

**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: 2019/62/93104/E

Site Address: The Mount, Edward Street, Hightown, Liversedge,
WF15 6PJ

Description: Erection of single storey extension

Recommending Officer: Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 16-Dec-2019

Officer Report

Site Description

The application site is The Mount, Edward Street, Hightown, Liversedge. It is a 2-storey detached house with L-shaped footprint and thought to date from the Victorian era, with single storey extension at the back. The main elevation faces in a south east direction over the garden which slopes down and away from the building. At the back is a yard and vehicular access from Edward Street, a short cul-de-sac.

The walls of the house are a combination of natural stonework to the front with light coloured render to the remaining sides, and the wider area is generally residential in nature. The A649 Halifax Road is adjacent to the southern boundary and at a significantly lower level.

Description of Proposal

Planning permission is sought for erection of a single storey extension.

- Rectangular footprint 4.2m projection x 11.2m wide.
- Mono-pitched roof 2.7m eaves height and 4.2m overall height.
- Natural stone walls and roof surfaced in artificial slate.
- Door and bi-folding windows in the south east elevation, windows in the north east elevation and high sill windows in the south west elevation. Five velux windows in the roof slope. Glass balustrade to the front and steps down to the garden.

History of negotiations/amendments received

No amendments were received during the course of this application.

Relevant Planning History

2016/93694 – Erection of single storey outbuilding and conversion of garage to gym. Granted conditional full planning permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F93694>

Representations

Final publicity date Expires: 30th October 2019. No representations received during the course of this application.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations took place during the course of this application.

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 site is without notation on the Kirklees Local Plan.

Kirklees Local Plan (PDLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 19th February 2019, 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The principle of extensions to this property is acceptable provided that it meets the detailed criteria.

2 – Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. In regard to extensions, it sets out under part c, that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

In officer’s opinion, the front elevation of the original part of the house has a fine, well balanced and symmetrical façade with original stone features above and to either side of the doorway, together with French doors to either side, both with ornate stone headers above and a step or two down to the existing garden terrace. These features add significantly to the character of the house and provide a high standard of visual amenity.

Although the proposed extension would be single storey, it would also be the full width of the front elevation and project 4.2m. As such it would effectively mask the design features that are a significant and attractive part of the character of the house and harm its appearance.

During discussion with the agent it was pointed out that the design of the proposed extension incorporates two sets of bi-folding doors to the front elevation, some glazing to either side elevation and several glazed panels within the roof slope, and as such would allow views through to the original façade. However, in officer’s opinion, there would also be a significant amount of walling and tiling which would prevent views through and the overall design and appearance is at odds with that of the original façade of the building.

This not in keeping with the existing building in terms of scale, materials and details, and would not promote good design, contrary to policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Again, in terms of policy LP24 of the KLP, it states that proposals should promote good design by ensuring (amongst other things) extensions minimise impact on residential amenity of future and neighbouring occupiers.

In this instance, the main houses to be affected by the proposed development would be at 82a and 84, Halifax Road.

82a, Halifax Road is a more recent detached bungalow to the east of the application site. It is at lower level and there is a gap of approximately 20.0m between the nearest part of its rear elevation and the front façade of the

house at the application site with garden space and tall hedges and trees along the boundary.

With regards to overbearing and overshadowing issues, given that the proposed extension is single storey with a separation distance of around 16.0m, in my opinion, there would be no such effect.

In terms of overlooking, in light of the distance between the properties, the boundary treatment and that there would be no direct relationship between windows, it is considered that there would be no significant loss of privacy.

In relation to 84, Halifax Road, this is a 2-storey house located to the south west of the application site and on the opposite side of Alexandra Street. It is orientated so that its principle elevation faces to the south west and its opposite elevation, which is relatively blank except for 3 small openings facing onto the application site.

In terms of overshadowing and overbearing, as the proposed extension is single storey and there would be a gap of around 7.0m between the nearest part of the proposed extension and the rear of this neighbouring property, it is considered that there would be no significant impact of this nature.

In terms of overlooking, the side facing wall of the proposed extension would be a blank wall up to around 2.5m high and so there would be no loss of privacy.

No other neighbouring properties would be affected by the proposed development.

In these circumstances, it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

The site is accessed from Edward Street and is at the end of a cul-de-sac. The property already has off street parking at the rear which would be unaffected by the proposed development and it would not require any further off street parking as a result of the proposal.

As such it is considered that the proposal would not harm highway safety and is compliant with policy LP21 of the Kirklees Local Plan and the aims of the NPPF.

5 – Other matters:

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations took place during the course of this application.

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 consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers**Application Number:** 2019/93104**Officer Recommendation:** REFUSE**Reason for refusal**

1. The proposed extension, by virtue of its size, design and detailing would not be in keeping with the character and appearance of the south east elevation of the house at the application site. This would fail to promote good design and be harmful to the visual amenity of the area, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			24.09.2019
Plan and elevation drawings as existing			24.09.2019
Plan, elevation and section drawings as proposed	Dwg no. 19/A/35		24.09.2019

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 regarding amendments to the application but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

Report Dated:

13.12.2019