

**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:	2024/62/91430/W
Site Address:	161-165, Lane Top, Royd House Lane, Linthwaite, Huddersfield, HD7 5SG
Description:	Erection of single and two storey extension and alterations to dwelling including rebuilding of external wall. Demolition of former garage and erection of detached home office with hobbies room (within a Conservation Area)
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.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Sep-2024

The Site

161 – 165, Lane Top is a two-storey detached dwelling located in Linthwaite, Huddersfield. The property is constructed from stone and brick, and incorporates a pitched roof finished in tiles. The property currently benefits from off road parking and detached garage to the south, and a garden area to the north. The property sits slightly below the adjacent highway, and land levels fall towards the west. The neighbouring properties are of residential use and comprise two-storey terraces to the east and three storey detached dwellings to the west.

The site is located within Linthwaite Conservation Area, and there are Grade II Listed buildings to the east of the site.

The Proposal

The applicant is seeking planning permission for erection of single and two storey extension and alterations to dwelling including rebuilding of external wall, demolition of former garage and erection of detached home office with hobbies room (within a Conservation Area).

Single storey extension

The single storey extension adjoins the side elevation of the two-storey extension, facing Lane Top Road. This extension projects ~2m with a width of ~3.6m, an eave height of ~2.3m and a ridge height measuring ~3.1m.

The roof is glazed and lean-to in design. The proposed external walling is constructed from coursed stone to match the host property.

Two storey extension

The two-storey extension projects ~3.4m from the north elevation of the host with a width of ~5.1m. The eaves are ~5.3m in height with a ridge height of ~7m.

The roof is gable in design and infilled with artificial stone slates, and the walls are constructed from coursed stone.

Glazing is proposed to the ground and first floor of the north and east facing elevations. This is in the form of hardwood timber windows. To the north-facing elevation, sliding patio doors are proposed to the ground floor with a window inserted to the first floor.

Demolition of former garage and erection of detached outbuilding

The existing garage, measuring approx. 4.7m width x 6.9m depth x 2.8m eave height and 5.5m ridge height (when measured from east-facing elevation) would be demolished to facilitate the replaced detached office and hobbies room. This building would be two-storeys in height with the following measurements:

- 6m width
- 6.8m depth
- 3.4m eave height
- 5.7m ridge height

Two obscure glazed windows are proposed to the west-facing elevation with two-rooflights within this roof slope. Three full-length windows are proposed to the east-facing elevation with two rooflights above.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

Minor amendments were made to the proposed elevations following comments from KC Conservation and Design. This consisted of removing 2 rooflights on east elevation on the main dwelling. In addition, discussions were held with the applicant's agent following the consultation response from KC Highway Structures. The applicant's agent submitted revised plans that were deemed acceptable and used in the determination of this application.

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, a site notice, and advertisement in the Huddersfield Examiner.

Final publicity date expired: 5th July 2024

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- Overlooking
- The development is not respecting the setting of the Conservation Area
- Lack of parking

Letters of support:

- The proposal would improve the current appearance of the property, and considers the setting of the Conservation Area
- The site would have sufficient parking

Consultations

KC Conservation and Design – following receipt of amended plans, no objections.

KC Highway Structures - following further information, no objections.

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 27th 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
- LP35 Historic Environment
- LP53 Land Stability

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, 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. 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
- Chapter 16 – Conserving and enhancing the historic environment

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
2. Impact on Designated Heritage Assets and visual amenity
3. Impact upon residential amenity
4. Impact upon highway safety
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”.

Impact on Linthwaite Conservation Area

Area Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset’s conservation irrespective of the level of harm.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that

outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. In this case, the applicant has submitted a heritage statement that identifies the location of the application site within the Linthwaite Conservation Area as well as nearby listed buildings to the application site. The statement outlines that the proposed external materials will be in keeping with the existing property and surrounding development. The proposal replaces all windows, which are a mixture of upvc and wood, with hardwood timber windows to be in keeping with the character of the host. It is considered the impact of this work would have a neutral impact on the significance of the Conservation Area.

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Conservation Area, as well as other matters which are discussed as follows

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 & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Single and two storey extensions

The single and two storey extensions would be set back and correspondingly the roof ridge would be set down from the main roof in line with the SPD. Although the proposed plans do not show a gap of 1m being retained

between the extension and the east-facing retaining wall, the extension retains an ~8.5m separation distance to properties opposite, as such the lack of separation distance to the side boundary is considered acceptable as a terracing affect would not occur in this case.

The proposal would take up a small portion of the amenity space to the side of the application dwelling. It is considered that the proposal would not take up a significant proportion of existing useable amenity space, and a sufficient level of amenity space would be retained as a result of the development.

Furthermore, the materials proposed include the use of natural coursed stone for the walling with artificial stone slates for the roof covering which would match the main house. The side extensions are therefore considered on balance to be acceptable in terms of visual amenity.

The Conservation and Design officer consulted for this application stated initial concerns with the rooflights proposed to the east-facing elevation, given the proximity of this alteration to the adjoining highway. The applicant's agent successfully amended the scheme in response to these comments, as such the Conservation officer raised no objections to the proposed works.

Demolition of former garage and erection of detached outbuilding

The detached outbuilding would serve an office at ground floor level and gym on the first floor. The existing garage would be demolished to facilitate this development, and would be erected to the side of the host property. The structure would have a width of approx. 6m, a depth of approx. 6.8m and an overall height of approx. 5.7m. The outbuilding would be faced in natural coursed stone and would incorporate a gable roof finished in tiles to match the appearance of the original build. It is set well back from the highway (approx. 6m), and would have an acceptable scale that appears subservient to the original dwellinghouse. As such, the proposed development is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

Having taken the above into account, the proposals 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, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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:

169, Lane Top

This neighbour is located north of the application site. The submitted site plan confirms that the neighbouring property would occupy a position approximately 7m from the proposed two-storey extension and approximately 20m from the detached outbuilding. It is noted the bulk of the host property itself would screen the detached outbuilding from No.169, Lane Top. Two ground floor openings and two first floor windows will be inserted to the north-facing elevation of the extension.

The distance maintained to the adjacent dwelling is 7m, it is taken into consideration that the current relationship already falls short of this distance. During the site visit, it was observed that there are no windows on the side

elevation of No.169 facing the application property. The submitted plans also show a stone wall proposed to the north-facing boundary. Therefore, it is considered that there would be no significant detrimental impact on the amenity of the neighbouring properties as a result of the proposed development.

211-213, Lane Top

This neighbour is located east of the application site and is positioned at a higher ground level. Given the difference in ground levels, the proposed development is not considered to be detrimental with regard to overshadowing/overbearing. It is noted that the proposed two-storey extension would have one small first floor window to the east-facing elevation. However, due to the separation distance of approximately 10m and the relationship between these two neighbouring properties within the street scene, it is concluded that no detrimental overbearing/ oppressive impact would result and that no overshadowing/impact upon privacy would occur.

155, Lane Top

This neighbour is located south of the application site. The two-storey extension is screened by the main application dwelling, therefore is not considered to cause detrimental overbearing/overshadowing/overlooking impacts. The submitted plans confirm that the proposed outbuilding would be positioned approximately 3.5m from the common boundary shared with 155, Lane Top. No additional openings are inserted into the south facing side elevation of the outbuilding which will mitigate any undue harm on overlooking. The outbuilding would be slightly greater in height than the existing garage, however due to the separation distance, it is not considered to cause detrimental overbearing/overshadowing impacts. Overall, given that the structure would replace the existing detached garage on site, it is considered that there would be no further harm to the neighbouring amenity with regards to overbearing and overshadowing impact.

147, 147a and 147b Lane Top

These neighbours are located west and are positioned at lower ground level to the application site. A separation distance of approximately 13.5m is achieved from the rear elevation of No.147b to the application site. The proposed two-storey extension would occupy a position approximately 3 metres from the boundary, and the outbuilding would be constructed adjacent to the shared boundary at No.147b. One window is proposed to the west-

facing elevation of the outbuilding that would overlook the rear amenity space of this neighbour. The submitted plans confirm these windows will be obscure glazed. As such, a condition to secure obscure glazing is recommended to protect the privacy of these and future neighbours' amenity (Condition 4).

With regard to overshadowing/ overbearing, due to the difference in land levels and proximity to the shared boundary, it has been assessed that there would be some harm to these neighbours amenity. Sunlight calculator software has been used to confirm that any potential overshadowing will be concentrated to the rear garden of 147b, Lane Top and will only potentially occur during a minimal time of day in both the summer and winter. As such, it is not considered to pose detriment to residential amenity or the living conditions within this neighbouring dwelling.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Although the proposed extension would utilise space to the front and rear of the site, it is considered adequate space to the front and a rear of the site would be retained to be used by current and potential future occupants.

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 development will result in some intensification of the domestic use, increasing the total number of bedrooms from 2 to 3. However, the proposed plans show that there would be one parking space to the side of the outbuilding with additional space to the side of the dwelling. The increase in accommodation over and above the existing would equate to a single additional bedroom. It is therefore considered the development would not cause a significant harmful impact in terms of highway safety due to the fact that there will be spaces provided. As such, it would be unreasonable to

refuse the application on these grounds. The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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 Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Land Stability

Given the proximity of the development to the retaining structure (burr wall) supporting Tommy Lane, Highway Structures were consulted on the application. Policy LP53 of the Local Plan states that 'for development identified at being at risk of instability....measures should be incorporated to...ensure...[this] does not have the potential to cause harm to people or the environment. Chapter 15 of the NPPF also considers with impact of instability. Highway Structures initially recommended conditions to ensure that the development is carried out safely with regard to the highway retaining structure that marks the boundary of curtilage of the application site. Following receipt of additional plans and further information from the applicant's agent, Highway Structures have confirmed a condition is not required as the proposed development is not considered to have any impact on the highway.

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any

development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

- Overlooking
Officer response: the impact of overlooking has been considered under the residential amenity section of this report.
- The development is not respecting the setting of the Conservation Area
Officer response: KC Conservation & Design have been informally consulted and their comments are summarised under the Consultations section of this report.
- Lack of parking
Officer response: the impact on parking has been considered under section 4- impact on highway safety within this report.

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: 2024/91430

Officer Recommendation: Approve

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).

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 to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP35 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

3. The external walls 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 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.

4. The development shall not be occupied until the windows in the western elevation of the detached outbuilding hereby approved have been obscure glazed minimum grade 4. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework

5. The rooflights hereby approved shall be Conservation style or similar and fitted flush to the roof plane. Glazing shall have a thickness of no more than 16mm at 4:8:4 ratio. The rooflights approved by this condition shall be retained thereafter.

Reason: In the interest of preserving the heritage value of the Conservation area, in accordance with the requirements of Policy LP35 of the Kirklees Local Plan Chapters 2, 12 and 16 of the National Planning Policy Framework and pursuant to the requirements of S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	21/05/2024
Location Plan	LP 01	-	21/05/2024
Heritage/ Design Access Statement	-	-	21/05/2024
Climate Change Statement	-	-	24/05/2024
Survey Drawing – As Existing	2023/047/01	A	13/06/2024

Plan Type	Reference	Version	Date Received
Planning Drawing – As Proposed	2023/047/06	D	27/08/2024

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 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.

Minor amendments were made to the proposed elevations following comments from KC Conservation and Design. In addition, discussions were held with the applicant's agent following the consultation response from KC Highway Structures. The applicant's agent submitted revised plans that were deemed acceptable and used in the determination of this application.

Report Dated:

11/09/2024

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