

**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: 2020/62/92208/E

Site Address: 1A, Water Royd Avenue, Mirfield, WF14 9LR

Description: 'Erection of single storey front, side and rear extensions with outbuilding and associated works

Recommending Officer: Josh Kwok

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: 07-Sep-2020

Officer Report

Site Description

1A Water Royd Avenue consists of a brick-built detached bungalow with a detached garage and garden store, a driveway to the side and spacious gardens to the front and the rear. The boundary treatments comprise substantial hedges and few trees. The site and its surroundings are predominately residential, characterised by various house types including two-storey semi-detached and terraced houses, as well as bungalows. These houses are all constructed in different materials, which contribute to the diverse street-scene of Water Royd Avenue.

Description of Proposal

Planning permission is sought for the erection of single-storey front, side and rear extensions with an outbuilding and associated works. Details of the development proposal are set out in the following.

- 4.5m deep x 17.4m wide x 3.2m high (front extension with canopy)
- 10.9m deep x 11.9m wide x 3.8m high (side and rear extensions)
- 2.8m deep x 4.3m wide x 2.8m high (outbuilding)
- Facing materials to be render and timber cladding
- Roofing materials to be tiles and flat roof membrane

History of negotiations/amendments received

No amendments were sought on this occasion.

Relevant Planning History

No record of similar applications found at the site and its immediate surroundings.

Representations

This application was publicised by neighbour letter only, which expired on 28-Aug-2020. No written representations have been received following this publicity.

Mirfield Town Council – no comments received.

Consultation Responses

No consultations required for this application.

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 (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** – Trees

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 12 – Achieving well-designed 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 highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote

highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity:

The development proposal is for substantial extensions to the front, side and rear of the existing modest sized detached bungalow. The scale of development is considered unacceptable from a visual amenity perspective, as it would fail to establish a subservient relationship with the host building, causing a visually dominating impact on the overall appearance of this building and the street-scene of Water Royd Avenue, contrary to policy LP24(c) of the KLP.

The extensions would have a mix of flat roof and gable roof with their external walls faced with coloured render and timber cladding alongside the main house. This design would fail to respect the current design of the host building and those surrounding it, resulting in the creation of an incongruous built form prominently visible in the street-scene of Water Royd Avenue and Water Royd Lane. In addition to that, the new openings would appear to be inserted in a haphazard manner, which would be at odd with that of the buildings nearby.

All houses on the same road have a spacious garden to the front. This is considered an integral element of the local character. The development proposal, if permitted, would replace the existing front garden with a large unsympathetically designed flat roof extension and an irregular-shaped timber clad outbuilding. This would significantly prejudice the visual appearance of the bungalow and detract from the character of its immediate surroundings. There would also be substantial harm caused to the local street-scenes. Consideration has been given the planning history of the site and its surroundings, but there is no site-specific circumstance that could outweigh the harm arising from the poor design of the current scheme.

In conclusion, the development proposal by reason of its scale, position and design would give rise to an incongruous built form, which would be unduly harmful to the visual appearance of the existing bungalow, as well as the prevailing character of its immediate surroundings. The impact on local street-scenes would also be unacceptable. To permit the development in its current form would cause significant conflict with the aims of policy LP24(c) of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed side and rear extensions would be close to the neighbouring terraced house at no.12 Water Royd Lane and its garden. However, it would not unduly prejudice the living conditions of the occupants of this adjacent property. This is because the extensions would be single-storey in height, set at a lower land level and partly screened from the view of these neighbours by the existing boundary treatments. Meanwhile, there would not be any opening facing directly towards this neighbouring property and its garden. Taking account of these factors, officers are satisfied that the potential

overshadowing, overbearing and overlooking impacts arising from this development could be acceptable. Should this application be recommended for approval, a condition could be imposed to restrict the insertion of new openings in the rear elevation of the extensions.

In terms of the front extension and outbuilding, these would have no effect on the occupants of the surrounding residential properties. According to the proposed site plan, there would be an appropriate separation distance retained between the application property and those dwellings, directly adjacent, to mitigate the impact associated with the front extension and outbuilding to a satisfactory standard.

In short, the development concerned could be appropriate from a residential amenity perspective. It would conform to policy LP24(c) of the KLP in terms of minimising the impact on residential amenity of the future and neighbouring occupiers.

4 – Impact on highway safety:

The proposed development would intensify the residential use of the application property. It would also affect the parking arrangement of the site. The enlarged house would have a total for 4 bedrooms. For a dwelling with more than 3 bedrooms, 3 off street parking spaces should be provided to its occupants. In this case, officers are satisfied, based on the submitted information, that there would be enough space within the site for parking of three vehicles. As such, there would be no issues in terms of parking, complying with policy LP22 of the KLP and the KC Highway Design Guide.

The property, as extended, would be occupied by one household as existing. Hence, it is not considered that the proposal would give rise to a significant increase in traffic generation that would prejudice highway safety. Overall, the impact on highway safety and efficiency could be acceptable in respect of policy LP21 of the KLP.

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 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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

Ground condition

The development concerned would fall within a “Development High Risk Area” identified by the Coal Authority. In this case, the proposal is for extensions to an existing residential property. Given that, it would be exempted from the requirement of Coal Mining Risk Assessment in accordance with the Coal Authority Exemption List. The site is considered suitable for the development in question.

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

Protected Trees

The application site consists of a silver birch tree at the southern corner, protected by a Tree Preservation Order. This application seeks permission to erect an outbuilding close to the protected silver birch tree, without providing enough information to demonstrate that the outbuilding concerned would not prejudice the long-term viability of the tree. Consequently, the proposed development would not be acceptable in respect of policies LP24(i) and LP33 of the KLP in terms of retention of valuable or important trees.

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

6 – Representations:

No representations received following the statutory publicity.

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 design and tree policies in 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. Consequently, this development is recommended for refusal.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2020/92208

Officer Recommendation: REFUSE

Reason for refusal

1. The development proposal by reason of its scale, position and design would give rise to a visually dominating and incongruous built form, which would be unduly harmful to the overall appearance of the existing bungalow, as well as the prevailing character of its immediate surroundings. The impact on local street-scenes would also be unacceptable. To permit the development in its current form would cause significant conflict with the aims of Policy LP24(c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed outbuilding, in terms of its siting, would have the potential of prejudicing the long-term viability of an existing protected silver birch tree on site. There is no information submitted to demonstrate that the outbuilding could be erected without causing damage to the root and crown spread of the tree. To permit the development in its current form would not therefore conform to Policies LP24(i) and LP33 of the Kirklees Local Plan, which requires the retention of all valuable or important trees.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	(EX)002		13-Jul-2020
Existing plans and elevations	(EX)001		13-Jul-2020
Proposed plans and elevations	(20)001		13-Jul-2020
Block plan	(20)002	A	24-Aug-2020
Proposed plans and elevations (outbuilding)	(20)003		24-Aug-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 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. No amendments were sought during consideration of this application, as there were fundamental concerns in terms of the scale, position and design of the submitted scheme, which could not be addressed without a complete redesign of the scheme, which would fall outside the current application description. Meanwhile, the applicant did not

take the opportunity to seek formal pre-application advice before submitting this application.

Report Dated:

07-Sep-2020