

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/94182/W

Site Address: 158, Laund Road, Salendine Nook, Huddersfield, HD3
3TY

Description: Erection of single and two storey rear extension

Recommending Officer: Julie Greatbatch

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 02-Feb-2018

Officer Report

Application: 2017/62/94182/W

Site Address: 158, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Site Description

The application relates to a semi-detached, three-bedroomed dwelling located in a residential area of Salendine Nook, Huddersfield. The mid-20th century property is constructed from blockwork with pebble-dashed render, a hipped concrete tiled roof (with flat rooftop) and white upvc windows.

The application property is two storeys in height along the central (nw to se) axis, dropping down towards the front and rear elevations which each incorporate roof dormers. The existing eaves height at the front and rear of the property is 3.95m.

To the front (sw) of the application property is an enclosed front garden, and to the side (nw) is an access road to a relatively new residential development comprising two detached houses (158a and 160a Laund Road). These properties face onto the rear elevation of the application property, the distance between the two facades being approximately 25m.

To the rear of the application property is an existing single storey conservatory, projecting 3.0m from the rear wall and measuring 3.4m wide. The rear garden is fenced and is partially decked.

The applicant has previously submitted a proposal for a single storey extension projecting 6m from the rear wall of the property for which it was deemed that no prior approval was necessary under the Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4. This proposed development has yet to be implemented.

Description of Proposal

The applicant seeks planning permission for a rear extension across the full width of the existing property, approximately 6.50m) to within 150mm of the boundary with the adjoining 156 Laund Road. The extension would project 3.00m from the rear wall at two storeys, and for a further 3.00m at single storey height. The overall footprint of the extension would thus measure 6.00m x 6.50m.

The roof at two storeys would follow the eaves line around from the existing gable end of the property, and would include a hipped gable with flat rooftop, at the same height as the existing flat rooftop. The roof would then return to

meet the adjoining property at a higher eaves level than the existing. The proposed new eaves height at the rear would be 5.20m, 1.25m higher than that of the adjoining property. This mismatch in heights would be negotiated by means of a vertical tiled perpendicular wall section.

The single storey part of the extension would have a standard duo-pitched roof with an eaves height of 2.30m and a ridge height of 3.35m

All construction materials are proposed to match those existing.

History of negotiations/amendments received

The main premise for refusal of this proposal is that a two storey extension to what is, effectively, a one-and-a-half storey property with dormer at the rear would not be acceptable in terms of its impact on visual amenity. To raise the eaves height to two storeys in this position would have an unacceptable visual impact on the adjoining semi-detached property. It was not considered that a two storey extension to this property would be appropriate in any form and, as such, no amendments were sought.

Relevant Planning History

2017/93387 – 58 Laund Road – Prior notification for a proposed larger home extension. No prior approval deemed necessary under the Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 1, Class A.1 (g) Condition A.4. Proposal not implemented to date.

Representations

Final publicity date expired 30th January 2018.

No representations were received.

Consultation Responses

No consultations were required.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was

submitted to the Secretary of State for Communities and Local Government on 25th 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.

The site is unallocated on the UDP Proposals Map and unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

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]”. All these considerations are addressed later in this assessment.

The site is also unallocated on the Publication Draft Local Plan.

2 –Impact on visual amenity:

UDP Policies D2, BE1, BE2, BE13 and BE14 are relevant along with PDL Policy PLP24. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

UDP Policy BE13 sets out specific design guidance in relation to extensions to dwellings, advising that such extensions should respect the design features of the existing house and adjacent buildings, including (i) materials of construction; (ii) window openings; (iii) roof styles; and (iv) architectural detailing.

The application house and adjoining semi-detached property were designed as a symmetrical pair of dwellings with a low eaves level and matching dormer openings in the front and rear roof planes. From the front and rear elevations, the property appears to be one-and-a-half storeys in height. The current proposal does not respect the distinctive roof style, nor the symmetry and balance of the pair of dwellings. As such, the proposal is not considered compliant with UDP Policy BE13.

UDP Policy BE2 (i) specifies that new development should be designed so that it is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass.

The proposed extension would not create a dwelling that would be overly large in scale, in comparison to others in the vicinity. However, it would make the application property disproportionately large in comparison to the adjoining semi-detached property. As existing, Numbers 156 and 158 Laund Road comprise a well-proportioned and balanced pair of semi-detached properties. To extend one of the properties to the scale proposed would change the overall form, design and character of the building to an inordinate degree and, as such, the proposal is not considered to be compliant with UDP Policy BE2 (criterion i).

UDP Policy BE14 specifies that rear extensions projecting up to 3.00m would normally be allowed, provided that there is no detrimental effect on visual

amenity or adjoining dwellings. The proposed extension would project 6.00m from the existing property so would not normally be considered compliant with this policy, regardless of the aforementioned detrimental effects on the adjoining property. It is however recognised that there is a fallback position should a single storey extension be built as a building operation in its own right.

PDLP Policy PLP24 specifies that extensions should be subservient to the original building, and in keeping with the existing in terms of scale, materials and details. The scale of the currently proposed extension is such that it cannot be considered subservient to the host dwelling. Furthermore, the adjoining property would become visually subservient to the extended application property. Thus, the proposal would not be considered compliant with PDLP Policy PLP24.

It is acknowledged that the applicant may choose to implement their earlier proposal for a single storey extension projecting 6.00m. To do so would have less of an impact than the current proposal on the neighbouring property since it would not disturb the existing shared roof form and would thus be less disruptive to the overall design of the pair of properties. It would also be smaller in scale and mass and so would be subservient to the host building.

In light of the above considerations, although the proposed extension would not be out of keeping with others in the neighbourhood, the considerable visual impact on the original property and its relationship with the adjoining property must be given precedence.

The proposal is therefore considered to represent a development of the site which would be out of keeping with the character and appearance of the local area, most notably in relation to the adjoining property, the character and appearance of the host property and would fail to accord with Policies D2(vi), BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24 (c) of the PDLP and guidance set out in the core planning principles and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

With regards to residential amenity the closest properties to the application site are the attached No.156 to the south-east and the adjacent No.160 to the north-west.

The proposed extension would be located approximately 5.00 metres from the boundary with No.160. Given that the properties are divided by an access road and that there are no new windows proposed (other than one rooflight) in this elevation of the extension, it is not considered that the proposal would be detrimental to the occupiers of No.160.

The proposed extension would be located 150mm from the boundary with the adjoining property at No.156. Again, there are no windows proposed in this elevation (other than one rooflight), so no overlooking impacts are anticipated.

The extension would be located to the north-west of No.156, so no overshadowing impacts are anticipated. The scale and mass of the proposal could, however, be considered overbearing to this property, particularly with regard to the proximity of the extension to neighbouring windows at ground floor and dormer level, and to the outdoor private amenity space. The proposal would, therefore, fail to accord with UDP Policy D2(v) and PLP24 (b) and a core planning principle of the NPPF to retain a good standard of amenity for existing occupiers of buildings and land.

4 – Impact on highway safety:

No anticipated impact.

5 – Other matters:

Bats

The application site is within a bat alert area; however there is no indication that there is a bat roost on site. The roof is well sealed and there were no visible cracks or crevices in the walls. Given the scale of the works proposed, a bat survey would not be required in this case. However, a note recommending that the advice of licensed bat work to be sought if any bats are found during the development will be relayed on to the applicant if this application is approved for the proposal to comply with Chapter 11 of the NPPF.

6 – Representations:

No representations were received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2017/62/94182/W

Officer Recommendation: REFUSE

Reason for refusal

1. The proposed two storey rear extension by reason of its height, depth and mass would change the overall form, design and character of the host property and the pair of semi-detached properties of which it is a part to an inordinate and unacceptable degree and would be detrimental to the visual amenity of both the application dwelling and the adjoining dwelling. Furthermore, the scale and mass of the proposal would be detrimental to the occupiers of 156 Laund Road by reason of overbearing. To permit such a development would be contrary to Policies D2 (v, vi, vii), BE2(i), BE13(iii, iv) and BE14 of the Kirklees Unitary Development Plan, Policy PLP24(b and c) of the Kirklees Publication Draft Local Plan and the core planning principles and policies in Chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	-		08/12/2017
Existing Plans/Elevations	8242/01		08/12/2017
Proposed Plans/Elevations	8242/02		08/12/2017
Section and Specification	8242/03		08/12/2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available and complied with the Kirklees Development Management Charter 2015.

The main premise for refusal of this proposal is that, by reason of scale, it would compromise the visual amenity of the application dwelling and the adjoining dwelling. It was considered that a two storey extension to the application property would not be appropriate in any form and, as such, no amendments were sought.

Report Dated: 01/02/2018

