

**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: 2019/62/93673/E
Site Address: 257, Healey Lane, Healey, Batley, WF17 8DA
Description: Erection of two storey front extension and exterior alterations
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.

Julia Steadman

AUTHORISED OFFICER

Date: 23-Dec-2019

OFFICER REPORT

Site Description

257 Healey Lane, Healey, Batley is a stone built mid-terrace property set back from the road. There is a reasonable sized yard area to the front and a smaller yard area to the rear.

The adjoining property to the west has a projecting element to the front and the adjoining property to the east is at the same level as the existing property. There are other residential properties to the rear and the dwelling faces on to Healey Junior & Infant School.

Description of Proposal

The applicant is seeking permission for the erection of a two storey front extension with associated alterations.

The front extension is proposed to project 4.8m from the original front wall of the dwelling and would extend across the full width of the dwelling with an eaves height of 5.2m and an overall height of 6.7m. The roof form is proposed to be pitched with a road facing gable and the scheme includes a juliet balcony at first floor level.

The front elevation is proposed to be constructed using stone with blockwork and render for the side elevation. The roof would be covered with tiles.

The plans also show new windows being formed within the rear elevation.

History of negotiations

The proposal is considered to be unacceptable in terms of its projection, scale, bulk and massing in terms of both visual and residential amenity. As very significant changes would be required, amended plans have not been sought in this instance.

Relevant Planning History

2004/92785 - erection of conservatory to front (3m projection) – granted, built and then demolished (see google street view)

Representations

The application was advertised by site notices and neighbour letters, which expired on 16/12/2019

As a result of the above publicity, three representations have been received which expressed the following concerns:-

- Enlarging the property would require more parking.

- The extension would overshadow the adjoining property.

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highways and access
- **LP 22** – Parking
- **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, and 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 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of extending the property is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

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

2 – Impact on visual amenity:

The host property is located in an area with other residential properties, where there is some diversity in terms of style, age and size. Dependent upon design, scale and detailing, as set out above, the principle of extending the host property is acceptable.

Extensions on the front of a property are by their nature very prominent when a dwelling is orientated with the front facing the road. Whilst it is appreciated that the host property in this instance is set back, a 4.9m front extension with a pitched roof form would be excessive and would result in the formation of an incongruous and overly dominant feature within the street scene.

It has been noted that the adjoining property to the west, 259 Healey Lane, does project closer to the road. However, having reviewed the historic maps from 1933, the neighbouring property was built in this position. The group of buildings including nos.255, 257 & 259 Healey Lane are in an “L” shaped formation with a hipped roof. The proposed front extension would result in the loss of character of the property and would not form a subservient addition to the host dwelling (or row of terraced properties as a whole). As such, the front extension is not considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would not form a subservient addition to the original dwelling and would cause harm to the character of the host property and the wider area. Therefore the proposal fails to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property and would not therefore be in keeping with the existing building nor would it meet the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst

other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties on the opposite side of Healey Lane which could be affected by the proposed extension, it is Healey Junior, Infant and Nursery School.

Impact on 255 Healey Lane

The extension would be constructed along the shared boundary with the adjoining 255 Healey Lane. Given the substantial bulk and massing of the proposed two storey extension with a projection of 4.9m, there would be a significant overbearing and oppressive impact on the front elevation and amenity space of the adjoining property which is considered to be unacceptable. There are no on-site factors that would minimise the impact of the proposed extension on the main aspect of this neighbouring property either.

Impact on 259 Healey Lane

The adjoining neighbour to the west projects closer to the road than the host property and the extension proposed would align (if not set slightly back) with the projecting element on this neighbouring property. As such there would be no undue harm caused to the amenity of the occupiers of the adjoining 259 Healey Lane.

Having considered the above factors, the proposals would result in an adverse impact upon the residential amenity of the occupants of the adjoining 255 Healey Lane whereby there are no mitigating factors that would minimise such an impact. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (c) in terms of promoting good design by minimising the impact on residential amenity of neighbouring occupiers and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use and the property has no off road parking provision. There would be limited scope to provide parking for one vehicle within the front yard and there is potential for some on street parking. On balance, the scheme is not considered to represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5– Other matters:

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

6 – Representations:

Three representations have been received which expressed the following concerns:-

- Enlarging the property would require more parking.
Officer Response: *This is a material consideration as it relates to highway safety which has been address within section 5 of this assessment.*
- The extension would overshadow the adjoining property.
Officer Response: *This is a material consideration and has been addressed within the residential amenity section of this report.*

7 – Proposed conditions

None as the recommendation is for refusal.

8 – Conclusion:

This application to erect a two storey extension to the front of 257 Healey Lane 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 front extension, by reason of the proposed projection and height, would form an incongruous and overly-dominant feature within the street scene contrary to policy LP24 of the Kirklees Local Plan as it would appear out of character with the host property and would not form a subservient addition to the dwelling or the terrace as a whole, as well as the aims of chapter 12 of the NPPF.

The substantial bulk and massing of the proposed extension would also result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining 255 Healey Lane whereby there are no mitigating factors that would help to minimise its impact. To permit the proposed extension would be contrary to policy LP24 of the Kirklees Local Plan.

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

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2019/93673

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed two storey front extension, by virtue of its scale, bulk and massing, would appear out of character with the host property, resulting in the formation of an incongruous and overly dominant feature to both the host property and the row of terraced properties as a whole. To approve the application, which would be unacceptable in terms of visual amenity and not promote good design, fails to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed two storey front extension, by reason of its 4.9 metre projection along the shared boundary with the adjoining property would result in an overbearing and oppressive impact upon the residential amenity of the occupiers of the adjoining 255 Healey Lane. To permit this extension, which would be significantly harmful and whereby there are no mitigating factors that would minimise its impact on residential amenity, would be contrary to Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location plan	-	779469	08/11/2019
Existing plans	197/01	779471	08/11/2019
Proposed floor plan	197/02	779472	08/11/2019
Proposed elevations	197/03	779474	08/11/2019
Proposed side elevation	197/04	779477	08/11/2019

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 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 proposal is considered to be unacceptable in terms of its projection, scale, bulk and massing in terms of both visual and residential amenity. As very significant changes would be required, amended plans have not been sought in this instance.

Report Dated 20/12/2019