

**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: 2019/62/92820/E

Site Address: 65, Savile Road, Savile Town, Dewsbury, WF12 9PJ

Description: Erection of second floor extension and alterations to convert house of multiple occupation to single dwelling

Recommending Officer: Liz Chippendale

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: 14-Nov-2019

Site Description

The application site is a two storey mid-terrace dwelling set on Savile Road, Dewsbury. The short terrace is made up of similar style properties in a prominent location along a main route into Dewsbury. The dwelling benefits from a two storey extension to the rear and a detached garage/store. The dwelling has a small enclosed yard to the frontage with a small enclosed area to the rear

The application site is set within a predominantly residential area which is made up mostly of terraced rows.

Description of Proposal

Permission is sought to raise the roof line of the dwelling to from a second floor extensions, including a second floor extension to the rear over the existing two storey extension. Internal alterations are also proposed in order to change the use of the dwelling from a house of multiple occupation to a single dwelling.

The proposed second floor extension will increase the eaves height of the dwelling by 2.1m and the ridge height by 2.2m and retain the original roof pitch. The resultant height of the dwelling would be 10.4m.

The extension will project 2.9m from the rear elevation above the existing two storey extension with a gable roof.

The proposed extension will be constructed from sandstone to the front elevation and red brick to the side and rear elevations.

History of negotiations/amendments received

The applicant was approached to submit amended plans as the original side and rear elevation plans did not correspond. Amended plans were submitted which corrected this discrepancy.

Relevant Planning History

Application site

99/90381	Erection of two storey extension Conditional Full Permission
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41 Savile Road, Savile Town, Dewsbury

2016/92910	Erection of first and second floor extensions Refused Appeal Dismissed
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Representations

Final publicity date Expires: 01.10.2019

Consultation Responses

No consultations required

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is Unallocated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1**– Achieving sustainable development
- **LP 2**– Place shaping
- **LP 21**– Highway safety
- **LP 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 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places

Assessment

Principle of development:

Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

The application has no specific allocation within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote

good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Impact on visual amenity

Policy LP 24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).

The application site is located at a central position within a short row of similar style terraced dwellings in a prominent location and main route into Dewsbury. The terrace row has a continuous roof line with a uniform front pitch. The introduction of a second floor extension with the retention of the corbels would dominate the front elevation of the terraced row and disrupt the roof line adding an incongruous feature which would significantly impact on the visual amenity of the street scene.

Although there are examples of similar style second floor extensions to the rear of the site, these dwellings are located on streets which are set back from Savile Road and so do not have the same prominent position.

A recent appeal decision for application 2016/92910 for first and second floor extensions at No.41 Savile Road was dismissed due to the impact on both visual and residential amenity. The appeal decision refers to 53 Savile Road which is the last dwelling within the terraced row to the north. The Inspector states that although the dwelling has a second floor element, the dwelling is an end terrace and so has a different relationship with the street scene which was not directly comparable to the appeal site (also a two storey mid-terrace dwelling).

It is also noted that planning permission was granted in 2013 for a second floor extension to 63 Savile Road. This permission has now lapsed without commencement and is therefore not considered to offer any significant weight in support of this application.

The proposed raising of the roof to form a second floor and the second floor extension to the rear would be considered to create an incongruous feature which would significantly impact upon the visual amenity of the street scene. The proposal therefore fails to comply with guidance within Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy.

Impact on residential amenity:

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The proposed raising of the roof level would not be considered to impact on the residential amenity of the neighbouring dwellings due to the location above the roof line. The proposed windows within the front elevation would be in line with those at first floor within the host dwelling which is adjacent to a petrol station.

An assessment is required with regard to the second floor extension to the rear on the neighbouring properties at 63 Savile Road; 67 Savile Road and 13 West Street.

63 Savile Road is a mid-terrace dwelling located to the North of the application site. The dwelling has a two storey extension to the rear with dormer windows within the rear roof form of the original dwelling. The addition of a second floor rear extension would be considered to impact on the residential amenity of occupiers of 63 Savile road, in particular the use of the attic room through overshadowing and overbearing.

67 Savile Road is a mid-terrace dwelling located to the South of the application site. The dwelling has a two storey extension to the rear but no openings within the roof form. The proposed second floor extension to the rear would therefore not be considered to impact on the residential amenity of the neighbouring occupiers.

13 West Street is a mid-terrace dwelling located to the West of the application site. The rear elevations of the dwellings are opposite one another and divided by an access road. The dwelling has not been extended. Due to the separation distance and existing relationship between habitable room windows, the addition of a second floor extension would not be considered to impact upon the residential amenity of the neighbouring dwelling.

In light of the above, it is considered that there would be an undue impact on the residential amenity of the occupiers of 63 Savile Road. As such, the proposal is not considered to be in accordance with the aims of policy LP24 of the Kirklees Local Plan or Chapter 12 of the NPPF.

Impact on highway safety:

The application is sought for the erection of a second floor extensions and alterations to the change of use from a house of multiple occupation to a single dwelling.

The existing property is a house of multiple occupation with 4 no. bedrooms. The proposed extensions would add a further 2 no. bedrooms to form a single dwelling. As the existing dwelling has only one off-road parking space, the intensification of the domestic use would be considered to be significant. However, the parking provision is considered to be adequate in this instance given the existing situation.

Given the above, it is considered that the proposed development is acceptable from a highway safety and efficiency perspective, in accordance with Policy LP21 of the Kirklees Local Plan.

Other matters

No other matters for consideration

Representations

No representations were received following the period of public consultation.

Conclusion

Taking all material considerations into account, for the reasons set out above, the principle of the erection of a second floor extension at the application site would adversely harm the visual amenity of the street scene and cause undue harm to the residential amenity to the occupiers of 63 Savile Road.

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.

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 consideration.

Recommendation – Refuse

Decision Authorisation - Delegated Powers

Application Number: 2019/92820

Officer Recommendation: Refuse

Conditions and Reasons:

1. The proposed raising of the roof to form second floor extensions, due to the design and scale of the proposals, would represent an incongruous development which would be harmful to the character and appearance of the host dwelling and the row of terraced properties in which it is located. To approve the proposals would be harmful to visual amenity, contrary to Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.
1. The proposed raising of the roof to form a second floor extension to the rear, due to its location and scale, would cause undue harm to the level of residential amenity of the residents of 63 Savile Road. To approve the proposals would be harmful to residential amenity, contrary to Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing floor plan and location plan		A	08.10.2019
Proposed floor plan		A	08.10.2019
Existing and Proposed rear and side elevation		A	08.10.2019
Existing and Proposed front and side elevation		A	08.10.2019

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. The applicant was approached in order to submit amended plans to show the correct proposed side and rear elevations.

Report Dated: 13.11.2019

