

**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: 2020/62/91953/E

Site Address: 4, Co-operative Street, Chickenley, Dewsbury, WF12
8QA

Description: Erection of first floor side extension

Recommending Officer: Jennifer Booth

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.

Paul Dowd

AUTHORISED OFFICER

Date: 24-Aug-2020

OFFICER REPORT

Site Description

4 Co-operative Street is a semi-detached stone dwelling with a single-storey side extension. The front door of the dwelling opens onto the street, with a path along the side and a small enclosed yard area to the rear.

The property is located in a residential area, which has a mix of house types in terms of size, age and style.

Description of Proposal

The applicant is seeking permission for a first-floor side extension.

The extension proposed would have no greater footprint than the existing.

The walls of the extension would be constructed using stone for the walling with tiles for the roof covering.

History of negotiations

There are significant concerns regarding the impact of the first-floor side extension in terms of the residential amenity of the occupiers of a neighbouring dwelling. Given the significant issues with the proposal, amended plans have not been sought in this instance.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 13/08/2020

No representations were received as a result of the above publicity.

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.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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) Negotiations
- 7) Conditions

8) 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 development 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 on a residential street with a mix of house types surrounding in terms of size, age and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposed extension would not increase the footprint of the dwelling. The scale is considered acceptable, relative to the size of the host property and its associated curtilage. The materials proposed include the use of stone for the walling and tiles for the roof covering would match the host property. As such, the first-floor side extension is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and 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, in the light of 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.

Impact on 6 Cooperative Street

The extension would be located on the opposite side of the host property to the adjoining 6 Cooperative Street and, as such, would not affect the amenities of the occupiers of the adjoining property.

Impact on Flat 2 at 538 Wakefield Road

There is a window in the rear elevation of the neighbouring apartment, flat 2 of 538 Wakefield Road which aligns with the area to be extended. Having reviewed the planning history for the neighbouring property, the windows serves the living room of an apartment approved under 2016/92330. The first-floor extension would bring the host property closer to this neighbouring property and would have a significantly overbearing and oppressive impact on this window resulting in unacceptable living conditions for the occupants of this apartment.

Impact on 23 Heath Walk

The property to the rear has its side elevation facing towards the site at an angle. This elevation has no windows at first floor level and, given the spatial relationship between the properties, there would be no significant effect upon the amenities of the occupiers of the neighbouring 23 Heath Walk.

Impact on 5 & 7 Cooperative Street

The front of the property faces towards the front elevations of the neighbouring 5 & 7 Cooperative Street. The road itself does provide a degree of separation and the first-floor side elevation would be no closer to the neighbouring properties opposite than the existing dwelling. As such, officers are satisfied that there would be no significant effect on the amenities of the occupiers of the neighbouring 5 & 7 Cooperative Street.

Having considered the above factors, the proposals would result in a significantly adverse impact on the residential amenity of the occupants of the adjacent flat 2 of 538 Wakefield Road, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. It is noted that there is no off-road parking provision for the application property, although there is on-street parking outside, which is considered to represent sufficient provision. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required, in terms of the planning application, with regards to carbon emissions. However, there are controls in

terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

None.

7 – Negotiations:

None.

8 – Proposed conditions

None as the recommendation is for refusal.

9 – Conclusion:

This application to erect a first-floor side extension at 4 Co-operative Street 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 proposed first-floor side extension, by reason of its height, bulk and massing would result in a very significant overbearing and oppressive impact upon the amenities of the occupiers of the neighbouring flat 2 of 538 Wakefield Road, to the living room window, in particular.

Taking the above into account, along with the content of the main assessment, there are significant visual and residential amenity concerns and, as such, the proposals are not considered to promote good design, contrary to policy LP24 of the KLP and chapter 12 of the NPPF.

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 considerations.

Recommendation

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2020/91953**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed first floor side extension, by reason of its height, bulk and massing would result in a significant overbearing and oppressive impact upon the residential amenity of the occupiers of the adjacent flat 2 of 538 Wakefield Road, in particular to the living room window. To permit this extension would not promote good design, contrary to Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	814738	26/06/2020
Existing plans	-	814739	26/06/2020
Proposed plans	-	820237	04/08/2020

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 Planning Authority has, 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.

There are significant concerns regarding the impact of the first-floor side extension in terms of the residential amenity of the occupiers of a neighbouring dwelling (538 Wakefield Road). Given the significant issues with the proposal, amended plans have not been sought in this instance.

Report Dated

24/08/2020
