

**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:	2024/62/90304/E
Site Address:	146, Denby Lane, Upper Denby, Huddersfield, HD8 8UN
Description:	Erection of single storey rear extension (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Apr-2024

Officer Report

Reference No. 2024/62/90304/E

Site Address: 146, Denby Lane, Upper Denby, Huddersfield, HD8 8UN

Proposal: Erection of single storey rear extension (within a Conservation Area)

Site Description

The application relates to 146 Denby Lane, a two-storey property situated in Upper Denby, Huddersfield. The dwelling is faced in natural stone and incorporates a dual-pitched roof finished in natural stone slate. The property benefits from off road parking to the west, a detached garage and garden areas to the east and north-west. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles. There are no listed buildings or Public Rights of Way (PROW) within close proximity. However, the site is located within the Upper Denby Conservation Area.

Description of Proposal

The applicant seeks planning permission for the erection of a single storey extension. Permission is not required for the internal alterations to the property and therefore, the only matter for consideration is the proposed enlargement. The proposed single storey extension would project approximately 4m from the rear elevation of the original dwellinghouse. It would feature a maximum height of approx. 3.8m and an eaves height of approx. 2.75m.

Relevant Planning History

- **2023/91482:** Erection of single storey rear extension (within a Conservation Area). [Planning application details | Kirklees Council](#) – Refused
- **2022/92193:** Erection of single storey rear extension (within a Conservation Area). [Planning application details | Kirklees Council](#) – Refused
- **2004/92513:** Conservation area consent for part demolition of existing extensions. [Planning application details | Kirklees Council](#) – Conservation Area Consent Granted

- **2004/92512:** Erection of extension and detached tandem garage (within a conservation area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2004/90226:** Erection of extensions and detached tandem garage (within a conservation area). [Planning application details | Kirklees Council](#) – Refused
- **2004/90227:** Conservation area consent for demolition of existing extensions. [Planning application details | Kirklees Council](#) – Conservation Area Consent Refused
- **2003/94666:** Conservation area consent for demolition of extensions. [Planning application details | Kirklees Council](#) – Withdrawn
- **2003/94665:** Erection of extension and detached tandem garage (within a conservation area). [Planning application details | Kirklees Council](#) – Withdrawn

Representations

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 8th April 2024. As a result of the above publicity, one representation has been received. A summary of the comments have been made below:

- The owners have always made alterations to their property to the highest standard and in keeping with the conservation aspects of our village

[Denby Dale Parish Council](#) – No objections

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

[KC Conservation and Design](#) – Objection, the proposal would detrimentally harm the historic character of this period property and the Upper Denby Conservation Area.

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. However, it is located within the Strategic Green Infrastructure Network and within the Upper Denby Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 35** - Historic Environment
- **LP 52** - Protection and Improvement of Environmental Quality

Supplementary Planning Guidance / Documents:

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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 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 December 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.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed and Beautiful Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Assessment

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 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.

The application site is also located within the Upper Denby Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development on the application site could be acceptable subject to its assessment against all other material planning considerations, including design, visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity and Historic Environment

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does 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 SPD goes onto 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.

Paragraph 131 of the NPPF outlines that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP24 of the Kirklees Local Plan states 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.

Paragraph 203 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- b) the desirability of new development making a positive contribution to local character and distinctiveness.*

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

LP35 of the Kirklees Local Plan requires development proposals affecting the conservation area to preserve or enhance its significance, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

The proposed single storey extension would project approximately 4m from the rear elevation of the original dwellinghouse. Although the extension would be partly faced in natural stone to match the appearance of the host property, it would have a contemporary appearance due to it being heavily glazed. As such, it is considered that the design and material palette would be unsympathetic to the character of the surrounding area. Furthermore, due to its location and scale, the enlargement would appear unduly prominent within the curtilage of the house and would be highly visible from public vantage points along Denby Lane. On this basis, the proposed development would represent a poorly designed addition which would detract from the character of the host property and the Upper Denby Conservation Area. Furthermore, there are also no public benefits to outweigh the less than substantial harm to the setting and character of the building as a non-designated heritage asset and the Conservation Area.

Summary

On this basis, it is considered that the proposal would detract from the character and appearance of the non-designated heritage asset and the Upper Denby Conservation Area and would fail to accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework. Furthermore, the proposed development would cause less than substantial harm to the setting and character of the Upper Denby Conservation Area and would fail to accord

with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. 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 submitted plans confirm that no properties located east of the application site would be affected by the proposed works.

Impact on 150 Denby Lane

150 Denby Lane is a two-storey detached property located west of the application site. The proposed single storey extension would occupy a position approximately 17m from the side elevation of the neighbouring property. However, given that the separation distance retained would be reasonable and given that the existing boundary treatment and detached garage would sufficiently screen the enlargement, it is considered that there would be no undue harm to the neighbouring occupants with regards to overlooking, overshadowing and overbearing impact.

Impact 3 Upper House Fold

3 Upper House Fold is a residential property located north of the application site. Whilst it is noted that the corner of the proposed enlargement would protrude past the 45-degree angle measured from the midpoint of the neighbour's ground floor fenestration, it is taken into account that the existing rear extension currently fails to accord with the 45 degree rule. On this basis, it is considered that the proposed development would not result in any further harm to the neighbour's residential amenity over the existing.

Impact on 8 Gunthwaite Top

8 Gunthwaite Top is a two-storey detached property located south of the application site. The submitted plans confirm that the proposed single storey extension would occupy a position approximately 24m from the front elevation of no.8. Therefore, given that the separation distance retained would be substantial, it is considered that there would be no detrimental harm to the neighbour's residential amenity.

Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal would not intensify the domestic use at the dwelling and would not affect the existing parking arrangements on site. On this basis, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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.

There are no other matters relevant to the determination of this application.

5. Representations

One representation was received following the statutory publicity. The comments made in support of the application have been summarised below:

- The owners have always made alterations to their property to the highest standard and in keeping with the conservation aspects of our village

Response: This point is acknowledged but for the reasons outlined the application cannot be supported.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for a single storey rear extension at 146 Denby Lane 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 proposed single storey rear extension by reason of its location, scale, materials and design would detrimentally harm the historic character of this period property and the Upper Denby Conservation Area. There are also no public benefits to outweigh the less than substantial harm to the setting and character of the building as a non-designated heritage asset and the Conservation Area. The proposal is therefore contrary to the aims of Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

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. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2024/90304**Officer Recommendation:** Refuse**Reasons for Refusal**

1. The proposed single storey rear extension by virtue of its location, scale, materials and design, would detrimentally harm the historic character of this period property and the Upper Denby Conservation Area. There are also no public benefits to outweigh the less than substantial harm to the setting and character of the building as a non-designated heritage asset and the Conservation Area. To permit the development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Site Location Plan	01	-	13/02/2024
Existing Floor Plans	20	B	13/02/2024
Existing Sections & Elevations	21	B	13/02/2024
GA Drawing	02	A	13/02/2024
Supporting Statement	4032/1/C/10-04-2023	-	13/02/2024
Climate Change Statement	-	-	13/02/2024

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.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, the principle of the extension in this location would be unacceptable and therefore, no amendments could be made within the scope of the application to secure an approval.

Report Dated: 05/04/2024