

**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: 2019/62/93449/W

Site Address: 12, Chapel Street, Scapegoat Hill, Huddersfield, HD7 4NX

Description: Erection of first floor front extension

Recommending Officer: Ellie Worth

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Jan-2020

Officer report

Site description

12 Chapel Street is a mid-terrace back-to-back property constructed from stone with a tiled roof. The property benefits from an existing single storey front extension which design features incorporate a shallow lean to pitch, alongside heads and cills around the existing openings and door frame to mirror the existing property. From undertaking the site visit there was no evidence of on-site parking, however pedestrian access can be taken from the Southern elevation onto grassed access track to the front of the property.

The site and the wider area is dominated by residential properties.

Description of development

The applicant is seeking permission for a first floor front extension. The measurements of the proposal are as follows:

- 2.2m in projection from the Southern facing elevation
- 5.9m in width
- 5.4m in height to the eaves; 7.5m in overall height

Whilst no details of the proposed construction materials have been provided as part of this application, it is likely that the extension would be constructed from stone with a tiled roof to match the host property and the existing single storey extension. Internally, the proposal will provide additional living accommodation at the site.

History of negotiations/amendments received

Given the fact that the principle of having a first floor structure at the application site is unacceptable, no amendments have been sought during the course of the application.

Relevant Planning History

At the application site:

2008/92442 Erection of single storey extension – Refused and Appeal Upheld

Surrounding properties:

89/06923 Outline application for erection of one dwelling – Permission Granted (Land off Chapel Street)

2004/94841 Conversion of disused store and extensions to form dwelling – Granted (adjacent to 18 Chapel Street)

2005/94994 Erection of two storey extension – Granted (9 Chapel Street)

Representations

The application was advertised by site notice and neighbour notification letters.

Final publicity expires: 3rd December 2019

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

Consultation responses

KC Highways DM (informally): Requested additional information in which sets out where the occupiers of the existing dwelling park and how the number of cars needed are justified in relation to the size of the works proposed.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – 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 design 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 highways
5. Other matters
6. Representations
7. Conclusions

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”.

Background

The previous application 2008/92442 is a material consideration and will be taken into consideration as part of this application. This application was refused for the following reason:

1. The proposed extension by virtue of its location on a prominent front elevation of a row of unaltered terraced properties, would have a significant and detrimental impact on the visual amenity of the area as well as the host property and the terraced row. The proposal is therefore considered to be contrary to Policies D2 and BE13 of the Kirklees Unitary Development Plan.

The decision was subsequently appealed and the appeal was upheld. As such, the applicant is seeking permission for a first floor front extension which will sit flush with the existing extension.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions it is advised within LP24(c) that these “are subservient to the original building, and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 124 provides an overarching consideration of design stating that “the creation of high quality buildings and places are is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

In this instance, it has been considered that the proposed first floor extension would result in an incongruous feature within the street scene, as it would be

located on a prominent front elevation, within a row of largely unaltered properties. It would harm the strong linear form of this terraced row. Furthermore, by reasons of its size and scale, the extension proposed would not be subservient to the host property given the fact that it would adjoin the ridge roof line. The extension will also result in the visual loss of a principal elevation and therefore to permit this would be contrary to Policy LP24 of the Kirklees Local Plan.

In some cases, the introduction of a first floor front extension might be acceptable, where the properties are detached and well-spaced or where they have been individual designed to give mixed style properties within a modern development. However, in this instance, the proposal would severely impact upon the visual amenity of the unaltered row of terraced dwellings.

Alongside the above, it has been noted that the host property currently benefits from a single storey front extension. Whilst this, is considered to have some impact upon the setting of the row of terraces, the extension appears to be a subservient addition, allowing the host property to be comfortably read within its curtilage. Therefore to permit a first floor extension would result in the loss of the entire front façade at the application site.

With regards to materials and the proposed fenestration, these elements would have a satisfactory impact on the amenity of the site. As a condition could be attached to the decision notice stating that the extension would need to be constructed from stone to match the host property. More specifically, the design of the window arrangements would also be in keeping with the existing and therefore no concern has been raised in this respect. However, this would not overcome the harm of the extension being erected in the first place

In light of the above, it is advised that to permit such a development would result in harm to visual amenity of the host property and the unaltered row of terraces. The scheme is therefore assessed as being contrary to Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

3. Impact on residential amenity

14 Chapel Street is the adjoining back to back residential property to no.9 with an existing outlook to the South. As such, it has been considered that there would be some impact on these neighbours amenity, in regards to overbearing and overshadowing. These concerns are also reinforced by the fact that these neighbours are located on a slightly lower level than the host property.

However, it has been considered that the impact on these neighbours in regards to overbearing would not be detrimental given the fact the extension

would have a maximum projection of 2.2m, allowing these neighbours to retain a clear outlook from their southern facing openings. Alongside this, any impact on overshadowing would only be evident within an afternoon.

The submitted plans also show no additional openings to be inserted into the Eastern facing side elevation of the existing which will mitigate against any undue impact on overlooking. New openings would also be controlled under the GDPO.

For the reasons outlined above, it has been considered that the proposal on balance would not have a detrimental impact on the amenity of these neighbours.

10 Chapel Street is the attached property to the West of the application site. It has been noted that there would be some impact on these neighbours amenity as a result of the additional mass contained within the first floor extension.

However, having assessed this concern, it has been noted that any impact on overbearing would not be significant given the fact that these neighbours benefit from an outlook to the North and South. In regards to overshadowing, it has been noted that these neighbours are located to the West and therefore any impact would only be evident within a morning. The submitted plans also show no additional openings to be contained within the Western facing side elevation which will further mitigate against any undue harm on overlooking. New openings would also be controlled under the GDPO.

Overall, it has been considered that there would be an acceptable level of amenity retained as these neighbours and therefore any impact is considered to be detrimental.

8 School Road is the neighbouring property to the South of the application site. This property will be the least impacted by this proposal, as there is an existing separation distance of approximately 25m. As a result, any impact on overbearing, overshadowing and overlooking from the additional mass and openings contained within the first floor extension, would not be undue.

For these reasons officers are satisfied with this relationship.

Given the above circumstances, it is believed that the proposal would not result in a significant harm to the residential amenity of the occupiers of the neighbouring dwellings. For these reasons the proposal is considered on balance acceptable, complying with Policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been informally consulted as part of this application, given the fact that the proposal has the potential to intensify the domestic use at the application site, as a third bedroom would be created. In this instance, the officer requested the need for additional supporting information in order to make a full assessment of the scheme. This would involve outlining where the current occupiers of the property park and how the number of cars needed are justified in relation to the size of the works proposed.

However, in this case, the additional information was not requested given the significant concerns raised above in regards to visual amenity.

5. Other matters

None necessary.

6. Representations

None received.

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 proposal does 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 taken as a whole.

Decision Authorisation: Delegated Powers

Application Number: 2019/93449

Officer Recommendation: Refuse

Reason for refusal

1. The proposed first floor front extension, by virtue of its design, scale and siting would introduce an incongruous and overly prominent feature that would dominate the existing dwelling and which would detract from the strong linear form of the terraced row of which it forms part. This would be harmful to the character and appearance of the area and contrary to Policy LP24 (a and c) of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	30 th October 2019
Existing floor plans and elevations	PP2019-DD01	-	30 th October 2019
Proposed floor plans and elevations	PP2019-DD02	-	30 th October 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. In this instance, no amendments were sought because there is significant concern regarding the principle of a having a first floor front extension at this location. For the reason set out above, the development would not improve the environmental conditions of the area.

Report Dated:

9 th January 2020
