

**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: 2020/62/94243/E

Site Address: 241, Headfield Road, Thornhill Lees, Dewsbury,
WF12 9JN

Description: Erection of ground and first floor extensions and rear
dormer 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: 08-Feb-2021

OFFICER REPORT

Site Description

241 Headfield Road is a brick-built, semi-detached dwelling, with an enclosed patio to the front, a drive to the side leading to a large, detached garage and an enclosed yard area to the rear. The property has an existing part width, single-storey rear extension.

The property is located on a street, with similar residential properties in terms of age and style.

Description of Proposal

The applicant is seeking permission for a hip to gable enlargement, two-storey rear extension and a rear dormer.

The two-storey rear extension would project 2.9m from the original rear wall of the dwelling and would extend across the width of the dwelling with a flat roof form. The extension would be constructed with brick for the walling.

The rear dormer would have a width of 6.2m and a height of 1.8m. The face and cheeks of the dormer would be clad with vertically hung tiles.

Relevant Planning History

1999/93511 - erection of single storey rear extension – granted.

2014/93704 - erection of single storey extension – granted.

History of negotiations

The submitted plans raised significant concerns in terms of design, the cumulative impact of the varying elements of the scheme and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 27/01/2021.

As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Environmental Health – support subject to conditions

K.C. Strategic Waste - There is one closed landfill within 250m of application address. SW0240A (Savile Rd) lies approximately 200m away, private contractors monitored the site for LFG from April 2006 to January 2007 and reported methane levels were up to 7% v/v and Carbon Dioxide up to 5% v/v.

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 53** - Contaminated land

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) Conditions
- 7) 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 and style, although it is appreciated there are some variances in terms of design and some of the properties have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

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

Hip to gable enlargement

The character of this street is for hipped roof properties. Altering the roof form to a gable would be out of character with the street scene and would have an incongruous appearance. This alteration would not be acceptable in terms of visual amenity.

Rear dormer

The design of the rear dormer is large, taking up a significant area of the rear roof plane. However, the position of the dormer to the rear would have limited views from the wider area and, as such, would result in limited visual impact. Nevertheless, the dormer could not provide the required space without the hip to gable enlargement. As such, the cumulative impact is not considered to be acceptable in terms of visual amenity.

Rear extension

The host property and its associated curtilage are of a sufficient size to support the rear extension without amounting to overdevelopment and a reasonable amenity space would be retained. As such, the scale of the rear extension is considered acceptable. The use of brick for the construction of the walling would form an acceptable relationship with the main house. However, the use of a flat roof form is considered not to represent good design and would form an incongruous feature in terms of the character of the host property and the wider area. The rear extension is, therefore, not acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions and dormer would cause significant 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 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.

Impact on 239 Headfield Road

The hip to gable enlargement and the rear dormer, given the positions up on the roof-scape, are such that there would be no impact on the amenities of the occupiers of the adjacent 239 Headfield Road.

The rear extension would be set back from the shared boundary and would have both a limited projection of less than 3m and with the use of a flat roof

form, the height of the extension is kept low level. Officers are satisfied that there would be no significant effect upon the amenities of the occupiers of the adjacent 239 Headfield Road.

Impact on 243 Headfield Road

The hip to gable enlargement and the rear dormer, given the positions up on the roof-scape, are such that there would be no impact on the amenities of the occupiers of the adjoining 243 Headfield Road.

The rear extension would be constructed along the shared boundary with this adjoining property. However, given the limited projection of less than 3m and the use of a flat roof form, it is considered that there would be no significant effect upon the amenities of the occupiers of the adjoining 243 Headfield Road.

Impact on 252 Headfield Road

The street itself separates the host property and the neighbour on the opposite side of the road. Given this separation, together with the scope of the roof, this alteration would not have any significant impact on the amenities of the occupiers of the neighbouring 252 Headfield Road.

Impact on 9 Nursery Grove

The rear dormer would be set up within the roof plane and would not reduce the space between the host property and this neighbour to the rear. With the limited projection of the rear extension and the use of a flat roof form, there would be no significant impact on the amenities of the occupiers of the neighbouring 9 Nursery Grove.

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 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 parking area to the side and rear of the property would not be affected by the proposed extension and 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 KLP.

5– Other matters:

Biodiversity

After a visual assessment of the building, it appears to be 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, work must cease immediately, and the advice of a licensed bat worker sought.

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered sufficient to include a condition regarding the reporting of unexpected contamination, to comply with LP53 of the KLP, if minded to approve.

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:

None.

7 – Proposed conditions

None, as the recommendation is for refusal.

8 – Conclusion:

This application to form a hip to gable enlargement, rear dormer and two storey extension to the rear of 241 Headfield 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 proposed hip to gable enlargement would be out of character with the street scene and result in the formation of an incongruous feature in terms of visual amenity. To permit this form of extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

The proposed rear extension with its use of a flat roof form is considered not to represent good design and would form an incongruous feature in the wider area. To permit this form of extension would be contrary in terms of policy 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

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2020/94243

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed hip to gable enlargement would be out of character with the street scene and result in the formation of an incongruous feature in terms of visual amenity. To permit this form of extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
1. The proposed rear extension, with its use of a flat roof form, is considered not to represent good design and would form an incongruous feature in the wider area. To permit this form of extension would be contrary in terms of policy 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	-	845537	14/12/2020
Existing plans	-	845538	14/12/2020
Proposed plans	-	845539	14/12/2020
Photos	-	845540	14/12/2020

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.

The submitted plans raised significant concerns in terms of design, the cumulative impact of the varying elements of the scheme and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought.

Report Dated

05/02/2021