

**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: 2020/62/93004/E
Site Address: 35, Chadwick Crescent, Dewsbury, WF13 2JF
Description: Erection of two storey side extension and alterations
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: 04-Nov-2020

OFFICER REPORT

Site Description

35 Chadwick Crescent is a detached two-storey dwelling, which is sited within a recently built development of similar properties. The dwelling has an open garden, drive and detached garage to the front, garden to the side, a raised patio area to the rear and an enclosed rear garden. Construction has been completed on the approved single and two-storey rear extension.

The dwelling is surrounded by similarly aged dwellings and occupies a position on the corner of Chadwick Crescent and Oldroyd Way. Chadwick Crescent has large swathes of areas, which are the subject of tree preservation orders, including to the side and rear of the host property.

Description of Proposal

The applicant is seeking permission for a two-storey side extension.

The extension would project 1.3m beyond the front corner of the dwelling, 3.6m from its original side wall and would extend the full depth of the house. The front element would have a perpendicular pitched roof with Tudor-style detailing, which would be similar to the existing front elevation and the side element would be a continuation of the main pitch of the original house.

The ground floor walls to the front, side and rear elevations would be constructed using brick with tiles for the roof covering. The first-floor front elevation would be rendered with mock Tudor detailing.

History of negotiations

Given the nature of the concerns regarding this proposal, Officers considered that there were no amendments which could be sought to overcome the concerns relating to visual amenity or to the protected trees within the scope of this application.

Relevant Planning History

2009/91619 – erection of two storey rear extension – withdrawn

2014/91997 – larger home notification – refused as it exceeded the height limitations

2014/93155 – larger home notification – prior approval not required

2017/90743 – erection of single and two storey rear extension – granted conditionally

2017/93877 - conversion & enlargement of existing detached garage - refused

Representations

The application was advertised by neighbour letters, which expired on 29/10/2020.

As a result of the above publicity, one response has been received which expressed the following concerns: -

- Overshadowing,
- Loss of privacy,
- Loss of trees.

Consultation Responses

K.C Arboricultural Officer – The proposal currently does not meet local Plan policies LP24 and LP33. Therefore, as it stands, the proposal cannot be supported.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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
- **LP 30** – Biodiversity

- **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, 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
- Chapter 15 – Conserving and enhancing the natural environment

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 properties on Chadwick Crescent are similarly aged modern properties, with some minor variances in terms of design and scale. Dependent upon design, scale and detailing, it could be acceptable to extend the host property.

The host property has been extended significantly previously and the current proposal would result in the loss of the very limited amenity space available to the side of the dwelling. Given the cumulative impact of the previous development, together with the limitations of the curtilage, the scale is considered unacceptable. Although it is appreciated that the detailing is similar to the host property, and the materials would match with the use of brick and render, the overall cumulative scale is considered unacceptable in terms of visual amenity.

Having taken the above into account, the proposed extension, when considered with the existing extensions, would cause significant harm to the visual amenity of the host dwelling and the wider street-scene. The proposal, therefore, 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 in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The position of the proposed side extension, towards the corner has some separation with the neighbouring properties, with 20m between the area to be extended and the neighbouring dwelling at 20 Chadwick Crescent. This property also occupies a higher position. In addition there are 21m between the side of the garage and the front of 1 Oldroyd Way (this neighbour also occupies an elevated position relative to the site); 41m between the side of the extension and the front of the neighbouring 2 Oldroyd Way (which occupies lower position given the sloping nature of Oldroyd Way); and 36m between the side extension and 16 Oldroyd Way (which occupies a substantially lower position than the garage). Given the land level differences, together with the substantial separation distances, the extensions proposed to the side would cause no harm to the amenities of the occupiers of the neighbouring properties.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thus complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and it is considered to represent a sufficient parking

provision. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Biodiversity

After a visual assessment of the building, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that, if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Protected trees

The property is part of a modern, high density development which is interspersed with wooded areas, all of which benefit from a general tree preservation order, including the tree within the rear garden of this property. The trees close to the side and rear of the host property all have a high degree of prominence and are in good health, offering a valuable feature with regards to the character of the area. Consequently, the mature trees of the area, inclusive of the trees to the side of 35 Chadwick Crescent, play a major role in softening the appearance of the building in the estate and make a very significant contribution to the character of the area.

The extension is proposed within close proximity to a number of healthy trees directly adjacent to the curtilage of the dwelling and, as such, the extension is likely to be within the root protection area. Furthermore, the extension would potentially result in encroachment on the canopy. No information has been submitted on mitigating the harm to the trees and, as the potential harm to the protected trees would likely impact upon their viability, the proposed side extension would not be acceptable in terms of policy LP24 and LP33 of the KLP.

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 would need to be adhered to as part of the construction process and which would require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

One response has been received which expressed the following concerns:

- Overshadowing,
Response: *This is a material consideration, as it relates to residential amenity and has been addressed within the residential amenity section of this report.*
- Loss of privacy,
Response: *This is a material consideration, as it relates to residential amenity and has been addressed within the residential amenity section of this report.*
- Loss of trees.
Response: *This is a material consideration, as the trees are protected and play an important role in terms of the character of the area and this has been addressed within the other matters section of this report.*

7 – Negotiations:

None.

8 – Conclusion:

This application to erect a two-storey extension to the side of 35 Chadwick Crescent has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.

The proposed side extension, when considered cumulatively with the previous extensions and given the modest amenity space surrounding the property, would form an incongruous relationship with host property and the wider street-scene, given the cramped and over-developed layout proposed on the site. This would be damaging in terms of visual amenity. As such, it would be detrimental to visual amenity and contrary to policy LP24 of the KLP and guidance given in the NPPF.

Furthermore, the proposed two-storey side extension would have the potential to harm the root systems of the adjacent protected trees and result in pressure to prune or even fell the protected trees. No information has been supplied by the agent which would illustrate the harm could be either justified or sufficiently mitigated. The proposal, therefore, fails to comply with LP33 of the KLP and advice within chapter 15 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. 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 Refusal

Decision Authorisation - Delegated Powers

Application Number: 2020/93004

Officer Recommendation: REFUSE

Reasons for refusal

1. The proposed side extension, when considered cumulatively with the previous extensions, and given the modest amenity space surrounding the property, would form an incongruous relationship with host property and the wider street-scene given the cramped and overdeveloped layout proposed on site. This would be damaging in terms of visual amenity and would be contrary to Policy LP24 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

2. The application has failed to demonstrate sufficient justification for the probable harm to mature trees immediately adjacent to the site, given the proximity to the root protection area and crown spread, within an area protected by a Tree Preservation Order. These trees provide a high amenity value within the local environment. The application is, therefore, contrary to Policy LP33 of the Kirklees Plan and Chapter 11 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	-	829070	09/09/2020
Block plan	-	829074	09/09/2020
Existing plans	-	829073	09/09/2020
Proposed plans	-	829071	09/09/2020
photos	-	829072	09/09/2020

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.

Given the nature of the concerns regarding this proposal, Officers considered that there were no amendments,⁸ which could be sought to overcome the concerns relating to visual amenity or to the protected trees within the scope of this application.

Report Dated

03/11/2020

