

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:	2024/62/91754/E
Site Address:	14, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL
Description:	Erection of single storey rear extension, partial demolition of existing rear wall, door opening to garage (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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.

John Holmes

AUTHORISED OFFICER

Date: 03-Sep-2024

Officer Report

2024/91754 - 14, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL

Site Description

14 Manor Road is a two-storey, semi-detached dwelling in Farnley Tyas. The dwelling is constructed with stone exterior walls which fall under a pitched roof. In terms of architectural style, the property has simplistic fenestration and features. The original element of the building includes sash type openings. The property has benefitted from a two-storey side extension which is set back from the original dwelling. The property is accompanied by a small front forecourt which is used to park vehicles. To the rear is a generous residential outdoor space.

The site rests within the Farnley Tyas Conservation Area.

Proposal Description

The applicant is seeking planning permission for the erection of a single storey rear extension, partial demolition of existing rear wall, door opening to garage (within a Conservation Area).

The extension will be ~13.00(w) x 4.70m(d), with a 3.10m eaves height and 4.20m roof height. It will have a mono-pitched roof. In terms of features, the extension will feature 9 ceiling to floor windows, with stone side walls, stone roof slates.

Relevant Planning History

2016/93524 - Erection of two storey side extension and change of use of land to domestic curtilage (within a Conservation Area) – Full permission granted

Public Representations

The proposal was advertised by site notice, press notice and neighbourhood notification letters.

Site notice expiry: 23-Aug-2024

Press notice expiry: 16-Aug-2024

Neighbourhood letters expiry: 23-Aug-2024

Letters of Objection

One objection has been received, raising the following summarised concerns:

- The proposal would cut a 45 degree line when taken from the centre of the cill of the nearest neighbouring property
- The proposal will block light and leave the neighbouring property excessively dark
- The proposal will have a negative impact upon outlook
- The proposal is not in accordance with the Council's adopted SPD
- The development would be subject to the requirements of the party wall act, and the boundary wall should not be impacted.

Letters of Support

One letter of support has been received which, in summary, states that it is considered the proposal looks a sensible extension which has no detriment to neighbours.

Letters of comment

None

Consultation Responses

KC Conservation & Design – An informal consultation was held. See *Historic Environment* section.

KC Trees – It was checked with the Kirklees Arboricultural Officer that there were no current tree works applications for the site, which was confirmed.

Amendments/Negotiations

Paragraph 1.11 of the House Extensions & Alterations Supplementary Planning Document specifies that, 'Proposals which depart from the guidance set out in this SPD will need to provide a full justification'.

Kirklees Council have published a validation checklist for planning applications. Within which it specifies that an arboricultural survey is required for works where there are protected trees either by a Tree Preservation Order or, as is the case within this application due to its Conservation Area status. There has been no submission of such reports.

In addition there are concerns to visual and residential amenity. The LPA offers a pre application service. It is therefore concluded that, in this case, it is a reasonable approach for the LPA to determine the application as submitted.

Policy & Legislation

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 the Farnley Tyas Conservation Area on the Kirklees Local Plan Proposals Map.

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 21 – Highway Safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 35 – Historic environment

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, 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 places and beautiful places
- Chapter 14 –Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 –Conserving and enhancing the natural environment
- Chapter 16 –Conserving and enhancing the historic environment

Other Material Considerations:

- House Extensions & Alterations Supplementary Planning Document
- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of development
 - a) Sustainable Development
 - a) Historic Environment
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF draws on the objectives of sustainable development being economic, social and environmental as the central pillars as well as multiple facets of achieving sustainable development within the decision-making process.

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is for a householder extension to a building within a conservation area. The building is built in a simplistic style with stone features. The extension is formed to the rear of the building, to which there are little in the way of public vantage points towards the Conservation Area to which the extension may be viewed from. To the rear of the property rests agricultural fields, there are no public rights of way through these fields. There are several properties, rearward of the building line which screen views of the site from other public vantage points.

In terms of the extension, it appears highly glazed and a large dominating structure. A significant proportion of the extension runs along the side

projection which was constructed pursuant to a 2016 application. A pine tree currently screens part of the side elevation of the side extension. Under this application, it is proposed that the tree would be removed. This would reveal the side elevation of the proposed extension. Trees contribute to the setting of conservation areas. This application is not accompanied by arboricultural reports to indicate the maturity and nature of the tree.

Paragraph 205 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 207 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

It is considered, that there is a degree of public vantage point in relation to Trees 2 (T2 upon drawing AP1) and its removal would lead to a degree of visual harm.

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, and Chapter 12 of the NPPF, regarding design.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

Impact on visual amenity

Policy LP 24 of the Kirklees Local Plan states, ‘Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and heritage assets.

The National Planning Policy Framework (2023) sets out to achieve a high level of design. Paragraph 131 outlines this ethos, ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’

Paragraph 133 continues this theme by indicating that ‘To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the

principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.'

Kirklees Planning Authority have published such guidance within their House Extensions & Alterations Supplementary Planning Document (2021), it expands Policy LP24 (design) of the Kirklees Local Plan. Within which, criterion a) & c) are relevant.

a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

c. 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;

Rear extension should consider the design of the original building in terms of architectural design, material and features. Single-storey rear extensions should be designed in order to mitigate any impact to neighbouring occupants.

- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states '*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 5.6 of the House Extension & Alterations Supplementary Planning Document relates to the design of single-storey extensions:

- 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 extension has a maximum height of 4.20m, which sits just below the cills of the exterior windows. It spreads across the full width of the building with no separation distance from the adjoining property. The extension projects past the original rear elevation by 4.70m. The building has already been doubled in size in terms of volume due to the two-storey side extension. Considering the span of the rear elevation of the building, the additions should assimilate with the host dwelling to provide a harmonious appearance. However, due to the projection and high roofline, the cumulative impact of the extensions would dominate the original building.

The architectural design of the extension is modern in its approach due to the panels of glazing which accommodate a significant amount of the elevation space. In part, due to its features the extension does not harmoniously assimilate with the host building. Given they are large and appear superfluous on the rear elevation, they would significantly alter the character of the historic dwelling.

It is considered that the size and scale of the development, and the design of the proposal in terms of the high level of glazing which is proposed leads to a level of visual harm for which there are not considered to be public benefits present in this case.

It is therefore concluded that the proposed development, by reason of its size, scale, and design fails to accord with the aforementioned policies and legislation.

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 House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, *'extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.
- Key Design Principle 4, *'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.'*
- Key Design Principle 5: Overshadowing/loss of light states, *'Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.'*

Impact on 12 Manor Road

12 Manor Road is the adjoining semi-detached property. The extension will project past the property by 4.70m. In terms of privacy, there are no proposed side windows. There will be additional rear facing windows, towards outdoor private amenity space, however they are in the position of existing windows, albeit at a greater projection. There is currently a thick shrub border, although it is noted this could be removed. However, as the relationship is existing there will be no changes to privacy levels and a fence could be erected if the impact was significant.

In terms of a loss of light, outlook or an overbearing impact, the extension runs along the shared boundary increasing in height from 3.10m-4.10m. The nearest habitable window at 12 Manor Road is 1.50m away, which serves a living room. The relationship is close.

Paragraph 4.13 of the House Extension & Alterations Supplementary Planning Document states, 'Both light and outlook can be of greater importance for some rooms than others..., greater weight and protection will be afforded to rooms that most people spend much of the day in, known as habitable rooms'. To which a living room is considered a habitable room.

Due to the extension's projection and height, it is considered that the extension will materially affect the amount of light observed in this room, as well as its outlook. The Council's adopted House Extensions and Alterations SPD sets out that a 45° line when taken from the Centre of the Cill should not be cut. Although no specific drawings have been provided in this regard, it is clear this line would be cut, the extensions bulk and proximity to the window is considered to be significant in this case resulting in a detrimental impact within a habitable room.

Due to proximity, there are no other properties to consider.

The proposal is therefore concluded to be contrary to Key Design Principles 4 & 5, Policy LP 24 c) and paragraph 135 f) of the NPPF.

Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The number of bedrooms will not increase from a result of the extension. Parking to the front of the dwelling will remain as existing.

In terms of bin storage, side access will remain.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations Supplementary Planning Document.

Environmental matters

Trees

Trees within a conservation area are protected under The Town and Country Planning (Tree Preservation)(England) Regulations 2012. LP 33 states, 'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity'.

In this case, the proposal will fell two valuable protected trees. No tree survey / arboricultural survey has been submitted as part of this application.

There is not considered to be a clear and convincing justification for the removal of the trees in this case, particularly taking account of the prominence of T2 upon drawing AP/1, and fact this tree is clearly visible from Manor Road, it is considered this tree makes a contribution to public amenity given its age, size, scale and fact it is a native species. No arboricultural report / detail has been provided which sets out reasoning for the loss of the tree.

It is considered that the loss of the tree would be contrary to policies LP33 and LP24 given the contribution to the character and visual amenities of the locality. It is therefore considered that the proposal is unacceptable in this regard.

Ecology

Paragraphs 180, 186, 187 and 188 of 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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The development is for a single-storey extension to be installed on the rear of the property. Whilst the property is located in an area, as the proposed works are single storey and include no work to the main roof, then it is considered unlikely that bats will be affected.

Notwithstanding this conclusion, it is considered appropriate to include an informative note upon any grant of permission which advises the applicant to proceed with caution and cease works should bats be discovered and how to proceed following discovery.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemption as set out by The Biodiversity Gain Requirements

(Exemptions) Regulations 2024 as the proposal is for house holder development and there is no required for BNG to be provided in respect of the aforementioned legislation.

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.

Representations

The comments received in objection are listed and addressed as follows:

- The proposal would cut a 45 degree line when taken from the centre of the cill of the nearest neighbouring property
- The proposal will block light and leave the neighbouring property excessively dark
- The proposal will have a negative impact upon outlook

These points are addressed within the section of this Assessment titled 'Impact on residential amenity'.

- The proposal is not in accordance with the Council's adopted SPD

The consideration of this application is made in light of the Council's adopted SPD and set out in the Assessment of this application.

- The development would be subject to the requirements of the party wall act, and the boundary wall should not be impacted

This is considered to be a civil matter to which minimal weight can be afforded as a consideration which is material to the determination of this application.

The points raised in support of the proposal are noted and addressed within the *Assessment* section of this report.

Conclusion

The application for the erection of a rear extension and alterations at 14 Manor Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, Kirklees Local Plan, the National Planning Policy Framework and other material considerations.

Given the harm the proposal will cause to the character of the original house, occupants of 12 Manor Road and harm to trees the application is recommended to be refused.

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.

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 not constitute sustainable and is therefore recommended for refusal.

Recommendation
Reason(s) for Refusal

Refusal

1. The proposed rear extension, due to its size, scale and design would volumetrically increase the bulk and massing of the dwelling, visually dominating the host dwelling whilst appearing incongruous due to its features, which would be detrimental to the character of the historic dwelling. The development leads to less than substantial harm for which no public benefits are considered to exist to justify this harm. The development is therefore contrary to Policies LP24 (a & c), LP35 as well as Principle 2 of the Kirklees House Extensions & Alterations Supplementary Planning Document and the policies within Chapters 12 and 16 of the National Planning Policy Framework.
2. The single storey rear extension, by virtue of its location and close proximity to the property boundary, would have a detrimental impact upon the residential amenity of neighbouring occupants by reason of loss of outlook and overshadowing to the inhabitants of 12 Manor Road, contrary to key design principles 5 and 6 of the Kirklees House Extensions & Alterations Supplementary Planning Document Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.
3. The proposed development would result in a loss of a protected trees which makes a contribution to public amenity and the character of the Conservation Area. The development leads to less than substantial harm for which no public benefits are considered to exist to justify this harm in the absence of information which sets out the rationale for the loss of the tree. The proposed development would therefore contravene policy LP33 and LP35 of the Kirklees Local Plan and policies contained within chapters 15 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location and block plans	AP/7	-	20 June 2024
Existing elevations and floor plans	AB/01	-	20 June 2024
Proposed floor plans	AP/1	-	20 June 2024

Plan Type	Reference	Version	Date Received
Proposed roof plan	AP/2	-	20 June 2024
Proposed south elevation	AP/3	-	20 June 2024
Proposed east elevation	AP/4	-	20 June 2024
Proposed west elevation	AP/5	-	20 June 2024
Proposed site section	AP/6	-	20 June 2024
Planning statement	10.04.14	-	20 June 2024
Design & access statement	09.58.52	-	20 June 2024
Conservation/Heritage Statement	12.04.47	-	20 June 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 has, 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 would not be within the scope of the application to overcome the impact to trees.