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:	2020/62/90807/W
Site Address:	2, The Coppice, Fixby, Huddersfield, HD2 2JA
Description:	Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking
Recommending Officer:	Stuart Howden

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.

Emma Thompson

AUTHORISED OFFICER

Date: 24-Nov-2020

Officer Report

Site Description

2 The Coppice, Fixby, Huddersfield, HD2 2JA

2 The Coppice, is a detached bungalow property constructed from stone under a tile roof. The dwelling serves 4 bedrooms. The main body of the dwelling is linear in form, and there is a modest gable projection beyond the front wall of the dwelling as well as two gable projections and a lean-to conservatory to the rear of the dwelling. There is garden space to the front and rear of the dwelling. There is a driveway on the west side of the site which leads to a detached garage building to the rear of the site. The site slopes downwards from the front to the rear and from the east to west.

The site is within an area which is predominantly residential in character. The Coppice is a residential street comprising 6 detached bungalow dwellings similar in character to the dwelling at No.2 and this street links The Dell to Viewlands.

The site is not within a conservation area, nor are there any listed buildings within close proximity to the site. To the rear of the site is a wooded area which is protected by a Tree Preservation Order (ref: 06/87/a1).

Description of Proposal

Planning permission is sought for the erection of a first floor extension on the east side of the building, the replacement of the conservatory with a larger single storey rear extension, the alteration to the roof of the rear extension on the west side of the building, as well as steps to a decking area.

The first floor extension would be situated above the east side of the dwelling and would run from the front wall of the dwelling to the rear of the projecting element on this side of the dwelling. This would result in a two storey gable on the front elevation of the dwelling. The eaves and ridge of this extension would go above the maximum height of the existing dwelling and the eaves would be a height of approximately 4.1 metres from the ground and ridge at a height of approximately 6.1 metres from the ground. The height of this extension increases further to the rear given the drop in site levels to the rear.

It is proposed to alter the existing gable extension to the rear of the dwelling, on the west side, with a flat roof. This element would form part of a larger single storey rear extension which is proposed, and would replace the existing conservatory. The flat roof extension would run from the west side wall of the dwelling to the gable extension to the east side of the dwelling (thereby effectively infilling a gap). This extension would have a depth of approximately 4 metres and would have a similar eaves height to the existing dwelling.

The extensions to the dwelling are proposed be constructed from materials to match the existing dwelling as well as render. The proposal would result in the creation of an additional bedroom at the dwelling.
A decking area is also proposed to the rear of the dwelling. Details of this are somewhat limited in terms of the overall height, but a plan has been submitted noting that this would be a maximum of 0.29 metres above ground level (and thereby permitted development). That said, the proposed steps leading to the decking would be at a greater height than this and this element of the proposal requires planning permission.

It is proposed to install new openings in the existing dwelling, but these works could be carried out under permitted development.

History of negotiations/amendments received

Concerns were raised with the applicant's agent regarding the scale and massing of the proposal and the impact this would have on the visual amenities of the locality. The applicant's agent was therefore advised to reduce the scale of the scheme or withdraw the application, but the applicant was not favourable to reducing the scale of the proposal and wished to proceed with the refusal of the application.

Clarity was also requested regarding the decking. The applicant's agent provided a plan on 16th November 2020 highlighting that this would be no higher than 0.29 metre above ground level and would therefore not require planning permission.

Relevant Planning History

2 The Coppice:

2005/94592 – Erection of ground floor extension and detached garage – Approved.

6 The Coppice:

2005/91859 – Erection of first floor extension to bungalow to form 2 storey dwelling –Refused (Appeal Dismissed – APP/Z4718/A/05/1187497).

This planning application was refused by the Local Planning Authority for the following reason:

"The proposed extension, by reason of its size, height, design and location in a prominent corner position, would be detrimental both to the appearance of the host dwelling and to the character of the surrounding residential street scene, contrary to policies BE13 and BE14 of the Unitary Development Plan."

In relation to the dismissed appeal, the Inspector stated:

"The adjoining properties on The Coppice and The Dell are bungalows and whilst there are houses elsewhere on The Dell these tend to be on larger sites…The proposal would markedly alter the appearance of the existing bungalow. The resulting two storey house on this prominent and relatively restricted corner site would, because of its height and massing, stand out as an incongruous and inappropriate feature in the context of the nearby development, particularly that on The Coppice which is characterised by detached bungalows. In my opinion the proposal would have a seriously detrimental impact on the streetscene… I consider that because of the incongruous nature of the proposal and the harm to visual amenity that would result, the proposal would be contrary to policies BE13 and BE14 of the Unitary Development Plan."

Representations

Final publicity date Expires:
Neighbour letters expired on 12th April 2020.

Three representations have been received objecting to the proposal. The concerns raised are summarised below:

- Harm to visual amenities of locality. Not a subservient addition to the property – would be an incongruous and overly-prominent form of development;
- Loss of privacy;
- Overlooking;
- Overbearing impact upon neighbouring dwellings.

For full comments raised in representations, please view the Council's Planning Webpage.

The applicant's agent provided a plan on 16th November 2020 highlighting that the decking would be no higher than 0.29 metre above ground level and would therefore not require planning permission. Given that this element would not need planning permission it was not considered necessary to re-consult following the submission of this additional information.

Consultation Responses

N/A

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 (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – 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, 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

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 – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"

Chapter 2 of the NPPF goes onto further state that objectives should:

"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

LP1 goes further and states:

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

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

2 –Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

"The creation of high quality buildings and places 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."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

The site very much reads as part of The Coppice, which comprises bungalows, and whilst there are two storey houses elsewhere on The Dell and Viewlands, these tend to be on larger sites.

The flat roof single storey rear extension element, as well as steps and decking would not be highly visible features from the streetscene given their siting to the rear of the dwelling. The singe storey extension is also considered to be compatible with the existing dwelling in terms of its scale and design.

The proposed first floor extension would add another storey to the bungalow and would be clearly visible from the public highway of The Coppice. It is considered that this extension would over-dominate the existing dwelling and would appear incompatible with it given its overall scale, massing and form and would therefore markedly alter the appearance of the existing bungalow. The wide two storey gable to the front of the dwelling would result in a much more complicated and awkward front elevation and add to the overall bulk of this elevation. The first floor extension would have a relatively large depth, and as the site slopes downhill to the rear, the height of the side wall would increase to the rear thereby adding to the overall scale of this extension too, and this bulky aspect of the extension would be prominent from The Coppice given the width of the drive. The proposal would therefore be contrary to LP24(c) as the first floor extension would not be in keeping with the existing building in terms of scale and design.

Further to this, by virtue of its overall form, scale and massing, the first floor extension would appear as an incongruous form of development within the streetscene, particularly given that The Coppice is characterised by detached bungalows and would therefore be contrary to LP24(a).

Given the above, it is considered that by virtue of its siting, form, scale and massing, the proposed first floor extension would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

<u>3 – Impact on residential amenity</u>:

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No.4 The Coppice, No.12B The Dell, No's.4 and 6 Viewlands. It is considered that the proposed development would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No.4 The Coppice

The proposed first floor extension would be set away from the boundary shared with No.4 The Coppice by some distance. The proposed single storey rear extension would run adjacent to the side boundary shared with No.4 and would protrude beyond the rear wall of No.4, but this projection, like the existing extension, would be very limited (just over 1 metre) and the proposed extension would have a modest height, especially given it would have a flat roof. Given this, it is considered that the proposed development would not cause undue harm to No.4 in terms of loss of light, loss of outlook, or the creation of an overbearing effect.

Whilst first floor rear facing windows are proposed in the first floor extension, given the distance of these away from the boundary of No.4, the views of the rear garden would be very oblique and this garden is already well overlooked by a window in No.12B The Dell. It is therefore considered that the proposed extension would not cause undue harm to No.4 The Coppice in terms of loss of privacy or overlooking.

Whilst the proposed decking is proposed to be less than 0.3 metre above ground level and therefore constitutes permitted development, the steps leading to the decking would be greater than this height. That said, there are already steps from the rear of the dwelling leading to the rear garden and it is considered that the view from these proposed steps of the rear garden of No.4 would not be significantly different than those already achieved from the existing steps.

No.12B The Dell

Given that the site is located to the north of No.12B, and the separation distances proposed involved between the extensions and No.12B, it is considered the proposed extension would not cause undue harm to No.12B The Dell in terms of loss of light, loss of outlook or the creation of an overbearing effect.

Views of No.12B from rear facing windows at ground floor level would be largely screened due to boundary treatment and would not be significantly different to views already achieved from rear facing windows at ground level within No.2. The steps leading to the decking would achieve similar views of

the rear garden of No.12B than those achieved in the ground floor windows of the proposed single storey rear extension. As noted, the decking would be below 0.3m and would therefore constitute permitted development.

However, a large rear facing opening is proposed at first floor level, and whilst the oblique angle of No.12B to the rear elevation of the first floor extension would be sufficient to prevent clear views into the dwelling at No.12B, the proposed windows would gain clear views of the private garden of No.12B. Given the scale of the opening proposed, the downward slope of the site to the rear, the close proximity of this first floor opening to the private garden of No.12BA and that this garden is not currently overlooked private garden by any other neighbouring properties it is considered that the proposal would cause undue harm to the amenities of No.12B The Dell in terms of overlooking.

No.6 Viewlands

No.6 Viewlands is directly to the west of the site and the rear wall of this neighbouring dwelling faces towards the application site.

It is considered that the proposed single storey rear extension would be of a sufficient scale and distance away from No.6 to prevent undue harm to the residential amenities of No.6.

The side wall of No.2 The Coppice with its proposed first floor extension, would face towards the rear elevation of No.6 and would be approximately 12.3 metres away from the rear wall of this dwelling at its closest point. Given this and that the site sits on higher land to No.6, there is the potential for the proposed first floor extension to cause harm to No.6 in terms of loss of outlook, overshadowing (in the morning) and the creation of an overbearing effect. That said, there is thick and high landscaping on the shared boundary between No.6 and the site and it is considered that this would screen a large element of side wall from No.6. On balance, it is considered that the first floor extension would not cause undue harm to No.6 in terms of loss of outlook, overshadowing or the creation of an overbearing impact.

No first floor windows are proposed in the side elevation facing towards No.6 and the views from the rear and front windows at first floor level would be very oblique ones of this neighbouring property given the angle it is set at to the site. The proposed steps leading to the decking would be on east side of the garden, set off from No.6, and views of No.6 would largely be screened by landscaping on the shared boundary and the garage to the rear of the site. As the decking is proposed to be less than 0.3 metre above ground level, it is considered to constitute permitted development. It is therefore considered that the proposal would not cause undue harm to No.6 Viewlands in terms of loss of privacy or overlooking.

No.4 Viewlands

Given the northern orientation of the site to No.4 and the distance of the proposed extensions, steps and decking from No.4, Viewlands it is considered that the proposal would not cause undue harm to No.4 in terms of loss of light or the creation of an overbearing effect. Given the angle this neighbouring dwelling is set at to the site and the respective distances between the proposed extensions, steps and decking from this neighbouring property, it is considered that the proposal would not cause undue harm to No.4 Viewlands in terms of loss of privacy or overlooking.

Given the above, it is considered that the proposed development would cause undue harm to the residential amenities of No.12B The Dell by virtue of overlooking. It is therefore considered that the proposed development is contrary to Local Plan Policy LP24 (B) and (C) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposal would result in the creation of another bedroom but given the size of the driveway and that there is a garage to the rear of the site, the site provides sufficient room for vehicular parking (space for at least 4 vehicles) for a dwelling of this scale in this location.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Trees:

There is a woodland to the rear of the site and the trees within this are protected by a Tree Preservation Order. However, given the distance of the proposed development from these trees, it is considered that the proposal would not cause damage to these protected trees.

Ecological Impact:
The site is in the bat alert layer and is located adjacent to a park with numerous trees, and, therefore, consideration has been given to the likelihood of bats or bat roosts being present on the site. In this case, the building appears to be relatively well sealed and it is considered that the proposed development would unlikely cause harm to protected species.

6 – Representations:

3 representation have been received objecting the proposal, and the concerns raised have been addressed in the above assessment.

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/or 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 **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2020/90807
Officer Recommendation: Refuse
Reasons for Refusal:

1. The proposed first floor extension, by virtue of its siting, form, scale and massing, would appear as an incongruous and discordant feature to both the host dwelling and wider streetscene, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed first floor extension, by reason of the position and size of the first floor window in the rear elevation, would result in significant and demonstrable harm to the amenities of No.12B The Dell in terms of overlooking. The proposal would therefore by contrary to Policy LP24 (B) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form			11th March 2020
Site Location Plan at scale of 1:1250 on A4 paper	-		11th March 2020
Site Plan - Existing	J19-094 – P01		17th March 2020
Existing Floor Plan and Sections	J19-094 – P02		17th March 2020
Existing Elevations	J19-094 – P03		17th March 2020
Site Plan - Proposed	J19-094 – P04		16th November 2020
Proposed Floor Plans and Sections	J19-094 – P05		17th March 2020
Proposed Elevations 1	J19-094 – P06		17th March 2020
Proposed Elevations 2	J19-094 – P07		17th March 2020
Isometrics	J19-094 – P08		17th March 2020
Isometrics 2	J19-094 – P09		17th March 2020
Visuals	J19-094 – P10		17th March 2020

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. Significant concerns were raised with the applicant's agent regarding the scale and massing of the proposal and this

impact this would have on the visual amenities of the locality. The applicant's agent was therefore advised to reduce the scale of the scheme or withdraw the application, but the applicant was not favourable to reducing the scale of the proposal.

Report Dated: 20.11.2020