

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:	2023/62/93533/W
Site Address:	9, Lowerhouses Lane, Huddersfield, HD5 8JR
Description:	Demolition of existing detached garage and erection of single storey rear extension and associated alterations
Recommending Officer:	Morgan Braithwaite

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 08-Feb-2024

OFFICER REPORT

Site Description

9, Lowerhouses Lane, Huddersfield, HD5 8JR is a two-storey detached dwelling.

The property is constructed from stone and render.

The dwellings that form the street scene are not uniform in appearance or scale. However, the area is predominantly residential in nature and constructed of a similar material palette.

Description of Proposal

This application has been received for the demolition of an existing single storey detached garage and the construction of a single storey extension to the rear elevation of the existing dwelling.

The proposed extension would extend 5m beyond the rear elevation of the existing dwelling and have a width of 9.7m.

The proposal would feature would have a flat roof with a height of 3.4m and an eaves height of 2.6m.

The proposal would be faced in white smooth k-rend or similar.

The proposal also includes the construction of an area of decking measuring approximately 7.2m wide and projecting from the side elevation of the proposed extension by 4.7m.

Relevant Planning History

2016/91068: Erection of two storey side extension and detached garage. Demolition of existing garage. Conditional Full Permission.

2023/93403 – Prior Notification for single storey rear extension. Refused.

Representation

The application was advertised by neighbour notification letters, which expired on 22.01.2024.

No representations were received as a result of site publicity.

Consultation Responses

The Kirklees Accessible Homes team have considered the application. It is of their view that despite the proposal exceeding the guidelines set out in the SPD, that the scheme is the best option available option for the client's present and future needs. They are in partial support of the application as it is deemed that an extension for only a bathroom or bedroom would have been fully supported.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan

unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is allocated under the Newsome Neighbourhood Area.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed and beautiful places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity

- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is allocated under the Newsome Neighbourhood Area 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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state that 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. Furthermore, Key Design Principle 2 of the HEASPD goes on to state that 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 details.

The proposal would not be visible from the street scene due to the boundary treatment which would screen the view from the street scene to the proposal. The proposal would be single storey in scale, the materials would be in keeping with the host dwelling, however, the proposal would extend 1.6m beyond the side wall of the property.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene. However, the proposal would not comply with LP24 of the Kirklees Local Plan (a) in terms of form, scale, and layout, as the proposal extends beyond the rear wall of the existing dwelling. Considering this, the fact the proposal would be screened by a boundary treatment would mitigate the harm to visual amenity. The proposal would comply with LP24 of the Kirklees Local Plan (c) as the extension would form a subservient addition to the property in keeping with the existing building.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and

neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The proposal would exceed the projection set out within the SPD, however in this instance, it is considered that this can be justified by the medical need for space, which is supported by the Accessible Homes team. Furthermore, the property is detached and set within a generous plot, and an adequate separation would be achieved between the proposed extension and site boundaries. The proposed decking would have a minimal projection from ground level and as such is not considered to result in unacceptable overlooking to adjoining property.

The size of the extension would cover some of the amenity space of the application property. It is considered that; the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on 2, Lowerhouses Lane, Huddersfield, HD5 8JW

There is approximately 23m between the front elevation of the applicant property and the side elevation of no.2. The proposal would be single storey and relates to the rear elevation of the applicant property. As such, no significant issues would arise from overlooking, overshadowing / loss of light or overbearing impact.

Impact on 7, Lowerhouses Lane, Huddersfield, HD5 8JR

There is approximately 5m between the side elevation of each property. The proposal would be single storey in scale and enclosed by the boundary treatment between the dwellings. As such, no significant issues would arise from overlooking, overshadowing / loss of light or overbearing impact.

Impact on 11, Lowerhouses Lane Huddersfield, HD5 8JR

There is approximately 15m between the side elevation of each property. The proposal would be single storey in scale and enclosed by the boundary treatment between the dwellings. As such, no significant issues would arise from overlooking, overshadowing / loss of light or overbearing impact.

The proposed decking would have a minimal projection from ground level and as such is not considered to result in unacceptable overlooking to adjoining property.

Impact on 60, Broadgate Crescent, Almondbury, Huddersfield, HD5 8HU

There is approximately 18m between the rear of each dwelling. The proposal would be single storey in scale and enclosed by the boundary treatment between the dwellings. Due to the satisfactory separation distance, no significant issues would arise from overlooking, overshadowing / loss of light or overbearing impact.

Impact on 62, Broadgate Crescent, Almondbury, Huddersfield, HD5 8HU

There is approximately 21m between the rear elevation of each dwelling. The proposal would be single storey in scale and enclosed by the boundary treatment between the dwellings. Due to the satisfactory separation distance, no significant issues would arise from overlooking, overshadowing / loss of light or overbearing impact.

Impact on 64, Broadgate Crescent, Almondbury, Huddersfield, HD5 8HU

There is approximately 23m between the rear elevation of each dwelling. The proposal would be single storey in scale and enclosed by the boundary treatment between the dwellings. Due to the satisfactory separation distance, no significant issue would arise from overlooking, overshadowing / loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers. Whilst the proposal does not accord with the Key Design Principles of the House Extensions and Alterations SPD, adequate justification exists to allow this non-compliance in this instance.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, the proposal would not alter parking arrangements on site but would create an additional bedroom.

With the additional bedroom included in the proposal, the total number of bedrooms at the property amount to four. As such, parking requirements state that three parking spaces are required. The current parking provision is satisfactory to comply with parking requirements. Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

6 – Representations:

No representations received.

7 – Negotiations:

No alterations were requested during the course of the application.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition

9 – Conclusion:

This application to erect a single storey rear extension to 9, Lowerhouses Lane, Huddersfield, HD5 8JR has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. The proposal does exceed the guidelines set out in the SPD, however, due to the medical requirement of the applicant, along with the fact that the dwelling is detached and resides within its own grounds which is enclosed by high boundary treatments, the proposal has been deemed acceptable despite its non-compliance with the SPD.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/93533

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The extension hereby approved shall be faced in render to harmonise with that of the host dwelling.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Propose Elevations	1019535	04.12.2023
Existing Elevations	1017534	04.12.2023
Proposed Floor Plans – Proposed ground floor and roof plan	1019533	04.12.2023
Existing Site / Block Layout	1019532	04.12.2023
Proposed / Block Layout	1019531	04.12.2023
Existing Floor Plans – existing ground floor plan	1019530	04.12.2023
Location Plan	1019529	04.12.2023

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 Planning 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 alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 26.01.2024

