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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 10-Feb-2022**

**Subject: Planning Application 2021/93564 Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield, HD1 3JT**

**APPLICANT**

M Sajar & Z Khatun

**DATE VALID**

17-Sep-2021

**TARGET DATE**

12-Nov-2021

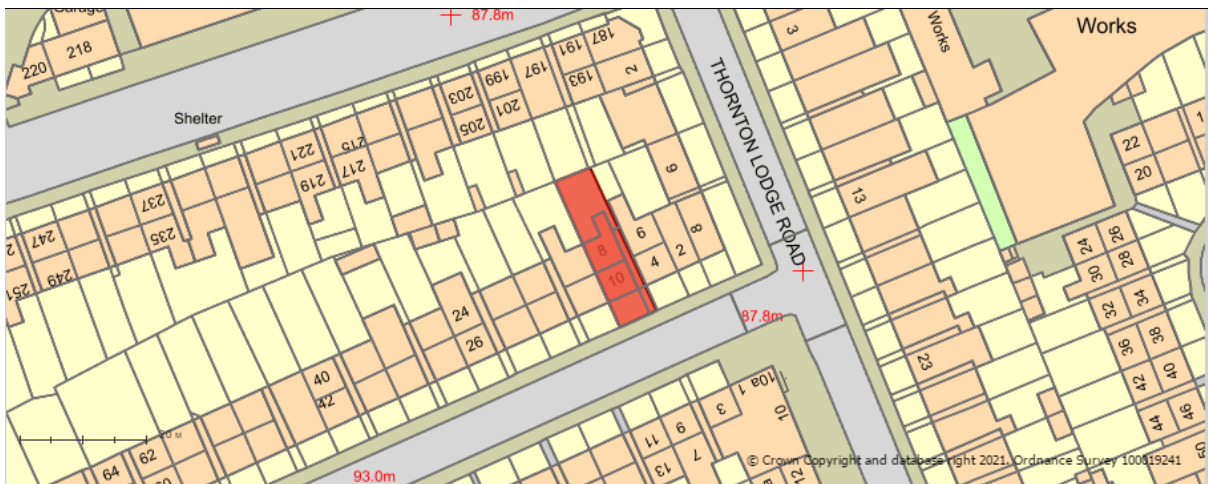
**EXTENSION EXPIRY DATE**

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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.

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 This application is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor Erin Hill. Cllr Hill's grounds for requesting a Committee decision can be summarised as follows:

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;
- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;
- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;
- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.

1.2 The Committee Chair has confirmed that Cllr Hill's request is valid having regard to the Council Protocols for Planning Committees.

1.3 The application was brought before Sub-Committee on 9<sup>th</sup> December 2021 but was deferred at the request of officers because of inaccuracies in the plans which, in the view of case officers, made it not possible to fairly assess and determine the application.

**2.0 SITE AND SURROUNDINGS:**

2.1 8-10 Moorbottom Road, Thornton Lodge is a two-storey mid-terrace dwelling. It is built in stone with a blue slate roof. It forms part of a long row of properties of similar appearance built on approximate east-west alignment, with their rear elevations facing north. The dwelling has a small enclosed front yard, and a larger rear yard. To the north, where ground levels are somewhat lower, it faces the rear of back-to-back houses and commercial properties along Manchester Road.

2.2 The dwelling has been extended significantly and the presently unauthorised extensions are the subject of the current planning application.

### **3.0 PROPOSAL:**

3.1 The proposal is for the erection of:

3.2 A rear extension, projecting 4.2m at ground floor and 3.0m at first floor, height from ground level to eaves being 6.2m so that eaves height is about 300mm below that of the original building. It is 5.3m in width, so as to be aligned with the western edge of the site but 1m short of the eastern site boundary so as to leave the passageway clear. The single-storey part of the extension has a lean-to roof, the first-floor part has a gable roof. The single-storey part also incorporates a basement.

3.3 A rear dormer 4.5m in width, 2.2m in height with a flat roof, also aligned to the right as viewed from the rear, above the extension.

3.4 A front dormer, 3.2m in width and with a pitched roof, aligned to the west or left as viewed from the front.

3.5 The living accommodation shown on the floorplans provides a total of 4 bedrooms including one in the attic. The works have already been undertaken. The extensions have been built in coursed stone of a similar type to the host building and with a blue slate roof. The rear dormer is finished in white plastic cladding and the front dormer in dark grey cladding.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

#### *Planning Applications*

4.1 2013/93881 – Erection of extensions and front and rear dormers. Approved

2020/90199 – Erection of extension and front and rear dormers. Approved. Development commenced but did not fully comply with approved plans.

2021/90962 – Erection of extension and front and rear dormers. Declared invalid owing to incorrect ownership certificate and unclear plans.

2021/93194 – Erection of two-storey rear extension and front and rear dormers. Declared invalid owing to incorrect ownership certificates.

#### *Planning Enforcement*

4.2 COMP/20/0510 - alleged extension not as approved (2020/90199) – Investigation commenced and it was established that the development was not built in accordance with the previously approved plans. An application was invited to be submitted. The investigation remains ongoing and is awaiting the outcome of this planning application.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 23-Nov-2021: Case officer requested the following changes to the plans

- Bedroom 3 to be re-designated as another room such as a study
- Parapet wall atop single-storey extension needs to be shown accurately
- Position of rear dormer needs to be shown accurately on elevations
- The side entrance door should be shown on the “original” plans
- Elevations to show the dwelling in the context of the two adjoining properties
- Confirmation on plans that rear dormer will be re-clad in more suitable materials

5.2 The amended plans were submitted 30-Nov-2021. They were not subjected to new publicity since they amounted mainly to corrections and clarifications and were not considered to raise substantial new planning issues.

5.3 A further amended floorplan was submitted on 13<sup>th</sup> January 2022. This corrected the discrepancies in measurements that had been previously highlighted.

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

6.2 LP 21 – Highway safety  
LP 22 – Parking  
LP 24 – Design  
LP 30 – Biodiversity and geodiversity

### Supplementary Planning Guidance / Documents:

6.3 Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

## National Planning Guidance:

6.4 Chapter 12 – Achieving well-designed places

### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Publicity period expired 1<sup>st</sup> November. Publicity was undertaken by neighbour notification letter in accordance with the requirements of the Development Management Procedure Order.

7.2 Representations have been made by three third parties. The concerns raised are summarised as follows:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.
- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.
- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.
- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.
- A fence has been erected which blocks light to the garden of the adjacent property no. 6
- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.
- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.
- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.
- The rear extension traverses the boundary of 14 Moorbottom Road
- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.
- The description is incomplete as it does not mention the basement

- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.
- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.
- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.
- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.
- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway. It also exaggerates the projection of the extension at no. 6.
- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.
- The elevations show the property as if it were detached, contrary to Kirklees guidance.
- Rear elevation shows the dormer set back from the eaves when it is not.
- Discrepancies between side and rear elevation regarding dormer height.
- Side elevation does not show basement
- Position of wall atop ground floor extension roof is not shown accurately.
- The extent of demolition is unclear.
- Discrepancies in measurements between drawings.
- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.
- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.
- Comments on the December Committee Report: height on elevations doesn't accord with what has been built which is actually 6.5m high; report dismisses as unimportant the extension going beyond western boundary; there are still inaccuracies regarding width; dormer height is actually 2.6m not 2.2m and is still shown as set back from the eaves and therefore permitted development fall-back position does not apply.

- The front garden should not be treated as part of the curtilage since 8-10 are two separate properties (or titles). Original rear garden is approx. 49sqm. The footprint of the extension and rear steps would be 55% of the area of the rear garden; It projects by further than the original rear back-to-back.

7.3 Ward Councillor comments (Ward Councillor Erin Hill) - Requests Sub-Committee decision and makes additional comments on the scheme, as set out in Section 1.1 above.

## 8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees

8.2 **Non-statutory:** No consultations were considered necessary.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

10.1 The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that 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. Any implications for highway safety will also be considered as required by Policies LP21-22.

10.2 The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.

10.3 Planning permission was sought and obtained (2020/90199) for the erection of:

- A two-storey rear extension projecting 3.0m, 5.2m wide, with a double-pitched roof.
- A dormer to the front, which is to be a total of 2.2m high with a pitched roof, aligned to the left and 2.4m wide.
- A flat-roofed dormer to the rear, which is to be 5.9m wide and 2.2m high.

- 10.4 This is an extant permission and can therefore be treated as a fall-back position. The development now under consideration differs from it in a number of ways, however. The two-storey rear extension has had its eaves height increased relative to the host building so now only maintains a height difference of about 300mm when previously it would have been 800mm. The approved extension was shown to have a small amount of underbuild but no basement accommodation. The lean-to single-storey extension is a new addition that results in an increase in overall projection and footprint. The basement and external steps are also a new addition.
- 10.5 The front dormer is now wider by 800mm, occupying roughly half the width of the roof, and the rear dormer, whilst somewhat reduced in width from the previous approval, is of greater height and would no longer leave 500mm vertical clearance below the original roof ridge.

#### Urban Design issues

- 10.6 Under the SPD referred to previously, two-storey rear extensions should be proportionate to the original house and garden, normally not exceed 50% of the curtilage, not project beyond the sides of the building, not project more than 3m to the rear, not exceed 3m eaves height if within 1.5m of a boundary, be separated from the property boundary by at least 1.5m, and not adversely affect habitable room windows where they adjoin a neighbour's boundary.
- 10.7 Paragraphs 5.11-5.12 of the SPD acknowledges part two-storey and part single-storey extensions as being a form of development that is acceptable in principle, provided that the proportions reflect those of the original house and do not overlook overshadow or dominate neighbouring properties or gardens. The SPD also advises an overall depth of 3.0m as a desirable maximum for a terraced house.
- 10.8 The area around the application site is characterised by long rows of two-storey terraced houses built to a uniform design in stone and blue slate. Many properties have single-storey rear extensions but very few have two-storey rear extensions. There are also examples of dormers in the local area (e.g. on the opposite side of Moorbottom Road, on Thornton Lodge Road and on Crosland Road), but very few on this side of Moorbottom Road – there is just one front-facing dormer at the end of the row.
- 10.09 It is considered that the extension is subservient to the original dwelling both in height and in depth, since its projection is less than half the depth of the original dwelling measured from the front to the back wall (10.2m). Again, it would be seen in the context of a terraced row that has had a number of single-storey additions at the rear and the dwelling that adjoins it to the east, no. 6, also has a two-storey extension of the same or very similar projection although of lesser width.
- 10.10 In terms of the level of curtilage developed by the scheme, it is acknowledged that the proposal would lead to the development of approximately 57% of the original curtilage at the site. This slightly exceeds the 50% limit advised in the SPD. However it would only be slightly over 50% and it is considered that it would be difficult to justify a refusal on the basis of this factor alone since in the context of rising land to the west and another large extension to the east, as previously highlighted, the overall effect is judged not to amount to overdevelopment.



- 10.11 In conclusion, whilst a finely-balanced case, it is considered that in this context, the extensions would in terms of scale, layout, and built form respect the character of their surroundings and would not amount to overdevelopment of the plot.
- 10.12 It is noted that the extension combines two different roof styles – a rear-facing gable and a lean-to below it, but this is not unusual in Kirklees generally. The windows are of a similar style and proportions to those on the rear elevation of the original building. The basement and the steps leading up from the yard to the rear front door are considered to be neutral in their impact on the visual character of the building and would make use of existing changes in ground levels with only modest excavations being undertaken to form the basement.
- 10.13 Under part 5.24 of the SPD, dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. The front dormer, it is considered, fulfils these requirements in that it has a pitched roof, does not dominate the original roof slope, and is finished in a dark grey cladding which harmonises with the original grey roofing slates. The rear dormer however is of inferior design, being large, box-like, with no clearance between the top of the dormer and the roof ridge. However, there is a possibility of a permitted development fall-back position (and that based on the approved 2020 scheme) and these need to be considered.
- 10.14 In terms of permitted development potential for a rear dormer at the site, under Part 1, Class B, the enlargement of a dwelling house consisting of an alteration to its roof is permitted, provided it is not on the principal elevation and provided that the cubic content of the resultant roof space would exceed that of the original roof space by 40 cubic metres (for a terraced house). The volume of the unauthorized rear dormer is approximately 20.4 cubic metres, that of the roof of the rear two-storey extension approximately 14 cubic metres, the front dormer (not including the roof) is 5 cubic metres. It would therefore be that the rear dormer, when considered with the other extensions, would be just over the permitted development volume allowance and could be enforced against. It would also not comply with condition B.2.(b) that a dormer should be set back 200mm from the eaves “where practicable”. Had the rear dormer been built first, independently of the two-storey extension, and subject to a 200mm setback and the use of visually similar materials, it could have qualified as permitted development.
- 10.15 The fall-back position still exists of building the dormer that was approved under 2020/90199. This option is not considered to be aesthetically better, in that it is of similar design, being of lesser height but wider. It is considered that in this instance a 200mm setback from the eaves would not make much difference to its visual impact since the eaves line and new dormer are partly obscured by the two-storey extension. The 2020 permission was subject to a condition that the dormer would be given a blue slate or dark-grey artificial cladding finish. It is therefore recommended that permission should be subject to the dormer being re-clad in suitable dark-coloured materials within an agreed timescale.
- 10.16 In conclusion, it is considered that the development would respect the character of the existing building and its surroundings, and subject to the above conditions on materials, it would comply with the aims of policy LP24(a) and (c) of the KLP and the relevant parts of NPPF Chapter 12.

## Residential Amenity

- 10.17 The SPD, as previously stated, recommends 3.0m as a maximum for a terraced house, and any increase on this must be justified. The following paragraphs provide general guidance on assessing residential amenity:

*4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.*

*4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.*

*4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals*

*4.21 Proposals should seek to retain adequate and useable private outdoor space for the occupiers of the building, such as garden space, paved or patio areas. Proposals which would result in outdoor space which are too small or significantly out of character with the local area are unlikely to be acceptable.*

- 10.18 It is considered the rear extension has no significant effect on light or outlook for the neighbouring property to the east, no. 6, because this property has a rear extension bordering the shared passageway which is of the same or very similar projection. It is considered that no significant overshadowing or overbearing impact would result from the dormers since both adjoining properties have their main outlook to the rear.
- 10.19 Regarding the adjacent dwelling to the east, no. 12-14, which is understood to be in the applicant's ownership, it is not completely clear from the plans whether this is a back-to-back house or a through terrace. However, it is noted that ground and eaves levels for this dwelling are slightly higher and furthermore the property has a substantial single-storey extension close to the common boundary. It has not been demonstrated that a 3m, 2-storey extension would comply with the 45-degree rule with regard to this property, but the principle of such an extension has already been accepted. Furthermore this dwelling also has an extension at ground floor, and the new single-storey extension to no. 8-10 would comply with the 45-degree rule in relation to this. It is considered that it would not have a materially negative impact upon this property's amenities.
- 10.20 The extensions contain no side-facing windows. Outlook would be to the rear. The distance between the first-floor and dormer windows within 8-10 Moorbottom Road and the facing rear windows of the nearest property to the north, no. 197, would be 18m. It is considered that this would not give rise to intrusive overlooking and is in any case the same relationship, in terms of distances, as on the originally approved plan. Regarding the ground floor

extension, which is slightly raised above natural ground level, this would project out a further 1.3m, but as it is only single-storey, and a kitchen, it is considered that there would be no unacceptable overlooking impact on the property below and to the north. The dormer would provide some opportunity for overlooking but the principal of a rear-facing dormer, along with the two-storey extension, has previously been accepted, and the plans now under consideration are not considered materially different in terms of any impacts on privacy to the rear. The front-facing dormer would look out across the road and again is not considered to amount to intrusive overlooking.

- 10.21 The area covered by the rear extensions, steps and the basement excavations would amount to approximately 29sqm, or 57% of the original rear garden area. This has already been assessed as acceptable from an urban design point of view since it would not amount to overdevelopment of the site. It is considered that the remaining garden space would be adequate and useable private outdoor space for the occupiers of the building, and therefore acceptable having regard to the aims of paragraph 4.21 in the SPD set out above.
- 10.22 In conclusion, it is considered that the development would allow a satisfactory living environment for future occupants whilst not compromising that of neighbouring properties, and that whilst not compliant with all recommendations within the Householder Extension SPD, this can be justified by the circumstances of the site as demonstrated in the analysis above. It is considered that subject to a condition that no windows are formed in the side elevations of the extension at ground floor, so as to prevent any possibility of mutual overlooking occurring in the future, it would accord with the aims of Policy LP24(b) of the KLP.

#### Highway issues

- 10.23 The development does not have any impact upon access or parking arrangements since the property had no off-street parking to begin with. Whilst the increase in the amount of living accommodation may indirectly result in an increased demand for on-street parking, this is already commonplace on Moorbottom Road and adjoining roads and it would be difficult to demonstrate that this would materially affect the safe or convenient use of the highway. It is therefore considered to accord with policy LP21 of the KLP.

#### Other Matters

- 10.24 *Biodiversity*: The site is in the bat alert layer but on the basis of an external viewing would appear unlikely to have bat roost potential and in any case most of the works affecting the eaves or roof structure have already been undertaken. The standard precautionary note will be added to the decision notice.
- 10.25 *Climate Change*: On 12<sup>th</sup> 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 application's the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.26 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

### Representations

- 10.27 The concerns raised by third parties are listed below with officer responses:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.

**Response:** Design issues have been examined earlier in the report and it is considered that the extension is acceptable, on balance, in terms of visual amenity subject to the dormer materials being changed.

- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.

**Response:** This argument is accepted and it is recommended it be conditioned that the dormer be re-clad in a more suitable material. This is recommended to be secured via condition.

- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.

**Response:** Impact on residential amenity has been examined in detail earlier in the report and it is considered that no unacceptable impact would occur. It is considered that the steps and external landing to the new rear entrance door are, functionally the minimum to allow the door to be safely accessed and would not function as a terrace or sitting out area, so cannot be considered to materially affect privacy.

- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.

**Response:** Again, more than 50% of the original garden space would be retained.

- A fence has been erected which blocks light to the garden of the adjacent property no. 6

**Response:** The erection of a garden boundary fence of up to 2.0m in height does not require planning permission.

- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.

**Response:** The Housebuilder Design Guide applies to new dwellings not extensions.

- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.

**Response:** The 2013 permission is not the most recent permission for this property and in any case a planning permission does not automatically rule out the possibility of permission being applied for and granted for a larger scheme at a later date.

- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.

**Response:** Given that no. 6, the adjoining property to the east, has an extension of the same or very similar projection, it is considered that the extension now being considered has no material impact in terms of obstruction to sunlight. It might have some impact on morning sunlight to no. 14 during the summer but it is considered that this would not be perceived as oppressive.

- The rear extension traverses the boundary of 14 Moorbottom Road

**Response:** The applicant has confirmed that the two dwellings are in the same ownership and this has not been disputed by the occupant of this property. The very minor transgression of the boundary does not affect the validity of the application and is not considered significant in terms of its planning merits.

- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.

**Response:** This is a private civil matter and as notice has been served on the adjoining property the application is valid.

- The description is incomplete as it does not mention the basement

**Response:** This has now been added to the description.

- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.

**Response:** It is considered that the error is not fatal to the determination of the application and as the extensions have already been built there is sufficient information to allow it to be determined.

- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.

**Response:** The original side door to the rear utility room extension was not shown on earlier versions of the plan – this has now been corrected.

- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.

**Response:** As set out in the main body of the report, the proposed development as a whole occupies 57%, however such a level of development is on balance considered to be acceptable.

- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.

**Response:** This is a Building Regulations matter which is a separate regime of controls. The discrepancies between the floorplans and elevations have now been corrected.

- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway.

**Response:** It is not clear whether this is intentional or just a drafting error. However, the development itself and the majority of the width of the side passage is shown on the location plan.

- It also exaggerates the projection of the extension at no. 6.

**Response:** The true projection of this extension has been observed on site and has been used to inform the case officer's recommendation.

- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.

**Response:** The relationship between the two properties has been observed on site.

- The elevations show the property as if it were detached, contrary to Kirklees guidance.

**Response:** Since the extension has already been built, plans and elevations showing the property in context are not considered essential to allow officers to make an informed assessment. For the sake of clarity, and to allow Committee Members to see what the relationship between 8-10 Moorbottom Road and the two adjoining properties would be, additional drawings showing the extension in context were requested. The architect provided elevations showing the relationship with the two adjoining properties; floorplans do not show the relationship but this can be observed from the case officer's site photographs and further plans are not considered essential to allow a determination to be made.

- Rear elevation shows the dormer set back from the eaves when it is not.

**Response:** Again, this error has been corrected.

- Discrepancies between side and rear elevation regarding dormer height.

**Response:** The difference in height between the elevations was approximately 100mm and therefore not very significant, but this has been corrected on the latest plans.

- Side elevation does not show basement

**Response:** The basement would not be visible on a side elevation, only on a section. A section has not been requested because it is considered disproportionate given the domestic nature and scale of the works.

- Position of wall atop ground floor extension roof is not shown accurately.

**Response:** This is an inaccuracy noted on the original side elevation which has now been corrected.

- The extent of demolition is unclear.

**Response:** It is evident from observations on site that the former utility room, including the outer side wall, was demolished, so no further clarifications are considered necessary.

- Discrepancies in measurements between drawings.

**Response:** The drawings are now considered accurate enough to allow a full assessment to be made.

- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.

**Response:** This is conjectural and cannot be treated as a material consideration. Any unauthorised commercial use may amount to a material change of use and can be enforced against if it occurs.

- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.

**Response:** The installation of a soil pipe is, in general, permitted development under Part One, Class G, of the General Permitted Development Order and interference with a private right of access is usually not treated as a material planning consideration. Whilst impact upon accessibility for people with disabilities may be a planning consideration in some circumstances, it is considered that in this instance it would be difficult to justify a refusal, or seeking amendments, on this issue, and it should be regarded as a private civil matter.

- Comments on the December Committee Report: height on elevations doesn't accord with what has been built which is actually 6.5m high; report dismisses as unimportant the extension going beyond western boundary; there are still inaccuracies regarding width; dormer height is actually 2.6m not 2.2m and is still shown as set back from the eaves and therefore permitted development fall-back position does not apply;

**Response:** It is not clear how the 6.5m measurement has been obtained; since however the drawings show the height relative to the original building correctly and are therefore considered accurate enough to be assessed. The very minor encroachment of the extension beyond the western property boundary is considered to be insignificant in terms of visual and residential amenity. The position of the dormer within the roof slope is shown accurately except in as far as the plans indicate a small setback from the eaves when based on site observations it appears to come up to the eaves – it is considered that this minor inaccuracy is not sufficient to prevent the application being assessed and determined.

- The front garden should not be treated as part of the curtilage since 8-10 are two separate properties (or titles). Original rear garden is approx. 49sqm. The footprint of the extension and rear steps would be 27.13sqm or 55% of the area of the rear garden; It projects by further than the original rear back-to-back.

**Response:** 8-10 are lived in as a single dwelling and it is therefore considered appropriate to treat them as a single dwelling for planning purposes. Based on the case officer's measurements on site, the original rear garden would have been approximately 50.5sqm. The guideline that the total amount of development should not exceed 50% of the original rear garden is not complied with, but taking into account all aspects of the development it is considered that this would not provide a defensible reason to refuse the application. It is considered that the scale of the development would not amount to overdevelopment and that the development would leave the property with an acceptable amount of outdoor amenity space for its size.

10.28 Comments from Ward Councillor Erin Hill are summarised below with officer responses.

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;

**Response:** The extension is considered subservient in terms of height, bulk and footprint and therefore complies with this policy.

- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;

**Response:** This is not considered a problem since if it were to be sold separately the purchasers would be aware of the situation.

- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;

**Response:** This is noted but any problems of this nature would normally be assessed under the remit of Building Regulations and Environmental Health legislation not planning.

- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.

**Response:** The main discrepancies have been checked and corrected on the amended plans and it is considered .

## 11.0 CONCLUSION

11.1 It is concluded that the design and appearance of the extension, taking into account the relevant Local Plan policies, the provisions of the Householder Extensions and Alterations SPD, and all other material considerations, would respect the appearance and character of its surroundings, and that the development does not adversely affect the living conditions of neighbouring occupiers.



- 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.
- 11.3 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.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Development in accordance with the plans.
  2. No windows to be installed in side elevations at ground floor level
  3. Existing white plastic cladding to be replaced with a material that has first been submitted to and approved in writing by the Local Planning Authority.

**Background Papers:**

**Application details:**

[Link to application details](#)

Certificate of Ownership – Notice served on neighbouring property, no. 6 Moorbottom Road.

**History file details for the previous approved scheme:**

[Link to application details](#)