

**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:	<b>2024/62/90217/W</b>
Site Address:	293, Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SY
Description:	Demolition of existing conservatory and erection of replacement single storey side extension with garage conversion and associated alterations
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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 20-Mar-2024**

## **THE SITE**

293, Gillroyd Lane, Linthwaite is an irregular shaped bungalow in which occupies a corner plot. The dwelling is finished in stone with concrete tiles to the roof. The site benefits from a driveway and a garden to the front and rear of the dwelling. Pedestrian and vehicular access can be taken from the side boundary onto Heights Drive.

The site is located within a predominantly residential area, whereby there are a mixture of property types and styles.

## **THE PROPOSAL**

The applicant is seeking planning permission for the demolition of existing conservatory and erection of replacement single storey side extensions with garage conversion and associated alterations.

### Single storey side extension

The existing conservatory projects from the side (south facing) elevation by ~3 metres with a length of ~4.3 metres. This would be demolished and rebuilt as a dining space. The single storey side extension would measure the following:

- ~6.5 metres in length
- ~3 metre side projection
- ~2.8 metre eave height
- ~4.4 metre ridge height.

The exterior walls would be faced in stone with a gable roof, with the south-east facing corner being full-length glazed doors to provide external access to garden area.

### Garage conversion/extension

The length of the garage would be extended by ~1.6 metres with the existing garage door opening utilised for a new window. Internally, the garage would be converted into a second bedroom with en-suite. Two skylights would be positioned within the north-west facing roof slope.

Adjacent to the garage conversion would be an extended entrance way. The entrance way would have a front projection of ~2.3 metres from the front elevation of the garage conversion, with a length of ~3.7 metres. In terms of

materials, the front facing elevation of the entrance would be full-length glazed windows and a door with a flat roof.

### Car port

The proposed car port is located to the side (north-facing) elevation of the application dwelling. The car port would project ~2.8 metres from the side elevation with a length of ~4.8 metres along the side of the dwelling. The car port would have a flat roof and total height of ~3 metres.

## **PLANNING HISTORY**

Relevant planning history for this site is summarised as follows:-

- 2008/93381 – Erection of a greenhouse (conditional full permission)

## **HISTORY OF NEGOTIATIONS/ AMENDMENTS RECEIVED**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

## **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. Final publicity date expired 7<sup>th</sup> March. No representations were made as a result of this publicity.

## **CONSULTATIONS**

No statutory consultations were requested for this application.

## **ALLOCATION & POLICIES**

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 27<sup>th</sup> February 2019).

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 (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP51 – 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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

### 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.

## **ASSESSMENT**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters
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 this case, the principle of demolition of existing conservatory, extending the existing dwelling and garage conversion 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.

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.

Section 5 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations. Section 5.3 of the SPD relates specially to single storey side extensions and provides the following guidance:

5.17 Single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The proposed single storey side extension is considered to appropriately abide by the key design principles as set out in the SPD. The design of the proposed is such that the single storey side extension would have an eaves height to match the existing with a roof ridge that would be set down slightly from the existing ridge. The extension would project approximately 3 metres from the side elevation of the extension, therefore would not extend more than two thirds of the width of the original dwelling.

Although it has been acknowledged that the side extension is not set back 500mm from the original building line, in this case, weight is afforded to the replacement extension element of the proposed works. In this instance, it is considered that there would be no design benefit in setting the extension back by 500mm and it would be unreasonable of the LPA to request such an amendment in this case.

From a visual amenity perspective, the proposed single storey side extension at 293 Gillroyd Lane is considered to be a subservient addition, located to the side of the property and of a complementing size/scale. It is acknowledged

that the design and mass of the extension would be greater than the conservatory it replaces, but it would generally harmonise with the style and form of the host dwelling. Further to this, the side extension will also be of an in keeping appearance, using materials that match those on the face of the host dwelling. Furthermore, the proposed gable roofing style ensures no undue bulking/massing to the overall design of the extension. This is considered acceptable in terms of LP24 of the Local Plan and Key Design Principles 1 & 2 of the House Extensions SPD.

### Garage conversion

In terms of the garage conversion, the length of the garage would be extended by ~1.6 metres. The width of the garage would not change as a result of the development, and therefore would not extend more than two thirds the width of the original house. A ~2.3 metre set back from the front elevation of the dwellinghouse would be achieved, therefore the conversion would comply with the above. The new entranceway adjacent the garage would be a lightweight, open appearance and flat roofed structure that would also appear subservient. It would visually infill a space.

### Car port

The car port would be adjoined to the garage conversion from the side (north-facing) elevation of the application dwelling. The width of the car port would not exceed more than two thirds of the width of the original house and would not exceed 4 metres in height. The roof of the car port would be flat in design and would match the eave height of the garage conversion. In terms of materials, the car port would be dark coloured metallic profile. This is considered acceptable in terms of LP24 of the Local Plan and Key Design Principles 1 & 2 of the House Extensions SPD.

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 advice within the National Planning Policy Framework. The cumulative impact of the extensions would remain visually subservient. These are to a dwelling which is within substantial grounds and they would not appear to overdevelop 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being 33, Heights Drive and 291, Gillroyd Lane.

#### Impact on 33, Height Drive

This neighbour is located to the east-facing boundary of the application property.

Given the single storey nature of the proposed side extensions to 293, Gillroyd Lane, as well as the proposed works being set off the immediate neighbouring boundary, it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused as a result of the works. This notes that some windows in the front elevation would look towards the car port at an oblique angle. The proposed side extension to the south-facing elevation of the application property would pose no significant impact upon privacy greater than that which exists already, and with the ~2 metre increase in length of this extension, a separation distance of ~11 metres to the shared boundary would be retained.

In addition, it is important to note that extensive boundary treatment is in place between these two neighbouring properties, in the form of a ~2 metre high fence, further working to mitigate any potential impacts of development.

### Impact on 291, Gillroyd Lane

This neighbour is located to the north-facing boundary of the application property.

Given the setting and relationship between these two neighbouring properties within the streetscene and in turn, the extent of separation distance of ~27 metres between the proposed site of development at 293 Gillroyd Lane and the neighbouring property of 291 Gillroyd Lane it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

It is therefore considered that in terms of visual amenity, the proposed 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 advice 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 extensions and alterations would result in a new bedroom, taking the number of bedrooms on site to 3. It is considered that the car port canopy along with the hard-standing driveway would provide sufficient off-street parking space for 2 vehicles and is therefore acceptable in terms of KDP 15. The proposed works would not alter access to and from the adjoining highway, therefore the proposal is considered to be acceptable from a highway safety perspective.

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.

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 SPD and chapter 9 of the National Planning Policy Framework.

## **5 – Other matters:**

### Climate Change

On 12<sup>th</sup> 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, including KDP 8-11 of the SPD. The extension would be constructed from stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change. A climate Change Statement has been submitted with this application.

## **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 considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90217

**Officer Recommendation:** Approval

## 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).

1. 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, LP51 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The external walls and roofing materials of the dining space 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 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			26/01/24
Climate Change Statement			30/01/24
EXISTING - BUNGALOW REMODEL + EXTENSION - FLOOR PLANS	F2491_01		26/01/24
EXISTING - BUNGALOW REMODEL + EXTENSION - SITE/LOCATION PLAN	F2491_02		26/01/24

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
PROPOSED - BUNGALOW REMODEL + EXTENSION - FLOOR PLANS	F2491_03		26/01/24
PROPOSED - BUNGALOW REMODEL + EXTENSION - RENDERED IMAGES	F2491_04		26/01/24
EXISTING - BUNGALOW REMODEL + EXTENSION – Proposed Site Plan	F2491_02		31/01/24

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 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 as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

19/03/24

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