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:	2019/62/93203/W
Site Address:	4, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Extension of dormer windows to side elevations, erection of two storey side and rear extension and exterior alterations
Recommending Officer:	Sam Jackman

DECISION - REFUSED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 28-Feb-2020

SITE DESCRIPTION

No 4 Inglewood Avenue is a 1960 chalet bungalow with front and rear dormers. The property is built of stone ground floor with timber cladding to the upper floor gables with a blue slate steep roof. The property benefits from an attached flat roofed garage to the north, a conservatory and dining room to the west elevation.

The property is located in a residential area of individually designed detached properties, all within fairly large plots. No 4 is located on the inside bend with the front elevation facing east. Due to the large open vistas between properties, three elevations of the property can be clearly seen from the public highway.

The property is set back from the road and is situated in the NW corner of the plot with the majority of the garden located to the south with mature planting along the front.

DESCRIPTION OF PROPOSAL

The proposal is to demolish the existing garage, conservatory and dining room.

The new extension would create an ‘L’ shaped extension along the north and west elevation created a 2-storey flat roofed structure.

The existing dormer on the south elevation would be enlarged in width and depth, where the extension to the west would have a lean to roof with the ridge set down from the main ridge, in front of a flat roof behind.

The extensions and internal reconfiguration of the property would create a new lounge, gym, new entrance hall way, utility and 5 larger first floor bedrooms all with en-suites.

The existing property and extension would replace the existing blue slate tiled roof with metal deck roof. The existing stone work at ground floor will be retained with brown brick foundation plinth to the front and north elevation, hit

and miss vertical timber cladding to the new dormer and front elevation of the rear box structure, white render to the ground floor extension, grey render to the first floor element, black aluminium horizontal detailing around the dormer and window details and horizontal timber cladding to the north and rear elevation between the proposed windows. The existing timber cladding to the front gable will be replaced with full height windows, with white and grey render either side.

The existing drive will be increased in size providing spaces for approx. 4 cars.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed the rear extension adjacent to the boundary with No 2, to have a dual pitched roof following the line of the existing roof. A larger side dormer and a large side 2-storey box structure to the north elevation.

Amended plans were requested on the 21st November to reduce the impact on neighbours at No 2 by removing the first floor element to the rear of the property and potential overlooking of the garden to No 2a.

Amended plans have been received on the 5th Feb which set the rear extension in from the boundary by an additional 0.12m, removing the dual pitched roof over the rear extension, this would be replaced in part by a lean to roof on the south facing elevation with the internal layout unchanged.

An extension of time was requested due to the submission of amended plans, which has been agreed by the agent until the 28th Feb.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

Publicity date Expires: 18.11.19 for the original submission

2 letters of representation have been received objecting to this application.

A summary of the comments received are set out below:

- Overshadowing,
- Loss of light
- Overlooking
- Noise during construction
- Parking during construction

The amended plans were re-publicised giving neighbours 10 days until the 17th Feb to comment. Representations are summarised below:

- Overlooking
- Previous concerns remain

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 22 - Parking
LP24 – Design
LP 30 - Biodiversity and geodiversity

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, 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 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. LP1 goes on further to stating that:

> "The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

In terms of extending and making alterations to a property, Policy LP24 of the Local Plan is a key material consideration when assessing such proposals, which relates to good design amongst other matters. It states good design should be at the core of all proposals in the district and should be considered at the outset of the development process. In turn proposals should ensure the form, scale and details of all development respect and enhances the character of the townscape, landscape and heritage assets.

Also of relevance is Chapter 12 of the NPPF which strongly emphasises the importance of good design and how this can contribute to the overall quality of the area not just for the short term but over the lifetime of the development.

Taking the above into account, the principle of extending properties on unallocated land is normally considered to be acceptable however, careful consideration has to be made on the size and design of the extension in relationship to the host property. An assessment of this, along with all other material planning considerations, including visual and residential amenity, shall be set out below.

Impact on visual amenity:

4 Inglewood Avenue is a 1960's chalet bungalow within a residential area, where properties are of individual designs, incorporating mainly detached properties using a mixed palette of materials for construction.

The original application was submitted with a rear extension incorporating a pitched roof in line with the host property. Attached to the south facing side elevation was a new large dormer and a 2-storey flat roofed box to the north. Where in principle the design of the extensions were acceptable and provided a mix of traditional design to match the host property with a modern extension to the north elevation, however there were other material planning concerns to these plans as outlined below.

Amended plans were requested to reduce the impact on neighbours at No 2 due to the distance from the boundary and the height of the extension. Amended plans have been received retaining the floor plans as existing to both levels and only removing the dual pitched roof. These amendments change the design and create a wraparound flat roof box which, in part, would be in keeping with the general characteristics of the area given that No 2a is a 2-storey flat roofed property.

In terms of visual amenity Policy LP24 is most appropriate and states that extension should promote good design by ensuring:

- Extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale to minimise impact on residential amenity of future and neighbouring occupiers.

The policy goes onto to say the scale of development should relate to neighbouring development and the street / public open space adjacent to the building. Consideration should be given to views, vistas and skylines. The layout of development should take into account the street pattern in the locality and the size of blocks and plots.

The character of the existing property is defined, in part, by the distinctive 1960's chalet bungalow with steep roof pitch incorporating flat roofed dormers within both roof slopes, located in a fairly large plot albeit the property is situated in the north west corner of the site.

Whilst the principle of contemporary extensions could be considered to be acceptable, it must still be subservient and in keeping with the host property. The proposed extension, as amended, would detract from the scale and detail of the original building. The large extended flat roof form would visually contrast with the traditional pitched roof profile of the existing dwelling and the box like structure wrapping around the side would, even though it is slightly set back, be overly prominent within the street scene due to the open vista between the property and its neighbour.

The proposed 2-storey side box extension would 5.35m high sitting just above the existing dormer, project a total of approx. 6.12m again from above the dormer by approx. 10.7m across the side elevation, including 2.4m extended beyond the gable. The depth of the rear element along the boundary with No 2 would be approx. 11.5m from the new ridge.

The addition of 2-storey box, in a wraparound form, adds considerable mass to the property which is highlighted by the significant projection of the extension sitting awkwardly when viewed in context. The concerns are worsened by its design and materials. Therefore the proposal as amended, albeit smaller in volume to the original proposal, would not be considered as subservient to the original building, or in keeping with the existing buildings in terms of scale, materials and details.

The materials proposed are a mixed variety including metal deck roof sheets, stone (existing), brown brick, hit and miss vertical timber cladding, white and grey render, black aluminium and horizontal timber cladding. The existing timber cladding to the gables will be replaced with full height windows central to the elevation with white and grey render either side. In principle the materials proposed could be appropriate, however it is considered that the use of all the different materials proposed would overload the material palette in this case detracting from the development and host building. It is considered that a revised palette of materials could have been agreed with the applicant/agent once an acceptable design of extension had been achieved and as such is not a reason to refuse the application.

In conclusion it considered that the extension would be harmful to the character and appearance of the host dwelling and the surrounding area. The resultant visual impact of the addition of a large rear extension, would not be subservient or in keeping with the host dwelling and would not accord with Policy LP24 (a & c) of the Kirklees Local Plan or Chapter 12 of the NPPF.

Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

The properties to the south and west are considered to be at an acceptable distance of over 23m to the nearest property with no direct facing windows onto the property. It is accepted that the front elevation would have a new first floor window above the entrance which is to a bedroom corridor this is considered to add additional light to the room but not part of the main circulation space of the bedroom. Also the existing side dormers would be enlarged but only marginally. Therefore the properties opposite are at an acceptable distance for the extension not to create overlooking, overbearing or overshadowing affect.

The property to the North again would be approx. 25m away from facing habitable room windows, however the new first floor windows in the side extension would include two bathroom windows and one bedroom window which would be only 1.9m from the boundary. These would, in part, overlook the adjacent substation and the drive to No 2 but given its position toward the NE corner of the plot would result in overlooking of the private amenity space of the garden of No 2a.

The property to the rear, No 2, is built almost on the shared boundary with some windows in close proximity to the proposed extension. It is accepted there is only one first floor window to a bathroom which would be obscurely glazed and if approved, this should be conditioned so. It is considered there would be no overlooking from this elevation. The window in the rear extension adjacent to the dormer in the south facing elevation would overlook the applicant's garden but would also be able to see in part the neighbour's garden, however mature planting would provide screening.

It is the proximity and size of the extension being close to the boundary with No 2 which would cause an overbearing and overshadowing effect to the neighbouring occupants. It is accepted that the house design of No2 with its large overhanging eaves contributes to the overshadowing, it is still considered that the proximity of the side extension with a flat roof will have an impact on the neighbour.

In conclusion for the aforementioned reasons it is considered that the extension would have an overbearing, overshadowing and overlooking effect

to the neighbours at No 2 & 2a Inglewood Avenue and would not accord with Policy LP24 (a & c) of the Kirklees Local Plan or Chapter 12 of the NPPF.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is being extended given the loss of the garage and part of the existing parking area to provide spaces for approx. 4 cars, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the property is in a good state of repair, however a cautionary note would be added if the application was recommended for approval.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees LP.

Supporting document submitted be the agent

The agent has submitted a supporting document which indicates that No2 already has large overhanging eaves with only 2 high level windows in the side elevation, furthermore the extension would be adjacent to the neighbour parking area and not amenity space.

The agent has also gone onto to say and give examples of other flat roof structures within the area.

Finally the document gives 3D illustrations on how the extension would be seen in relation to its neighbours and within the street scene.

These points have been considered and referred to within the report above.

Representations:

It should be noted that two representations have been received as a result of site publicity.

- Overshadowing,
  Response: referred to in the report above

- Loss of light
  Response: referred to in the report above

- Overlooking
  Response: referred to in the report above

- Noise during construction
  Response: this can be controlled by condition.

- Parking during construction
  Response: this can be controlled by condition, albeit some disruption may occur and any restriction of access would be a police matter.

The neighbours have been re-consulted on the amended plans, where only one representation has been received re-iterating there initial concerns referred to above.

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 application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing the development proposed.

Decision Authorisation - Delegated Powers

Application Number: 2019/93203

Officer Recommendation: Refuse

1. The proposed development, by reason of its siting, scale, design and relationship with the host building would fail to represent a subservient addition to the property introducing an unsympathetic, incongruous and overly prominent form of development and would have a detrimental impact on visual amenity and the character and appearance of the host property and wider local area. The proposals as such would be contrary to Policy LP24 (a and c) of the Local Plan and paragraph 127 of the National Planning Policy Framework.

2. The proposed development, by reason of its siting, scale and proximity to neighbouring land would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining dwelling no. 2 Inglewood Avenue. The extension would be viewed as an unduly overbearing structure. To permit such a development would be contrary to policy LP24 (b) of the Kirklees Local Plan and the aims of the National Planning Policy framework.

3. The proposed window shown in the side elevation to Bedroom 2 would result in overlooking at close quarters of private amenity space associated with the neighbouring property number 2a and would therefore be contrary to Policy PLP24 (c), as well as the aims of chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site layout 1:100, 1:500 & 1:1250	T1042-PL01		2/10/19
Existing floor layout	T1042-PL02		2/10/19
Existing elevations	T1042-PL03		2/10/19
Proposed site layout 1:100, 1:500 & 1:1250	T1042-PL04	A	5/2/20
Proposed floor layout	T1042-PL05	A	5/2/20
Proposed elevations	T1042-PL06	A	5/2/20
Design & Access Statement			5/2/20

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 Case Officer requested amended plans during the process of the application to seek amendments to reduce the impact of the development on the amenity of nearby residents. Amended plans were received but not considered acceptable. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

28.2.20

Report Dated:

Coal – low risk