

**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:	2024/62/90889/E
Site Address:	32, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ
Description:	Demolition of existing conservatory and erection of single storey rear extension and alterations to convert part of garage to living accommodation
Recommending Officer:	Morgan Braithwaite

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 02-Jul-2024

OFFICER REPORT

Site Description

32, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ is a two-storey detached dwelling constructed from stone. The property benefits from a double garage along with a further four parking space to the front of the property with a small area of amenity space. A large area of amenity space can be located to the rear of the property.

The dwellings that form the street scene are uniform in scale, appearance, and material palette. The area is predominantly residential with local amenities such as a train station, restaurants and take-aways, children's play gym and library.

Description of Proposal

This application has been received for the demolition of an existing conservatory and the erection of a single storey rear extension and alterations to convert part of the garage into living accommodation.

The proposal would project 4m from the rear wall of the existing dwellinghouse with a width of 4.8m. The proposal would feature a pitched roof with a ridge height of approximately 3.5m and an approximate eaves height of 2.4m. It is proposed that the extension would be constructed of materials matching that of the existing dwellinghouse. The proposal sees the replacement of the ground floor rear windows with a larger window but matching the design and styles of the original windows, the removal of a window and replacing with sliding doors. There shall also be a further door to the side (east) of the proposal.

It is also proposed that the double garage shall be converted to retain a single integrated garage to one side, while a portion of the other side shall create extra storage space, accessed by the existing garage door. The other portion of the garage shall be converted to create a home office and cloakroom.

Relevant Planning History

93/01651 - Outline application for industrial development. Conditional outline permission.

94/90874 - Certificate of lawfulness for an existing use for the manufacture of vitrified clay pipes, sanitary pipes and fittings, drainage materials, conduits, water and sewage treatment tiles consisting of an industrial process falling with use class B2 of the Town and Country Planning (Use Classes) Order 1987 with ancillary office accommodation and open-air storage of clay pipes. Certificate of Lawfulness Granted.

2000/92876 - Erection of 65 no. dwellings with garages. Refused.

2001/93368 - Erection of 92 two and three storey houses. Section 106 full permission

2003/90217 - Erection of 92 two and three storey dwellings with associated garages, roads and fences (modified proposal). Section 106 full permission.
2006/91713 - Erection of residential development (16 no. dwellings with garages). Section 106 full permission

2007/94803 - Erection of 14 no. dwellings with integral garages (modified house types). Section 106 full permission.

Representation

The application was advertised by neighbour notification letters, which expired on 31.05.2024.

No representations have been received as a result of site publicity. Denby Dale Parish Council were notified of the proposal and raised no objections.

Consultation Responses

None required.

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 located within a Conservation Area on the Kirklees Local Plan. 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 December 2023, 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 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 the 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 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 extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD 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.

The single storey extension shall not be visible from the street scene as it is located to the rear (north-west) of the applicant property. Neighbouring properties would have a limited view of the proposal due to its single storey scale and the boundary treatments surrounding each property which would act to predominantly screen any view to the rear of the dwelling.

The garage conversion would see no alteration to the exterior of the dwelling due to the majority of the works being to reconfigure the internal layout of the property, with the original garage doors being retained.

Having taken the above into account, the proposed extension and alterations would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale, and layout and (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 proposal 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 Principal 3 on privacy, Key Design Principal on overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The rear extension would take up a portion of the amenity space to the rear of the dwelling. It is considered that; the proposal would not take up a significant amount of useable space and sufficient amenity space would be retained if an application was to receive approval. The garage conversion would see no alteration to the appearance of the dwelling and would have no impact upon the amenity space. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on 20, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ

There is approximately 13.92m between the rear of each dwelling. The extension shall be single storey in scale, replacing an existing projection, and shall be somewhat screened by the boundary treatment between the dwellings. The garage conversion shall see no alteration to the front (south-east) elevation, which would not be visible to no.20 which resides to the north. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 22, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ

There is approximately 17.9m between the rear of each dwelling. The extension shall be single storey in scale, replacing an existing projection, and shall be somewhat screened by the boundary treatment between the dwellings. The garage conversion shall see no alteration to the front (south-east) elevation, which would not be visible to no.22 which resides to the north. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 30, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ

There is approximately 2.7m between the side elevation of each dwelling however the properties are positioned at an angle from this nearest point. The proposal shall be single storey in scale and constructed of materials matching that of the existing dwellinghouse. Visibility of the proposal shall be somewhat screened by the existing boundary treatment between the dwellings, along with the splayed and off-set relationship between the dwellings. The proposal is located to the north-west of the applicant property while no.30 resides to the east. As such, no significant issues 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 and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property. The proposal does not see the addition of any further bedrooms, it does however see the loss of a parking space due to the garage conversion. However, there is sufficient space to the front of the property to service the needs of the property.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 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 have been received as a result of site publicity.

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:

The application to erect a single storey rear extension to 32, Bluehills Lane, Lower Cumberworth, Huddersfield, HD8 8RQ 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 taken as a whole constitute the Governments 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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/90889

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 external facing and roofing materials of the 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	Version	Date Received
Grouped Plans and Elevations	1036618		12.04.2024
Grouped Plans and Elevations – 2019-39-02 – Existing	1035774		26.03.2024

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	1036618		12.04.2024
Proposed Site / Block Layout – 2019-39-02 – Proposed Site Plan	1035776		26.03.2024
Grouped Plans and Elevations - 2019-39-03 – Proposed	1035777		26.03.2024

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 01.07.2024