

**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: 2018/62/90765/W

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

Description: Erection of single and two storey rear extension

Recommending Officer: Laura Yeadon

DECISION - REFUSE

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: 15-Jun-2018

Officer Report

Site Description

The application site relates to a semi-detached, three bedroomed dwelling located in a residential area. The property is constructed from brickwork with pebble-dashed render, a hipped concrete tiled roof with flat rooftop and white uPVC window openings.

The application property is two storeys in height along the central axis, dropping down towards the front and rear elevations which each incorporate dormer windows.

To the front of the property is an enclosed front garden and to the side is an access yard 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 site at separation distance of approximately 25 metres.

To the rear of the application property is an existing single storey conservatory which projects 3 metres from the rear of the property. The rear garden is fenced and 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 however to be implemented is subject to conditions including that the works are completed on or before 30th May 2019.

Description of Proposal

Permission is sought for the erection of single and two storey extensions.

The application has been submitted following a refusal of permission for a similar scheme under application number 2017/94182 which had the following reason for refusal:

“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 policies in Chapter 7 of the National Planning Policy Framework.”

The extension would span the full width of the rear elevation lying flush with the existing side elevation being set in from the boundary with No. 156 by 0.15 metres. The extension would project 6 metres from the rear elevation at ground floor level and 3 metres at first floor level.

The roof at two storey height would follow the eaves line from the existing gable end of the property and would include a hipped gable with flat roof top, at the same height as the existing flat rooftop. The roof would then return to meet the adjoining property at a higher level than the existing and adjoining property by 1.25 metres. It is proposed that the higher eaves section would be set in from the adjoining property by 1 metre.

The single storey extension would have a pitched roof which would have an eaves height of 2.5 metres rising to 3.8 metres to the ridge.

The difference between this submission and the previously refused submission is that the eaves of the two storey element have been set in from the shared boundary by 1 metre.

The construction materials would be pebble-dashed render for the walls and tiles for the roof, both to match the existing. The windows are also proposed to match the existing.

History of negotiations/amendments received

Concerns raised by the Local Planning Authority were relayed to the Agent as it was considered that for the application to be acceptable, the previous concerns within the reason for refusal would need to be overcome. It was cited within an email dated 8th May 2018 that by raising the eaves of the extension would not overcome the concerns regarding the height, depth and mass of the extension. In addition, it was considered that by altering the eaves it would not reduce the scale and mass to such a degree that the extension would not be overbearing to the occupiers of the neighbouring property. No amendments have been received by the Local Planning Authority.

Relevant Planning History

2917/93387 Prior notification for single storey rear extension
Not required

2017/94182 Erection of single and two storey rear extension
Refused – change of overall form, design and character of property unacceptable and scale and mass detrimental to No. 156 Laund Road

Representations

Final publicity date expired 12th April 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Land on the UDP Proposals Map and is proposed to be retained as such 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
- 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

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 slopes. 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.

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, No's 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 Policy BE2 (i) of the UDP.

The proposed ground floor extension would project 6 metres 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 be built as a building operation in its own right.

PLP 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 and therefore not compliant with this Policy.

It is acknowledged that the applicant may choose to implement their earlier proposal for a single storey extension projecting 6 metres from the rear elevation of the property. To do so would have less of an impact than the current proposal in the neighbouring property as it would not disturb the unique roof form of the pair of dwellings or the overall design. It would also be smaller in scale and mass and so would be subservient to the host building.

The proposal has been amended since the recently refused application by setting the eaves of the two storey element in from the shared boundary by 1 metre. This results in a design that visually appears awkward and unsymmetrical which would remain visually intrusive when viewed from the rear.

Taking into account all the above, the proposed development would result in a dwelling which would be out of keeping with the character and appearance of the local area, most notably in relation to the adjoining property and would fail to accord with Policies D2(vi), BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24(c) of the Publication Draft Local Plan 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 No. 160 to the north-west.

The proposed extension would be located approximately 5 metres from the boundary with No. 160. Given that the properties are divided by an access road and there are no new windows proposed other than a rooflight in the elevation facing this property, it is not considered that the proposal would be detrimental to the occupiers of No. 160.

The proposed extension would be located 0.15 metres from the boundary with the adjoining property, No. 156. Again, no windows are proposed (other than a roof light) facing this property and therefore, there are minimal concerns regarding overlooking.

The extension would be located to the north-west of the attached property it is not considered that there would be a loss of direct sunlight to the neighbouring dwelling. Whilst it is noted that the roof form has been set in by 1 metre from the previously refused application, the scale and mass of the proposal is still considered to be overbearing to the attached property, particular with regard to the proximity of the extension to neighbouring windows at ground floor and dormer level and to the private amenity space. The proposal would therefore fail to accord with Policy D2(v) of the UDP, Policy PLP24(b) of the Publication Draft Local Plan and a core planning principle of the NPPF which is to retain a good standard of amenity for existing occupier of buildings and land.

4 – Impact on highway safety:

There would be no impact on highway safety as a result of the development.

5 – Other matters:

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 the 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 have been 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/or 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 consideration.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2018/90765

Officer Recommendation: Refuse

Reason for refusal

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
Location plan	8242		7th March 2018
Existing elevations and floor plans	8242/01		7th March 2018
Proposed elevations and floor plans	8242/02A		7th March 2018
Proposed section and specification	8242/03A		7th March 2018

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, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. It was considered that for the application to be acceptable, the previous concerns within the reason for refusal would need to be overcome. It was cited within an email dated 8th May 2018 that by raising the eaves of the extension would not overcome the concerns regarding the

height, depth and mass of the extension. In addition, it was considered that by altering the eaves it would not reduce the scale and mass to such a degree that the extension would not be overbearing to the occupiers of the neighbouring property. No amendments have been received by the Local Planning Authority.

Report Dated: 15th June 2018