed by two authorised officers.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2023/93465
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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2, LP21, LP22, LP24 , LP30 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16 and 17 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with Policies within Chapters 2, 4, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects harmonise with 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 LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form	-	-	28.11.23
Location Plan	LP01	-	28.11.23
Planning Drawing	2023/041/04	B	04.1.24
Climate Change Statement		-	28.11.23
Justification Statement		-	12.1.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Agent submitted a justification statement in support of the submitted scheme.

Report dated:

17.01.2024

Initial authorisation – J Steadman (Group Leader)
Dated: 19/1/2024