

**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: 2018/62/92885/E
Site Address: 16, Howard Place, Batley, WF17 6AB
Description: Erection of single storey front and rear extensions
Recommending Officer: Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Nov-2018

OFFICER REPORT

Site Description

16 Howard Place, Batley is a 3 storey mid-town house. The front elevation is rendered on the ground floor with the 1st & 2nd floors split with render on one side and a projecting brick section which is mirrored on the adjoining property. The rear elevation is rendered with a small conservatory style porch. The property also has a timber clad bay window at first floor level with a lean to roof form. There are small paved yard areas to the front and rear of the property and a parking bay to the rear.

The adjoining properties to each side are similar dwellings, with a parking and garage site to the rear of the dwelling and on the opposite side of Howard Place, occupying an elevated position, are a row of two storey brick built dwellings.

Description of Proposal

The applicant is seeking permission for the erection of single storey extensions to the front and rear of the dwelling.

The single storey front extension would be constructed along the common boundary with the adjoining 18 Howard Place and would project out 3m from the original front wall of the dwelling and would have a width of 2.9m with a lean to roof form.

The single storey rear extension is proposed to extend across the width of the dwelling and would have a projection of 3m with a lean to roof form.

The form states that the walls of the extensions would be constructed using brick with tiles for the roof coverings.

History of negotiations

The current submission has only overcome one reason for refusal relating to the projection of the rear extension. There have been no changes to the front extension, amended plans have not been sought as the applicant is aware that the scale of the front extension is unacceptable.

Relevant Planning History

2006/92543 – erection of two and three storey extensions – refused for the following reasons:-

- 1) The proposed extension, by reason of its size and design including the unsympathetic design of the roof would be detrimental both to the

appearance of the host dwelling and to the character of the surrounding properties, contrary to policy BE13 of the Unitary Development Plan.

- 1) The proposed extension, by reason of its size and location on the front of the property would be detrimental both to the appearance of the host dwelling and the character of the row of terraced properties within the streetscene contrary to policies BE14 & D2 of the Unitary Development Plan.

2009/90710 – erection of single and two storey extensions – refused for the following reasons:-

- 1) The proposed rear extension by reason of its design would not be in keeping with the host property and not respect the architectural detailing of the host property. The extension would have a detrimental impact on the character of properties along the north facing elevation of Howard Place. The proposal would therefore be contrary to policies BE1, BE2, BE13, BE14 and D2 of the Kirklees Unitary Development Plan.
- 1) The proposed front extension by reason of its design and scale would create an incongruous feature in the south facing elevation of Howard Place. The extension would not respect the architectural detailing of the host property or the others along Howard Place and would not respect the character of adjacent properties. The proposal would therefore be contrary to policies BE1, BE2, BE13, BE14 and D2 of the Kirklees Unitary Development Plan.

2011/90976 – certificate of lawful development for proposed dormer – invalid as no fee paid

2011/91547 – erection of single storey front, rear extension and dormer – refused for the following reasons:-

- 1) The proposed rear extension, by reason of the size, design, projection and location would constitute a visually intrusive and overbearing element leading to a detrimental effect on the amenities of the occupiers of the adjoining properties, contrary to policy BE14 of the Unitary Development Plan.
- 1) The proposed rear extension, by reason of its size and roof design with a flat roof would be detrimental both to the appearance of the host dwelling and to the character of the surrounding residential properties and local distinctiveness, contrary to policy BE13 of the Unitary Development Plan and advice in Planning Policy Statement 1.

2013/90761 – erection of front & rear extensions – invalid as no fee paid

2018/91828 – erection of single storey front extension and single storey rear extension – refused

1. The proposed front extension, by reason of its design and scale, would result in the formation of an incongruous feature within the street scene contrary which would be harmful in terms of the character of the host property and the wider street scene. To permit such an extension would be significantly harmful to visual amenity and contrary to Policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, by reason of its projection, would have an overbearing impact and result in overshadowing of the rear elevation and amenity space of the adjoining nos. 14 and 18 Howard Place. To permit such an extension, which would be significantly harmful to residential amenity, would be contrary to Policies D2, and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

Representations

The application was advertised by site notices and neighbour letters, which expired on 16/10/2018

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

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 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 within the PDLP.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 12** – Achieving well-designed places

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) Conditions
- 7) Conclusion

1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the

requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The property is located in a predominantly residential area. Although the buildings are similar in terms of age there are some variances in terms of design, style and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey front extension

Policy BE14 does support front extension providing it is modest. In this instance, with the 3m projection proposed, the proposed front extension would not be considered to be small in scale. As such and despite the use of matching materials, the front extension would result in the formation of an incongruous feature within the street scene and would therefore not be considered to be acceptable in terms of visual amenity.

Single storey rear extension

The proposed rear extension would be constructed using matching materials and although it would cover most of the rear yard of the dwelling, the land to the rear of the dwelling is very open and as such the proposed extension would not amount to overdevelopment. As such, this element of the scheme is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed front extension, given its size, would form an incongruous feature within the street scene which would be harmful in terms of visual amenity for both the host dwelling and the wider street scene and has not addressed the previous reason for refusing a recent application. The proposals, in relation to the front extension, therefore fail to comply with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLF and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

There are no properties to the rear which could be affected by the proposed extensions.

Impact on 14 Howard Place

The proposed front extension would be set back from the common boundary with the adjoining property to the east. Given this relationship together with the single storey nature of the extension and despite the 3m projection, the

impact upon the amenities of the occupiers of the adjoining 14 Howard Place would not be significant.

The proposed rear extension would be constructed along the common boundary with the adjoining property and would have the potential to form an overbearing feature with some overshadowing in the evening. However, the extension is single storey with a projection of 3m which is in line policy BE14. It is considered therefore that any impact on the amenities of the occupiers of the adjoining property, 14 Howard Place would be limited.

Impact on 18 Howard Place

The proposed front extension would be built along the common boundary with the adjoining property to the west. However the extension would be single storey and would be built adjacent to the neighbour's door not their window. Therefore the impact upon the amenities of the occupiers of the adjoining 18 Howard Place would not be significant.

The proposed rear extension would be constructed along the common boundary with the adjoining property and would have the potential to form an overbearing feature with some overshadowing in the morning. However, the extension is single storey with a projection of 3m which is in line policy BE14. It is considered therefore that any impact on the amenities of the occupiers of the adjoining property, 18 Howard Place would be limited.

Impact on 5 Howard Place

The neighbour opposite occupies a substantially elevated position some 20m to the north west of the host property. Given the substantial separation together with the land level difference and the single storey nature of the front extension, there would be no harm caused to the amenities of the occupiers of the property opposite as a result of the front extension proposed.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP as well as PLP24 of the PDL.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the parking area to the rear of the property could host a vehicle off road, the property backs onto a communal parking area and there is limited on street parking available to the front which all would cumulatively represent a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the PDL.

5– Other matters:

As previously set out, the planning history, in relation to application 2018/91828, has been carefully considered. Whilst it is acknowledged that the revised scheme has reduced the scale of the rear extension and thus addressed the second reason for refusal on the previous application; the reason for refusal one has not been addressed. As such, and since there have been no factors submitting demonstrating how the previous reason one has now been overcome, there is no justification for this element of the proposals. Taking into account the planning history on this site, it was not considered appropriate to seek amendments from the applicant's agent.

There are no other relevant matters for consideration.

6 – Representations:

None

7 – Proposed conditions

None as the recommendation is for refusal.

8 – Conclusion:

This application to erect a single storey extension to the side of 24 Tailor Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The proposed front extension, by reason of its size, would result in the formation of an incongruous feature within the street scene contrary to policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan, PLP24 of the Draft Publication Local Plan and chapter 12 of the National Planning Policy Framework.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2018/92885**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed front extension, by reason of its design and scale, would result in the formation of an incongruous feature within the street scene contrary which would be harmful in terms of the character of the host property and the wider street scene. To permit such an extension would be significantly harmful to visual amenity and contrary to Policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location plan	-	710991	20/09/2018
Proposed & existing plans	-	710992	20/09/2018

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 Planning 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. The current submission has only overcome one reason for refusal relating to the projection of the rear extension. There have been no changes to the front extension, amended plans have not been sought as the applicant is aware that the scale of the front extension is unacceptable.

Report Dated 09/11/2018