

DESIGN & ACCESS STATEMENT

ERECTION OF 2 STOREY REAR EXTENSION, NORDIA, 98 PENISTONE ROAD,
KIRKBURTON, HD8 0TA

Prepared for: Mr N Mosely

Prepared by: Telford Planning Associates

5th April 2018

Proposal number: 0181-3402

This Design and Access Statement should be read in conjunction with all documents and plans forming part of the full application for the erection of a 2 storey extension on the rear of 98 Penistone Road, Kirkburton.

A similar application by the same applicant on the same site was refused by the Council on the 21st August 2017 under planning application reference 2017/62/91616/E.

The current proposal has taken into account the comments of the Planning Officer in an email dated 4th July 2017 and the reasons for refusal in the decision notice. The principle reasons for refusal appear to relate to the impact on the Green Belt, the scale of the extension relative to the host property and the effect on the residential amenities of the adjoining property. Those issues will be considered in the following paragraphs of this Statement.

IMPACT ON THE GREEN BELT

It must first be determined whether the scale of the extension results in an inappropriate form of development in accordance with Policy D11 of the Kirklees UDP and paragraph 89 of the National Planning Policy Framework (the Framework).

Policy D11 in paragraph 2.38 states:

.... there are many buildings within the green belt, a large proportion of which are old and likely to be unsuitable to modern requirements, although this may be true of buildings of any age. One means by which they can be adapted to meet current needs is by extension. If building extensions are to be accepted in the green belt it is essential that they should neither prejudice its open character nor be discordant in themselves or in relation to the host building. Consequently they should normally be small in relation to the existing building and designed to harmonise with it. This will avoid detriment to the established character of the area.

Paragraph 89 of the Framework states:

Paragraph 89 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt and sets out a limited list of exceptions to that general policy. The third bullet of the paragraph advises that the extension or alteration of a building is not inappropriate development if it does not result in disproportionate additions over and above the size of the original building.

The principle of an extension to the property is accepted by the Council in Policy D11 and the third bullet point of Paragraph 89 of the Framework. Indeed, that principle was confirmed by the Council in their email of the 4th July 2017 when it was stated that the Applicant should consider an extension to the side of the existing dwellinghouse rather than the proposed rear extension.

The question is whether the proposed extension is appropriate development and, if it is, the issue of exceptional circumstances does not fall to be considered.

Neither Policy D11 or the Framework set out any criteria for establishing the size of an extension although previous development plans used 50% as a general rule although some local planning authorities used lesser figures.

The existing dwellinghouse has not been previously extended. The proposed extension represents a 40% increase in the footprint of the existing building and a 35% in the volume; volume is a preferred method of judgement in the Court of Appeal.

The height of the proposed extension has been lowered from the previous submission and the gable end facing the Thunderbridge Lane frontage has been replaced by a hipped roof. These amendments have substantially reduced the volume of the proposed extension and by lowering the ridge height, it is subservient to the host building.

Having regard to Reason 1 of the previous refusal notice, the Applicant would now contend that the reduced scale of the proposed extension does not result in it being out of scale with the existing dwelling and, as such, is not inappropriate or harmful development in the Green Belt.

In considering that the proposed extension is appropriate development, the Court of Appeal in Lee Valley Regional Park Authority v Epping Forest District Council, Lindblom J stated that *development that is not "inappropriate" in the Green Belt, are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.*

In the same case it was also stated that *appropriate development is deemed not harmful to the Green Belt.*

It is accepted that whilst the proposed extension may not be inappropriate in terms of the Green Belt, there are other planning issues that have to be addressed.

VISUAL IMPACT

Good design is one of the key elements of both the Kirklees UDP and the Framework and as well as being in the interests of the visual amenities of the locality, it is equally important to the Applicant.

The proposed extension in its detailing respects the character of the existing dwelling in terms of materials (Policy BE11) and fully in accordance with Paragraph 4.31 and the wording of Policy BE13:

BE13 *EXTENSIONS TO DWELLINGS 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 only difference between the existing roof and that proposed is in the use of a hip roof to reduce the scale and bulk of the extension. However, the angle of the roof slope matches the slope of the roof on the existing dwelling.

The fact that the proposed extension is at right angles to the existing dwelling should not be regarded as being an incongruous feature simply for that reason. The extension offers a more compact form than the dwellinghouse rather than adopting the suggestion by the Planning Officer that some form of extension on the end of the dwelling may be acceptable.

Such an extension would elongate the semi detached dwellings at 98 and 100 Penistone Road, especially when the latter property has already been extended. That extension has doubled the size of that property in terms of footprint and more than doubled the volume of the property as the eaves and ridge height are much higher than the host property.

The Applicant has sought to prevent this elongated “railway carriage” effect continuing and looked for an extension which makes much better use of the existing site layout. Furthermore, the internal layout of the existing dwelling does not lend itself to a lengthwise extension as space will be lost in existing rooms to allow access to the new accommodation.

The second reason for refusal states that the proposed extension would introduce an incongruous feature into the street scene. For a feature to be incongruous, there has to be

an established pattern of development to which the proposal would be alien. However, there is no such street scene as this semi detached pair of properties are the only buildings in the locality and the street scene is dominated by woodland.

RESIDENTIAL AMENITIES

The residential amenities of the adjoining property will be marginally affected as all change is bound to bring about. However, by building in the only practical location within the curtilage of the Applicant's property, the extension to the north of 100 Penistone Road with no windows on the elevation on the boundary, will not adversely affect privacy or daylight into the principle rooms of the adjoining property.

The amenity space of that property is predominantly located beyond the porch which protrudes towards Thunderbridge Lane and at the southern end of the property. The previous reasons for refusal and the absence of the Planning Officers Delegation Report on the Council's web site to offer further guidance, does not indicate what of the residential amenities will be affected. It is too common to make a general statement with respect to residential amenity, a phrase that has many facets, when the Applicant should be given sufficient detail to be able to assess the implications of his proposed development.

Nevertheless, the Applicant would suggest that the residential amenities of that property, as a whole, are not adversely affected and the proposal is in accordance with Policy D2 (vi), (vi) and (vii).

The provisions of the Framework, paragraph 56, in referring good design *should positively contribute to making places better for people* also includes the Applicant. In this case, the Applicant is seeking to improve his property and provide the accommodation needed for his family rather than continuing trend of people having to relocate simply because they have outgrown the property in which they live. The Framework seeks to encourage long term neighbourhoods and communities and the proposal will improve standard of accommodation and this small part of the housing stock.
