

**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: 2020/62/93780/E

Site Address: 2, Rumble Road, Dewsbury, WF12 7LR

Description: Erection of single and two storey extensions and front dormer

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-Dec-2020

OFFICER REPORT

Site Description

2 Rumble Road is a brick built semi-detached dwelling with a garden to the front, drive to the side and an enclosed garden to the rear. There is a detached garage to the rear of the dwelling.

The property is located on a residential street with similar properties in terms of age and style, some of which have been extended and altered.

Description of Proposal

The applicant is seeking permission for a single-storey extension to the front, two-storey extension to the side, single and two-storey extension to the rear and a front dormer.

The front extension is proposed to project 1.8m from the front wall of the dwelling and would extend across the width of the dwelling, with a hipped roof form.

The two-storey side extension would project 2.8m from the original side wall of the dwelling and would extend the depth of the dwelling and 3m beyond the rear wall. The roof form would be hipped.

The rear extension would project 6m on the ground floor and 3m at first-floor, extending across the width of the dwelling, with a hipped roof over the single-storey element and a perpendicular pitched roof form over the first-floor.

The front dormer would have a width of 3m with a height of 1.7m and it would have a pitched roof form.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering. The dormer cheeks and face shall also be clad with vertically hung tiles.

History of negotiations

Given the number of issues with the proposal, the agent has not been offered the opportunity to amend the scheme, as the level of changes required to make the proposals acceptable is significant.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 24/12///2020.

As a result of the above publicity, six representations have been received. 4 Objections and 2 letters of support.

The issues raised in the objections are summarised as follows in terms of the material considerations:

- Loss of privacy,
- Loss of light,
- Overbearing impact,
- The scale of the ground floor at 5.7m is excessive and would result in loss of light to the adjoining neighbour,
- The front dormer would be out of character with the area,
- Oppressive impact of the side extension on the neighbours adjacent,
- The window in the side elevation at first floor will result in a loss of privacy,
- The level of extension would be out of character with the area.

Several other issues were raised including devaluation of property, ability to maintain property and potential damage to neighbouring properties. None of these issues are material considerations to the planning process, as they would come under civil legislation.

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 planning 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 properties of a similar age, palette of materials and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises four distinct elements, which shall be addressed below.

Single-storey front extension

The single-storey front extension is larger than would normally be supported in terms of its projection and would form an incongruous addition to the front of the property given the prominence and the lack of anything similar in the street-scene. Whilst it is appreciated that the materials proposed with the use of brick for the walling and tiles for the roof covering would match the main house, this is not sufficient to balance out the scale. As such, the front extension is not considered to be acceptable in terms of visual amenity.

Front dormer

The proposed front dormer would be centrally sited within the original roof plane. However, the size of the dormer is substantial and would cover much of the roof plane. Although it is appreciated that the dormer is shown on plan, with a pitched roof and as tile hung, the size is excessive and would be out of character with the host property. It is also appreciated that there are other dormers in the street-scene. However, these are on the more modest bungalows and are much smaller. As the scale of the dormer would form an incongruous feature within the street scene, this is not acceptable in terms of LP24 with respect to visual amenity.

Two-storey side extension

The side extension would be acceptable in terms of its scale and the use of appropriate materials. The roof form as the extension lies to the side is a continuation of the hipped roof and, as such, is considered acceptable in terms of the character of the host property and the wider area. As such, the side extension is considered acceptable in terms of visual amenity.

Single & two storey rear extension

The proposal includes significant extensions to the rear. However, the size of the curtilage is sufficient to support the rear extension without amounting to overdevelopment. The materials proposed would match the main house with the use of brick for the walling and tiles for the roof covering. However, the large perpendicular pitched roof would be out of character with the host property and as such fails to comply with LP24 in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions would cause harm in terms of visual amenity for both the host dwelling and the wider street scene. The proposal, therefore, fails to comply with Policy LP24 of the KLP (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.

There are no properties directly opposite which could be affected by the works proposed.

Impact on 73 & 75 Bywell Road

Although the extensions to the side and rear would reduce the space between the host property and these neighbouring houses adjacent, this is considered not to be particularly harmful to their amenities. However, the inclusion of a bedroom window, albeit a secondary window, would result in a loss of privacy.

Impact on 4 Rumble Road

The front extension would, given the limited projection and its single-storey nature, have no significant effect upon this adjoining property.

However, the ground floor element of the rear extension, with its 6m projection, would result in the formation of an overbearing and oppressive impact on the adjoining neighbour. There are no mitigating factors on site, such as other large extensions or outbuildings and there is no permitted development fall-back position. The harm cannot be justified in terms of residential amenity.

Impact on Plot 89

The rear of the host property will, when the new development to the rear is complete, align with the side boundary of the rear garden of plot 89 of 2017/91459. Given this relationship, the proposed rear extension would not have a significant impact on the amenities of the new residents to the rear.

Having considered the above factors, the proposals would result in loss of privacy to the neighbours to the side and an overbearing and oppressive impact on the adjoining property. The scheme, therefore, fails to comply with

Policy LP24 of the KLP (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 scheme includes the provision of a car port to the side which 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, complies with Policy LP22 of the KLP.

5– Other matters:

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are 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 and which will require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

As a result of the above publicity, six representations have been received. 4 Objections and 2 letters of support.

The issues raised in the objections are summarised as follows in terms of the material considerations: -

- Loss of privacy,
- Loss of light,
- Overbearing impact,
- The scale of the ground floor at 5.7m is excessive and would result in loss of light to the adjoining neighbour,
- The front dormer would be out of character with the area,
- Oppressive impact of the side extension on the neighbours adjacent,
- The window in the side elevation at first floor will result in a loss of privacy,
- The level of extension would be out of character with the area.

The issues raised in the objections have been considered within the visual amenity and the residential amenity sections of this report. For clarification, the point raised regarding the rear extension at 5.7m is based on an internal measurement. The projection would be 6m.

Several other issues were raised including devaluation of property, ability to maintain property and potential damage to neighbouring properties. None of

these issues are material considerations to the planning process, as they would come under civil legislation.

7 – Proposed conditions

None as the recommendation is for refusal.

9 – Conclusion:

This application to erect a single storey extension to the front, a front dormer, two storey extension to the side and a single & two storey extension to the rear of 2 Rumble Road 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 front extension, by reason of its projection, would result in the formation of an incongruous feature in a position of prominence within the street-scene and would be out of character with the wider area. To permit this would be contrary to LP24 of the KLP and advice within chapter 12 of the NPPF.

The front dormer, by reason of its scale, would result in the formation of an incongruous feature in a position of prominence within the street-scene and would be out of character with the wider area. To permit this would be contrary to LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed side extension, given the windows proposed in the side elevation, would result in overlooking of the neighbouring 73 & 75 Bywell Road. To permit this would be contrary to LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed rear extension, given the perpendicular pitched roof form proposed, would be out of character with the host property and would form an incongruous feature. To permit this would be contrary to LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed rear extension, given the projection proposed on the ground floor, would result in a significant overbearing and oppressive impact on the amenities of the occupiers of the adjoining property, 4 Rumble Road. To permit this would be contrary to LP24 of the KLP and advice within 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: 2019/93780

Officer Recommendation: Refuse

Reasons for refusal

1. The front extension, by reason of its projection, would result in the formation of an incongruous feature in a position of prominence within the street scene and would be out of character with the wider area. To permit this would be contrary to LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
2. The front dormer, by reason of its scale, would result in the formation of an incongruous feature in a position of prominence within the street scene and would be out of character with the wider area. To permit this would be contrary to LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
3. The proposed side extension, given the windows proposed in the side elevation, would result in overlooking of the neighbouring 73 & 75 Bywell Road. To permit this would be contrary to LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
4. The proposed rear extension, given the perpendicular pitched roof form proposed, would be out of character with the host property and would form an incongruous feature. To permit this would be contrary to LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
5. The proposed rear extension, given the projection proposed on the ground floor, would result in a significant overbearing and oppressive impact on the amenities of the occupiers of the adjoining property, 4 Rumble Road. To permit this would be contrary to LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	001	838699	09/11/2020
Existing plans	002	838700	09/11/2020
Proposed plans	003	838698	09/11/2020

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 number of issues with the proposal, the agent has not been offered the opportunity to amend the scheme, as the level of change required to make the proposals acceptable is significant.

Report Dated

24/12/2020
