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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Nov-2017**

**Subject: Planning Application 2017/92137 Erection of extensions and alterations to roof 7, Gunthwaite Lane, Upper Denby, Huddersfield, HD8 8UL**

**APPLICANT**

Mr & Mrs Roderick

**DATE VALID**

21-Jun-2017

**TARGET DATE**

16-Aug-2017

**EXTENSION EXPIRY DATE**

01-Sep-2017

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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## Electoral Wards Affected: Denby Dale

Yes

Ward Members consulted  
(referred to in report)

### RECOMMENDATION:

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained within this report.**

### 1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee following a request from Ward Councillor Graham Turner who states:

*"I would like members to consider the proposals for extensions to 7 Gunthwaite Lane as the Officers are intending to recommend approval. I am concerned that the proposals under consideration would be out of keeping with the street scene and raising the roof line of the property could adversely impact on the neighbouring properties. The other properties on this street are bungalows and raising the roofline of this property would change the whole appearance of the street".*

- 1.2 Cllr Turner has also requested members visit the site to appreciate the setting given the proposed increase in the height of the dwelling.
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Turner's reason for making this request is valid having regard to the Councillor's protocol for planning committees.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 7 Gunthwaite Lane, Upper Denby, is a detached bungalow with gardens to the front, side and rear, and a drive to the front. The existing property is of stone construction with an attached garage.
- 2.2 The surrounding properties to the north and east of the host property are similarly aged single storey dwellings. The dwelling on the opposite side of Gunthwaite Lane is a two storey property and there are open fields to the south of the host property.

### 3.0 PROPOSAL:

- 3.1 The applicant is seeking permission to provide additional accommodation within the roof space, extend to the front and side of the dwelling and make alterations to the external appearance of the property.

- 3.2 The proposals would not include an increase of the eaves height which would be retained at 2.6m. The height of the roof over the dwelling would include the area of the existing flat roofed garage and would increase the height of the apex from 4.5m to 6.1m and the formation of dormers within the south facing roof plane with a height of 1.6m and a width of 12.6m. The roof over the dormer would be sloping from the apex of the dwelling.
- 3.3 The front extension would project 2m from the original front wall of the dwelling with a width of 9.8m and a pitched roof form. The canopy would project a further 1.2m with a width of 3.7m.
- 3.4 The side / rear extension would project 3.7m from the rear of the existing garage and the roof would be a continuation of the main roof over the dwelling.
- 3.5 The front elevation would be rendered, the south side elevation would be retained as stone although the face of the dormer would be rendered, the rear elevation would be retained as stone on the ground floor with the increased gable end being rendered and the north facing side elevation would be render covering the garage and retained stone on the original side elevation. The new upper level would be rendered. The roof would be covered with slate tiles.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 No planning application for the host property although the applicant did submit a formal pre-application enquiry under reference 2017/20088. Officer's response supported the proposed extension in principle subject to a full assessment of any subsequent planning application.
- 4.2 The adjacent property, 5a Gunthwaite Lane, was granted planning permission under application reference 2010/93102 for a sunroom extension with a room in the roof-space

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The initially submitted plans raised concerns regarding the impact on visual and residential amenity. Amended plans were sought to amend the design and height which have since been received and are assessed in this report.

#### **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary

from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The application site is unallocated on the UDP proposals map however, it is within close proximity to the Upper Denby Conservation Area.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **D2** – Unallocated Land  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE5** – Development affecting a Conservation Area  
**BE13** – Extensions to dwellings (design principles)  
**BE14** – Extensions to dwellings (scale)  
**T19** – car parking

National Planning Policy Framework:

- 6.4 **Chapter 7** – Requiring good design  
**Chapter 12** – Conserving and enhancing the historic environment

Publication Draft Local Plan:

- 6.5 **PLP1** – Presumption in favour of sustainable development  
**PLP2** – Place shaping  
**PLP21** – Highway safety and access  
**PLP24** – Design  
**PLP35** – Historic Environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 Eight objections from residents received along with one objection from a Ward Councillor Graham Turner. The concerns raised by residents are summarised below (the concerns raised by Cllr Turner are set out in paragraph 1.1 above):-

- Increase in height would exceed the limitations of buildings facing a conservation area,
- Use of cladding would be out of character,
- Increasing the height would overdevelop the site,
- Scale and design would be harmful to the area,
- Impact on 5a Gunthwaite Lane – overshadowing & overbearing given land level differences,
- Impact on 27 South Croft – in terms of overbearing
- Loss of privacy,
- Loss of the bungalow would reduce housing stock for the elderly and infirm,
- The application form states property cannot be seen from public road, when it is in fact, very prominent from Gunthwaite Lane,
- The site is within the green belt,
- The bungalows on South Croft have covenants on them requiring the use of only stone or rendering.

- 7.2 Denby Dale Parish Council have objected to the proposals on the grounds of the overbearing nature of the development, the loss of privacy and adverse effects on the amenity enjoyed by the occupants of the adjacent property. Concerns were also expressed regarding the materials proposed not being in keeping with the other properties in the area.
- 7.3 Upon receipt of amended plans additional notification letters were sent to neighbours and interested parties. 6 responses were received from residents and an additional representation from Cllr Turner, all of which expressed the same concerns as set out above.
- 7.4 Denby Dale Parish Council provided updated comments on the amended plans with the addition of concerns regarding the property being sited within the Green Belt.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** NONE

8.2 **Non-statutory:** NONE

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan proposals map. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 of the UDP.
- 10.2 7 Gunthwaite Lane faces onto the Upper Denby Conservation Area. Whilst the property is not sited within the Conservation Area, consideration is required with regards to how the proposals could affect the setting of the adjacent conservation area.
- 10.3 Although the proposal seeks to increase the height of the dwelling, the resultant structure would remain lower than the properties on the opposite side of Gunthwaite Lane which are sited within the Conservation Area. Indeed, the road itself provides a visual separation between the host property and the Conservation Area.

10.4 Furthermore, the host property is set further back from the road level than the neighbouring properties and as such would not have the same level of prominence as other properties on this side of the road when viewed in the context of the Conservation Area and the wider streetscene. Taking these factors into account, the proposals are considered to have a neutral impact upon the conservation area setting and would therefore not be contrary to the aims of policy BE5 of the UDP, policy PLP35 of the PDLP, and chapter 12 of the NPPF.

10.5 These issues along with other policy considerations will be addressed below.

#### Visual Amenity

10.6 The properties on the east side of Gunthwaite Lane are bungalows with some variances in terms of design and scale. The adjacent 5a Gunthwaite Lane is, for the most part, a single storey dwelling although there are two sections of the property which are two storey. Taking into account the context of the surrounding area, and dependent upon design, scale and detailing, it may be acceptable to extend the host property.

10.7 The proposal would increase the overall ridge height of the dwelling, whilst retaining the existing eaves height at 2.6m for the most part. The height of the dwelling would be increased in height from 4.5m to 6.1m (1.6m total increase) with the remodelling of the roof form to extend over the existing flat roofed garage and the main house.

10.8 The south facing elevation would include a dormer within the new increased roof plane. This would alter the appearance of the property and have a degree of prominence on the south east approach of Gunthwaite Lane. However, it is the view of officers that the property would still be read within the street scene as a bungalow.

10.9 The host property is set back from the main road and therefore the increase in mass and bulk would have limited impact when approaching from the north of Gunthwaite Lane or indeed whilst directly in front of the property.

10.10 The proposals do include a section on the north side of the original house towards the rear which would have the eaves height increased from 2.6m to 5.3m. This section would not be visible within the wider area although it would be visible from the gardens of the neighbouring properties, 5a Gunthwaite Lane and 27 South Croft. The adjacent property, 5a Gunthwaite Lane does include two sections which are more than a single storey with heights of 5.5m for the section parallel to the drive of the host property and 6m for the section to the rear of the dwelling, albeit there is a modest land level difference with 5a Gunthwaite Lane occupying a slightly lower position. As such, the increase in height proposed for the host property is not considered to be out of character with the streetscene.

10.11 The materials proposed would include a combination of retained stonework and render. The use of render is a new feature for the dwellinghouse. However render has been utilised on other properties on Gunthwaite Lane, including the side elevations of the neighbouring 5a Gunthwaite Lane and 27 South Street, which occupy positions close to the host property. It is therefore considered that the use of render would be acceptable in terms of visual amenity.

- 10.12 The detailing proposed in terms of roof form and the proportions for the openings are considered to represent an acceptable feature of the proposal.
- 10.13 The plans do include the provision of a front extension and a canopy. These would result in the host property being brought closer to the road. However, the scale proposed can be considered to be acceptable relative to the size of the host property and its associated curtilage.
- 10.14 Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, policy PLP24 of the PDLP, and the aims of chapter 7 of the NPPF.

#### Residential Amenity

- 10.15 There are no residential properties to the south side of the dwelling as the south elevation of the host property faces onto open fields (allocated Green Belt).
- 10.16 The adjacent neighbour to the east, 25 South Croft, has recently constructed their own side extension with a blank gable end. Given the arrangements on site, the proposed extension in terms of the increase in height of the host property would cause no undue harm to the residential amenities of the occupiers of the adjacent 25 South Croft.
- 10.17 There is potential for the proposal to impact upon the amenity of the occupants of the adjacent 5a Gunthwaite Lane. However, in this instance, although there is potential for the alterations to have an overbearing and overshadowing impact upon the amenities of the occupiers of the adjacent property, the host property occupies a position which is further back from the road than the adjacent 5a Gunthwaite Lane. As such, the front section of the host property aligns with only the rear most element of the neighbouring property. Furthermore, although the neighbour occupies a slightly lower land level than the host property, the eaves height of the dwelling would be retained at the existing level of 2.6m. Moreover, the increase in height being provided by a pitched roof, sloping up and away from the adjacent 5a Gunthwaite Lane, which would reduce the vertical emphasis with respect to the adjacent property. There is also a 4m separation between the properties which would further mitigate the potential for harm to the amenities of the occupiers of the adjacent 5a Gunthwaite Lane.
- 10.18 The plans submitted include two new windows on the ground floor of the north side elevation, a dining room window and a bathroom. Whilst the dining room window would be considered to be habitable, it would face towards the fence between the host property and 5a Gunthwaite Lane. It is considered therefore that would be no loss of privacy. There would be two new windows at first floor level on the rear most section of the northern elevation which face towards the garden area to the rear of 5a Gunthwaite Lane. The windows are shown on plan as being obscurely glazed and non-opening and serve bathroom and walk in wardrobe, neither of which would be considered to be habitable. A condition is recommended to be added requiring these are obscure glazed and retained as such to further ensure privacy. There are also 4 roof lights proposed. These are acutely angled upwards and as such offer no possibility of overlooking the adjacent neighbour at 5a Gunthwaite Lane.

- 10.19 There is also an indirect relationship between the host property and the neighbouring 27 South Croft. In this instance, although there is some potential for overbearing, the host property occupies a position which does not align with 27 South Croft. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof which slopes away from the neighbouring properties, which would take the vertical emphasis up and away from 27 South Croft. There is also a 20m separation between the host property and the neighbouring 27 South Croft which further mitigates the potential for harm to the amenities of the occupiers this property.
- 10.20 The relationship between the rear section of the host property and the side elevation and amenity space of the adjacent 27 South Croft is such that there would be potential for overlooking. The two new first floor windows which have the potential to impact the neighbour face towards the blank side elevation and rear amenity space of 27 South Croft. The windows are shown on plan as being obscurely glazed and non-opening, serving a bathroom and walk in wardrobe, neither of which would be considered to be habitable. A condition can be added requiring these are obscure glazed and retained as such should planning permission be granted.
- 10.21 The neighbouring property on the opposite side of Gunthwaite Lane, Maple House, does not share a direct relationship with the host property and enjoys a substantial separation of 35m provided by the gardens of each property and the road. The relationship together with the limited increase in height is such that there would be no harm caused to the amenities of the occupier of the neighbouring Maple House.
- 10.22 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP and policy PLP24 of the PDLP.

#### Highway issues

- 10.23 The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extensions and the proposals include a garage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

#### Representations

- 10.24 8 Objections from residents were received. The concerns raised are summarised and responded to by officers below:-
- Increase in height would exceed the limitations of buildings facing a conservation area.  
**Response:-** the impact of the proposals in terms of the character of the adjacent conservation area is a material consideration. In this instance, the separation provided by the road together with the setback position of the host property from the road and the limited increase in height of 1.6m is such that there would be no significant affect upon the character of the conservation area.



- Use of cladding would be out of character.  
**Response:-** this is a material consideration as it relates to appearance and therefore potential impact in terms of visual amenity. The plans have been amended to alter the material to render which is already utilised on neighbouring properties.
- Increasing the height would overdevelop the site.  
**Response:-** this is a material consideration as it relates to the appearance and character of the property and the wider area and therefore is considered in terms of visual amenity. The property has a substantial curtilage relative to the size of the dwellinghouse and the increase in height proposed would take the overall height of the dwelling from 4.5m to 6.1m, an increase of 1.6m, which is not considered to be excessive. It is appreciated that the overall massing of the property would alter as the new roof would incorporate the existing area of the garage and would include a south facing dormer. However, the properties on Gunthwaite Lane have varied designs and indeed the adjacent property, 5a Gunthwaite Lane has elements which are two storey. Although the proposal would see the whole property increased in height, it is not considered to represent overdevelopment.
- Scale and design would be harmful to the area.  
**Response:-** this is a material consideration as it relates to the appearance and character of the property and the wider area and therefore is considered in terms of visual amenity. The previous comments also have relevance regarding the scale and design of the proposal. Gunthwaite Lane is not a street which consists of homogenously designed dwellings and there is some considerable diversity in terms of style and size. As such, the proposed alterations would not be out of place within the streetscene.
- Impact on 5a Gunthwaite Lane – given the land level differences potential for overshadowing and overbearing.  
**Response:-** impact on residential amenity is a material consideration. In this instance, although there is some potential for overbearing and overshadowing, the host property occupies a position which is further back from the road than the adjacent 5a Gunthwaite Lane. As such, despite the minor land level difference, the front section of the host property aligns with the rear most element of the neighbouring property. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof over the original dwelling and the existing attached garage. The new roof does slope away from the adjacent 5a Gunthwaite Lane, taking the vertical emphasis up and away from the adjacent property. There is also a 4m separation between the properties which further mitigates the potential for harm to the amenities of the occupiers of the adjacent 5a Gunthwaite Lane.

- Impact on 27 South Croft – overbearing.  
**Response:-** impact on residential amenity is a material consideration. In this instance, although there is some potential for overbearing, the host property occupies a position which does not align with 27 South Croft. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof over the original house and the existing attached garage which slopes away from the neighbouring properties. This would take the vertical emphasis up and away from 27 South Croft. There is also a 20m separation between the host property and the neighbouring 27 South Croft which further mitigates the potential for harm to the amenities of the occupiers of the neighbouring 27 South Croft.
- Loss of privacy.  
**Response:-** this is a material consideration as it relates to residential amenity. There are no windows proposed in the front elevation. The south facing elevation overlooks fields and as such would not be considered to represent any loss of privacy. The plans show one window on the ground floor of the east facing rear elevation. This window would face towards the blank elevation of the side extension at the neighbouring 25 South Croft and as such would cause no loss of privacy. The plans submitted include windows on the ground floor of the north side elevation for a dining room and a bathroom. Although the dining room window is considered to be a habitable room, this window faces towards the fence between the host property and 5a Gunthwaite Lane. As such, there would be no loss of privacy. The rear section does have two first floor windows which face towards the blank side elevation and rear amenity space of 27 South Croft and the garden area to the rear of 5a Gunthwaite Lane. The windows are shown on plan as being obscurely glazed and non-opening and serve bathroom and walk in wardrobe neither of which would be considered to be habitable and a condition can be added requiring these are obscurely glazed and retained as such. There are also 4 roof lights proposed. These are acutely angled up into the sky and as such offer no possibility of overlooking the adjacent neighbour at 5a Gunthwaite Lane.
- Loss of the bungalow would reduce housing stock for the elderly and infirm.  
**Response:-** This is not a material consideration.
- The application form states property cannot be seen from public road, when it is in fact, very prominent from Gunthwaite Lane.  
**Response:-** the section of the form referred to is for applicants to make officers aware of whether or not all of the site can be seen from the road or if the officer will need to enter the site to consider the impact. In this instance, given the scope of the works the applicant was notifying officers that they would need to enter the site in order to assess the proposals as elements of the property were not visible from the highway.
- The site is within the green belt.  
**Response:-** the property is not sited within the Green Belt, it is on land which is unallocated within the UDP.

- The bungalows on South Croft have covenants on them requiring the use of only stone or rendering.  
**Response:-** this is not a planning consideration as it relates to civil legislation which cannot be considered by the Local Planning Authority.

### Other Matters

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

## **11.0 CONCLUSION**

11.1 This application to for extension and alterations to the roof of 7 Gunthwaite Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

11.2 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.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

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.

3. The render finish on the external walls shall be painted with a cream colour or equivalent to standard colour code RAL1013 (oyster white) before the extension is first brought into use and thereafter retained and maintained in the same colour.

4. Obscure glazing of windows

### **Background Papers:**

Link to the planning application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92137>

Certificate of Ownership – Certificate A signed and dated 17/06/2017