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:	**2024/62/91704/W**
Site Address:	159, Lowerhouses Lane, Lowerhouses, Huddersfield, HD5 8JZ
Description:	Erection of first floor extension, rear infill extension, rebuilding of existing garage to form accommodation 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.

John Holmes

AUTHORISED OFFICER

Date: 15-Aug-2024

The Site

159, Lowerhouses Lane is an irregular shaped bungalow located in Lowerhouses, Huddersfield. The property is constructed from brick with a concrete tile roof. The property is detached and elevated above the highway where vehicular access can be taken from the front boundary of the application site onto Lowerhouses Lane. To the side of the property is a single garage, and to the rear of the dwelling is a large lawned garden.

The property is situated between a detached two storey dwelling to the south-west with an apartment block to the north-east and semi-detached bungalows opposite the dwelling. There is a varied material palette, however the predominant material appears to be stone.

The Proposal

The applicant is seeking planning permission for erection of a first floor extension, rear infill extension, rebuilding of existing garage to form accommodation and associated alterations

First floor extension

The measurements of the first-floor extension are as follows:

- ~15 metre width
- ~2.3 metre eave height, taking the total eave height of the dwelling to ~5.2metres
- ~4.6 metre ridge height, taking the total height of the dwelling to ~7.7 metres

The extension would feature two gables protruding forward to follow the existing ground floor outrigger. The walls of the proposed extensions will be finished from medium-dark oak composite cladding. The windows and doors will be constructed from white UPVC to match the existing. Internally the extension would serve 4 bedrooms, two bathrooms and an office.

Rear infill extension

The measurements of the rear extension are as follows:

- ~3.1 metre projection

- ~6 metre width

The rear infill extension would lie flush with the rear and side elevations. This extension would be constructed from brick to match the existing ground floor. An existing bay window would be removed and replaced with a sliding door, as well as an additional UPVC window to the rear elevation. Internally, this extension would serve as a dining room and art studio.

Rebuilding of existing garage

The existing garage would be demolished and rebuilt as part of the development. The footprint would remain as existing, and the existing garage door would be removed and replaced with a double door. One UPVC window is proposed to the side elevation. Internally, this extension would serve as a store/utility room.

Planning History

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

History of Negotiations

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: 5th August 2024

No representations were received as a result of the 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 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) The site is within the Strategic Green Infrastructure Network on the Kirklees Local Plan. 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
LP31 Strategic Green Infrastructure Network

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: -

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
Chapter16 – 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 upon the character and appearance of the area (including impact upon historic environment)
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”.

In this case, the principle of development in this application 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 & 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.

<u>First floor extensions to bungalows</u>

Paragraph 5.31 and 5.32 provides specific advice on two storey and first floor extensions to bungalows, and states these can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene. Increasing the height of the property by raising the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the host building as well as the surrounding street scene. Alterations are usually unacceptable where the roof pitches and heights in the street scene are consistent.

Although the property is elevated above the highway, it is set well back (~13m) with space between the building and public highway. The site is located between a detached two storey dwelling and a two-storey block of flats. As such, the alterations to the height of the dwelling would not appear incongruous within the street scene. In addition, the first-floor alterations would follow the existing ground floor outrigger, with the exception of the rear infill extension. This ensures the development does not unreasonably encroach the building line and appears proportionate within the street scene.

The materials of construction would match those of the host property at ground floor and in the construction of the roof, the first floor would be composite cladding which is of a timber appearance. It is considered that in the context of the street the proposed development would be acceptable in this case given the house is of an individual design and appearance, set well back from the frontage and there is a mix of materials in the street scene.

Whilst it would not be a small addition, it would be a well-integrated and proportionate to the existing development within the locality. Overall, therefore, the proposed first floor extension is considered to be acceptable from a visual amenity perspective.

<u>Rear infill extension</u>

With regard to the infill rear extension, paragraphs 5.1-5.6 of the SPD (pages 23-24) are relevant. Paragraph 5.6 provides specific guidance with regard to single storey rear extensions:

5.6 Single storey extensions should:

- *be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height;*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The proposed rear extension is considered to appropriately meet the key design principles as set out in the SPD. The minor infill design would not protrude beyond the rear or side elevations of the existing dwelling, would be separated over 3m to the shared boundary. The extension would be harmonised in scale, fenestration detail and materials to the host property. The extension would not cover more than half the total area around the original house, and would appear a subservient addition located to the rear of the property. It would meet the parameters set out in the SPD sufficiently to ensure an acceptable addition to the host and appear acceptable from a visual amenity perspective.

<u>Rebuilding of existing garage</u>

The existing garage is to be demolished and rebuilt using matching materials for the walls. This development is located to the side of the host, and projects approx. 0.8 metres beyond the front elevation. This follows the existing design of the host and would not be overly prominent from the highway, nor appear disproportionate to the host. The matching materials would respect the original character and design of the host and street scene. The removal of garage door and replacement aluminium double doors would appear subservient to the host and acceptable with regard to visual amenity.

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.

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 designs 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:

161, Lowerhouses Lane

This neighbour is located south-west of the application site.

Regarding overbearing, the proposal would increase the bulk and massing of 159, Lowerhouses Lane. The property would retain a separation distance of approx. 3.6 metres to the shared boundary which would mitigate undue harm relative to overbearing. In terms of overshadowing, the neighbours at 161 are located to the south-west of the application site and therefore due to the orientation and relationship the development would not be detrimental to the level of light currently received at this property.

Although the proposed scheme would increase overlooking, it is not considered to be a significant level to warrant refusal. The proposed plans show one window proposed within the first-floor side elevation facing this neighbour. Given the distance from the boundary the proposal is not considered to lead to unacceptable levels of overlooking/ loss of privacy. The proposed works are therefore considered to have an acceptable impact upon the residential amenity of this neighbour.

143a & 143b, Lowerhouses Lane

These neighbours are located north-east of the application site.

159, Lowerhouses Lane would retain a ~3.5 metre separation distance to the shared boundary. It has been assessed that the proposed development would not cause detrimental harm to these neighbours' amenity, in regard to overbearing and overshadowing. Any overshadowing impact would be limited to morning, and therefore the impact would not justify refusing this application. In terms of overlooking, it has been assessed that there would be some harm as two new windows will be inserted into the north east-facing side elevation of the extension at first floor. However, these would predominantly face the car park to the rear of the flats, on balance, any harm is not considered to be detrimental. The proposed works are therefore considered to have an acceptable impact upon the residential amenity of this neighbour.

206, Lowerhouses Lane

This neighbour is located opposite the application site. The proposed works would increase the height of No.159 with four additional windows proposed to the front elevation. However, given the significant separation distance (30+ metres), it has been noted that there would be no undue impact on overbearing, overshadowing and overlooking to the occupiers of this property.

Future occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain an adequate, outdoor private amenity space available to future and present occupiers for excellent standards of privacy.

It is therefore considered that in terms of residential 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 would increase the number of bedrooms on site, taking the number of bedrooms from 3 to 5. The existing garage does not meet the minimum requirements for modern cars and its removal, and the erection of a replacement side extension, would not, therefore, be viewed as the loss of significant parking space.

The property benefits from a large area of hardstanding surfacing to the front of the dwelling, this is considered an acceptable amount of parking provision. The proposal does not propose any changes to the 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:

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.

Strategic Green Infrastructure

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

Given the nature of the proposal, in relation to redevelopment of an existing site used for residential purposes, it is considered the proposal would not have a significant impact upon the strategic green infrastructure network.

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:

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: 2024/91704
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 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 materials of construction used to the ground floor alterations and the roof of the development hereby approved shall in all respects match those used in the construction of the host property. The

external finish of the first floor of the development hereby approved shall be in accordance with those set out within drawing 24/1010/04revB. The development shall not be brought into use until it has been completed with the materials approved by this condition. The materials approved by this condition shall thereafter be retained and maintained.
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.

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	-	-	28/06/2024
Climate Change Statement	-	-	28/06/2024
Location Plan	24/1010/01	-	28/06/2024
Existing Block Plan	24/1010/02	-	28/06/2024
General Arrangement as Existing	24/1010/03	-	28/06/2024
General Arrangement as Proposed	24/1010/04b	-	28/06/2024
Proposed Block Plan	24/1010/05	-	28/06/2024
Existing & Proposed Street Scene Elevations	24/1010/06	-	28/06/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 07/08/2024

Low coal