

---

**Report of the Head of Strategic Investment****HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 22-Jun-2017****Subject: Planning Application 2017/90642 Erection of rear and side extensions  
46, Meltham Road, Honley, Holmfirth, HD9 6HL****APPLICANT**

Mr &amp; Mrs K McGowan

**DATE VALID**

23-Feb-2017

**TARGET DATE**

20-Apr-2017

**EXTENSION EXPIRY DATE**

---

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**

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

---

**Electoral Wards Affected:    Holme Valley North**

No

Ward Members consulted

---

**RECOMMENDATION: REFUSE, for the following reason;**

**1. The proposed rear extension, owing to its projection and its relationship to the neighbouring no.44, would have an overbearing and oppressive impact resulting in material loss of residential amenity to the occupiers of this property, contrary to the aims of Policies D2 (v) and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the draft Local Plan and Core Planning Principles (paragraph 17) of the National Planning Policy Framework.**

## **1.0      INTRODUCTION**

- 1.1      This application is brought to Sub-Committee for determination at the request of officers with the agreement of the Chair. Chair has also agreed to a site visit. This is in accordance with the delegation agreement.
- 1.2      The reason officers have requested a Sub-Committee determination is because the original scheme was amended to overcome objections on the grounds of residential amenity at the request of officers. The amended proposal was initially considered to be, on balance, acceptable. However, for the reasons set out in the report below, it cannot now be supported. Members will have the opportunity to see the site and for the applicants to speak at committee.

## **2.0      SITE AND SURROUNDINGS**

- 2.1      No.46 is a two storey semi-detached dwelling faced in stone with blue slates on the hipped roof. The dwelling has off-road parking to the front, accessed directly from Meltham Road, and a private garden space to the rear. The dwelling has a single storey side section.
- 2.2      The semi-detached properties along this section of Meltham Road were built at the same time and share a common design. However many benefit from rear extensions. This includes nos. 48, 50 and 52 to the west of the site which have two-storey and single storey extensions to the rear. To the east

of the site no 44 has a single storey rear conservatory extension. Further east nos.42 and 40 Meltham Road are set at an angle to other properties and face the junction of Meltham Road with Grasscroft Road.

- 2.3 Land around the application site rises east to west. Whilst nos.46 and the attached 44 are on the same ground level as the land level rises from east to west nos.48/50 are on a higher ground level.

### **3.0 PROPOSAL**

- 3.1 The two storey element of the extension would project 3.0m from the rear elevation. It would be set in from the shared boundary with no.44 by 0.4m. It would also project 1.25m beyond the side elevation towards no. 48 and includes a first floor extension over the existing single storey side extension. This part of the extension would have a hipped roof. Changes to the original roof would be required to accommodate and align the roof of the two storey extension.
- 3.2 The single storey extension would project a further 3.0m beyond the two storey rear extension, for a combined projection of 6.0m overall. It would be set in from the shared boundary with no.44 by 1.5m. It would have a lean-to roof.
- 3.3 Habitable room windows are proposed on the rear elevation of the extensions only. Two rooflights are also proposed on the single storey roof and 3 are proposed within the original roof. All materials are to match those of the host building.
- 3.4 The extension would provide a 'living kitchen' on the ground floor and a master bedroom with en-suite to the first floor. The rooflights within the original roof would provide light to a bathroom and bedroom which otherwise have no natural means of light. Other windows proposed would serve a corridor on the first floor front elevation and a toilet in the ground floor side elevation.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 48, Meltham Road (built concurrently with No. 50)**

2007/91075: Erection of two storey extension (modified proposal) – Conditional Full Permission (Implemented)

2014/91903: Erection of single storey rear extension – Conditional Full Permission (Implemented)

#### **4.2 50, Meltham Road (built concurrently with No. 48)**

2007/90079: Erection of two storey and single storey extension and installation of solar panels – Conditional Full Permission (Implemented)

2014/91902: Erection of single storey rear extension – Conditional Full Permission (Implemented)

4.3 52, Meltham Road

2014/93696: Erection of single and two storey extensions and demolition of conservatory and outbuildings – Conditional Full Permission (Implemented)

## 5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposal, as originally submitted, sought a two storey rear extension to project 4.3m, with the single storey projecting a further 1.7m for a cumulative 6.0m. There was no set in from the boundary with no.44. The case officer had concerns to the proposal on grounds of overdevelopment and a harmful impact upon no.44.
- 5.2 Discussions were held between the case officer and the applicant's agent. The case officer requested the two storey extension be limited to having a 3.0m projection, and that the single storey extension be set in from the boundary by 1.5m. This arrangement would match the rear extensions approved at nos.48 and 50. It was envisaged this would overcome the perceived overbearing harm upon no.44.
- 5.3 The amended plans received were re-advertised by neighbour letter. Two further objections were received. While the case officer had requested amendments that may have overcome the neighbours' concerns, this could not be achieved. Taking into account of the perceived harm to the residential amenity of the occupiers of no. 44 and the representations received, officers determined that they were unable to support the proposal.

## 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 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. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The site is Unallocated on the UDP Proposals Map.

### 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highways accessibility considerations in new development

### 6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is undesignated in the publication draft local plan.

#### POLICIES

- PLP24 Design
- PLP21 Highways and access

### 6.5 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design

## 7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised by a site notice and letters to neighbouring dwellings. The amended plans were advertised by neighbour notification letter. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 19<sup>th</sup> May 2017.

### 7.2 Objections

Three representations in objection to the proposal have been received from local residents during the course of the application. One representation was received to the original plans and two further to the amended plans. Below is a summary of the concerns raised;

- Personal upset caused to the occupier of no.44.
- The proposed extension is too large and would have a detrimental impact upon the amenity value provided by no.44's garden through overbearing and overshadowing.
- No.44's conservatory would be overshadowed, making it useless.
- Loss of value and saleability of no.44.
- Impact upon visual amenity within the area.

7.3 Ward Councillor Charles Greaves contacted the case officer regarding the application. In respect of the original submission he stated: "I think a double 3m and a single 6m at this location is too much. One or the other maybe, but both would be too much in my view - perhaps setting it in would reduce

some of the impact". Following the receipt of amended plans Cllr Greaves contacted the case officer and asked that the application be brought to sub-committee with a site visit if minded to approve. The planning reason for this was so that members could consider the size of the extension and the impact it would have on the garden of the neighbouring property. Notwithstanding Cllr Greaves' request, the reason this application is brought to committee is as set out in Paragraph 1.2.

#### 7.4 Support

No representations in support of the proposal were received.

### 8.0 **CONSULTATION RESPONSES**

8.1 No consultations were required.

### 9.0 **MAIN ISSUES**

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

### 10.0 **APPRAISAL**

#### Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

*'Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'*

10.2 All these considerations are addressed later in this assessment.

#### Urban Design issues

10.3 The extensions would be faced and roofed in materials matching the host building, which is acceptable.

10.4 The rear extensions are considered to have a design and appearance which reflects and harmonises with the design of the host building. Regarding scale and massing, by projecting 3.0m, the two storey rear extension is in keeping with the guidance of Policy BE14, in terms of impact on visual amenity. The single storey extension has a total projection of 6.0m from the original building. However this is in keeping with the layout and scale of extensions

at nearby dwellings. In this context it is not considered that the rear extensions would appear either incongruous within the setting of, or be visually detrimental to, the appearance of the host building. The extensions would not be particularly visible in the wider streetscene as they are principally to the rear of the dwelling.

- 10.5 The side extension is small in scale and set well back. It will not be prominent within the area and would have limited impact upon the streetscene. While being of an alternative design to other two storey side extensions in the street, it is considered subservient to the host building and is deemed to harmonise well with the host building.
- 10.6 Regarding the changes to the roofline, it would retain the overall design of the existing roof. While it would result in no.46's roof varying from no.44's roof, changing the balance of the semi-detached pair, this is not without precedence on the street. As noted various other dwellings benefit from two storey rear extensions, which have differing impacts on the original roofs between pairs of semi-detached properties. In this context it is considered that no.46 would not appear incongruous in its setting or be visually detrimental to the semi-detached properties of which it forms part.
- 10.7 Given the above considerations it is concluded that the proposal, as a whole, is considered to comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Chapter 7 of the NPPF.

#### Residential Amenity

- 10.8 The proposed extension would be built close to the shared boundary with no.44. Because of the scale and massing of the extension, projecting a total of 6 metres from the rear elevation of the property, there are concerns of there being an adverse impact upon the amenities of the occupiers of this property. This is both to the dwellinghouse and the rear garden.
- 10.9 It is noted that several dwellings in the area have similar extensions to that proposed. These include two storey extensions projecting 3.0m with a single storey projecting a further 3.0m, cumulatively resulting in a 6.0m projection. The existence of these neighbouring extensions is a material consideration in the assessment of this application. In some respects these could be seen as setting a precedent in respect of the current application. Therefore consideration must be given in favour of the proposal due to its consistency to the neighbouring extensions. However, for that to be given significant weight then all aspects of this application would have to be the same as other development. It is this aspect, and the adverse impact of the development on the neighbouring resident at no. 44, that is considered to outweigh the benefits of the development.
- 10.10 In assessing the impact on the occupiers of no.44 it must be acknowledged that most planning approvals are likely to interfere to some extent with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate balancing the rights of the developer to develop, and the

need for consistency in determinations, against the rights of those affected by the development. A judgement must be made whether the proposed extension would result in a significant reduction in the level of amenity that the occupiers of no.44 could reasonably expect when compared to other dwellings on Meltham Road.

- 10.11 Amendments to the original scheme have set the single storey extension away from the boundary by 1.5m so will not be visible from the habitable room windows of no.46. Therefore it will have a limited impact to the amenity of residents inside the dwelling. The two storey extension would be visible. This projects 3m and is set off the boundary by 0.4m. Aspects of the design include the extension being set below the ridge height of the main dwelling and incorporating a hipped roof; these reduce its mass. Notwithstanding these design features it would still result in a two-storey high wall proximate to the boundary and the conservatory extension at no. 44. The rear elevation of the dwellings already face north and the increased impact on daylight from the scale and mass of the extension to habitable room windows would result in an overbearing impact and cause significant harm to the living conditions of the occupiers of No 44 and would be contrary to saved policies D2 and BE14 of the UDP, which seek to ensure that development does not have a detrimental effect on the occupiers of neighbouring properties. This is exacerbated in this particular case as no. 44 has a significantly smaller garden area than properties to the west and is already somewhat enclosed by its relationship to nos. 40 and 42 to the east of the site. No.44's garden is 10.0m in length. This is compared to no.48's garden's length of 45.0m. As such the proposed extension has a disproportionate and overbearing impact on the occupiers of no. 44 when assessed against the impact of existing extensions to the west of the site.
- 10.12 There are additional differences between the application site and neighbouring extensions. Whilst the two-storey and single storey extensions at numbers 48 and 50 were submitted under separate planning applications these were received and considered concurrently, with the dwellings being extended at the same time. Therefore at no point did either dwelling have a 6.0m side wall projecting from their rear elevation. The impact of no.48's 6.0m extension upon the application site is mitigated by the separation distance between the dwellings and by no.46 having a larger garden space.
- 10.13 Weighing the aspects in support of the proposal against the identified harm, on balance it is concluded that the development cannot be supported. While the visual appearance of the extension harmonises with neighbouring dwellings, there are materially different considerations when assessing the impact on residential amenity and arrangement between no.46 and no.44
- 10.14 In conclusion the proposal is considered to fail to comply with Policies D2 (v) and BE14 of the UDP and Paragraph 17 of the NPPF in regards to residential amenity.



### Highway issues

- 10.15 The proposal will retain one off-road parking space on site and will not change the access arrangement. One parking space is considered substandard, with two parking spaces being sought for a both a two and three bedroom dwelling.
- 10.16 Conversely, while the proposal will change the dwelling from a two bed to three beds, it is not considered that there will be a material increase in demand for parking given the overall scale of the proposed extensions and rooms provided.
- 10.17 It is noted that Meltham Road is capable of hosting on-street parking. It is concluded that the proposal will not result in material harm to the safe and efficient operation and is deemed to comply with policy T10 of the UDP.

### Other issues

- 10.20 There are no other material planning considerations for the proposal.

### Representations

- 10.21 Seven letters of objection have been received. Below are the issues which have been raised that have not been addressed within this assessment.

- Loss of value and saleability of no.44
- Personal upset caused to the occupier of no.44

**Response:** The loss of value of a dwelling is not a material planning consideration. While the case officer sympathised with the impact on feelings, personal upset does not form a material planning consideration. The impact on the residential amenity has been assessed in the appraisal.

## **11.0 CONCLUSION**

- 11.1 The principle of development is considered acceptable, and the design harmonises well with the host building and wider area.
- 11.2 There are concerns related to the impact of the development upon residential amenity, specifically to no.44 Meltham Road.
- 11.3 On balance it is concluded that the harm to the amenities of the existing occupiers of no.44 caused by the proposal outweighs the benefits of the proposed development.
- 11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.

- 11.5 The application has been assessed against relevant policies in the development plan, the emerging local plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted.

## **Background Papers**

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90642>

Certificate of Ownership: Certificate A signed