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:	2020/62/94399/W
Site Address:	12, Le Marchant Avenue, Lindley, Huddersfield, HD3 3DF
Description:	Erection of single storey extensions
Recommending Officer:	Ellie Worth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-May-2021

Officer report

Site description
12 Le Marchant Avenue, Lindley is a two storey semi-detached dwelling, constructed from brick with a tiled roof. The property benefits from a two storey side and a single storey rear element, in which appear to be original. To the front is a small garden and a drive, along with private amenity space to the rear. Vehicular and pedestrian access can be taken from the front boundary onto Le Marchant Avenue. Boundary treatment consists of brick walling, timber fencing and hedging.

The site is situated within a wider residential area, whereby the neighbouring properties vary in design and form. However, it is notable that the dwellings in which line Le Marchant Avenue appear to be relatively large in size and scale. The site is also unallocated on the Kirklees Local Plan however, the rear boundary is adjacent to Edgerton Conservation Area.

Description of development
The applicant is seeking permission for the erection of single storey extensions. The measurements of the scheme are as follows:

Single storey side/front extension:
- 4.5m in projection
- 11.3m in length
- 2.5m – 3m in height to the eaves; 3.7m – 4.4m in overall height

Single storey rear extension:
- 4.6m- 5.5m in projection
- 12.5m in width
- 4m in height to the eaves; 5.3m in overall height

The extensions will be constructed from brick with concrete tiled roofs to match. The additional windows and doors will also be UPVC. Internally, the works will provide additional living accommodation and an attached garage.

History of negotiations/amendments received
Significant concerns were raised with agent in relation to the impact of the proposal upon the visual amenities of the locality by virtue of its siting, scale and design. Concerns regarding the impact on neighbouring amenity were also raised. As such, officers provided the agent with the opportunity to amend the plans and set out in detail what was considered to be acceptable.

In this instance amendments were sought on the 27th April 2021 however, these did not address the concerns raised and therefore the scheme has been moved onto determination.

Relevant Planning History
None at the application site.

Representations
The application has been advertised via site notice, neighbour notification letters and the press.
Final publicity expires: 27th February 2021.
As a result of the above publicity, no formal representations have been received.

Given that the amendments sought were to marginally reduce the projection of the rear extension, officers did not consider it necessary to re-advertise the scheme.

Local ward councillors:
Cllr Burke: Requested an update on the scheme. Concerns outlined but no further communication.

Consultation Responses
None necessary.

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 however, the rear boundary is adjacent to Edgerton Conservation Area.

Kirklees Local Plan (LP):
- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 21 – Highway Safety
- LP22 – Parking
- LP 24 – Design
- LP 30 - Biodiversity
- LP 35 – Historic Environment

Householder Design Guide (SPD)
Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

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
• Chapter 15 – Conserving and enhancing the natural environment
• Chapter 16 – Conserving and enhancing the historic environment

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 highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 124 provides an overarching consideration of design stating that ‘’the creation of high quality buildings and places are is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’’.

The proposed extensions, whilst being single storey, would significantly intensify the bulk and massing at the application site, resulting in the original dwelling being lost. The proposed side/front extension would extend slightly beyond the principle elevation by 1.2m and would have a length of 11.3m. The rear extension would also adjoin the existing garden room and would extend 5.5m along the shared boundary with no. 14 Le Marchant Avenue.

It is noted that the application site benefits from a generous plot and therefore the applicant is trying to maximise the available space. However, the works proposed would appear incongruous to the locality and would fail to preserve the character and appearance of the host property and wider area. The development cumulatively would not result in subservient additions to the host property and therefore would fail to comply with Policy LP24 (C) of the Kirklees Local Plan.

In terms of design, the plans show the extensions to be constructed up to the shared boundaries, with what appears to be large elements of bulk and massing. More specifically, the rear extension benefits from large areas of brickwork, along with a significant eave's height. This design lacks architectural detailing, in order to help break up this massing, which is further considered to detract from the visual amenity of the extensions and have an adverse impact on character of the site. The layout also appears to of been considered from the inside out, with little thought being given to the design and form of the extensions.

Further to this, the property under consideration can be read as a pair of semi-detached dwellings, whereby the additional bulk and massing would not appear symmetrical to the adjoining property. Instead, officers consider a single storey side extension, set back from the principle elevation with either a flat or hipped roof, as per no. 14, likely to be acceptable.

However, when comparing the works proposed as part of this application, it can be concluded that the single storey side and rear extensions would disrupt the balance of the two semi-detached properties and would appear slightly awkward from the public domain.

The submitted plans show the materials to match, however, the proposed fenestration is not considered to reflect the existing.

Alongside the above, the application has been assessed due to the impact it would have on the character and setting of Edgerton Conservation Area this is due to the proximity to the boundary as the site lies outside. In this instance, it has been noted that the dwelling benefits from a generous curtilage with separation to the designated heritage asset. As such the works proposed would not have a significant impact upon the Conservation Area.

Nonetheless, given the above, it is considered that by virtue of their siting, form, scale and massing, the proposed extensions cumulatively, would appear as an incongruous and discordant feature to both the host building and wider street scene, thereby causing detrimental harm to the visual

amenities of the locality The proposal would therefore be contrary to Policy LP24 (A) and (C) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity
Section B and C of LP24 states that alterations to existing buildings should: "…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

As such, the properties most likely to be impacted by this proposal are no. s 10, 14 and 15 Le Marchant Avenue and 22 Thornhill Road.

14 Le Marchant Avenue is the attached property to the North of the application site. It has been assessed that there would be significant bulk and massing upon these neighbours ground floor openings, given that the rear extension would have a 5.5m projection close to the shared boundary. The substantial eaves and overall height of the rear extension also intensifies such concerns.

As such, the works are likely to create a detrimental overshadowing and tunnelling effect upon these neighbours' amenity.

The submitted plans do not show any new openings to be inserted into the northern facing elevation, in which will restrict any overlooking. However, given the concerns outlined above, the impact upon these neighbour's amenity, is considered to be unacceptable and contrary to Policy LP24(b)

10 Le Marchant Avenue is the neighbouring property to the South of the application site. It has been noted that the works would have some additional impact upon these neighbours' amenity, given the length and width of the side/rear extensions. However, amendments have been sought to reduce the projection of the rear extension.

In this instance, it has been noted that any overbearing from the single storey extensions would not be detrimental, as the main impact would be adjacent to these neighbours attached garage. More specifically, these neighbours are situated to the south and therefore any overshadowing would be limited. High levelled windows are also proposed within the side elevation to restrict any overlooking.

For these reasons, it has been considered that any impact upon these neighbours' amenity can be supported.

15 Le Marchant Avenue and 22 Thornhill Road are the neighbouring properties adjacent to the front and rear elevations of the host property. In this case, it has been noted that sufficient separation distances would be retained

and therefore there would be no material overbearing, overshadow or overlooking upon these neighbours' amenity.

In summary, it has been considered that the proposed development would have a significant impact upon no. 14's amenity and therefore the works are considered to fail to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Impact on highway safety
Given that the development is unlikely to intensify the sites domestic use, the requirement of additional on-site parking is unlikely to be needed. More so, an attached garage has been proposed, in which will measure 3.8m in width by 5.2m in depth. This is likely to be sufficient enough for a parked car, along with some storage space to the side.

One space will also be retained on the hardstanding to the front of the extensions and therefore the works have been considered acceptable from a highway safety perspective. This is to accord with Policy LP21 and LP22 of the KLP and the Highway Design Guide.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the submitted plans show the extensions to be constructed from brick in which is considered to be durable and energy efficient material. The use of additional openings to habitable room windows, will help improve passive solar gain and reduce the use of artificial lighting.

Bats
The application site lies within the bat alert layer on the Council's GIS system. In this instance, it has been noted that the works would not affect the eaves or roof area in which appear to be well sealed. As such, the development is unlikely to have any impact on roosting bats, in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF.

6. Representations
None received.

7. Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out 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/or 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 consideration.

Recommendation REFUSE

Decision Authorisation - Delegated Powers
Application Number: 2020/94399
Officer Recommendation: REFUSE

Reason(s) for refusal
1. The proposed single storey extensions, by virtue of their siting, form, scale and massing, would appear as an incongruous and discordant feature to the host building, street scene and character of the area, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The single storey rear extension, by virtue of its siting along the shared boundary of no.14 Le Marchant Avenue combined with it scale and massing would lead to a detrimental overshadowing and overbearing impact of this property. Therefore, the proposal would fail to provide a high standard of amenity for occupants of the adjoining dwelling, contrary to Policy LP24 (b) of the Kirklees Local Plan Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan and existing and proposed site plan and floor plans	PAD.895.360	A	27th April 2021
Existing and proposed elevations	PAD.895.359	A	27th April 2021
Supporting	Dated 08.12.20	-	24th December

statement			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 have, 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. In this instance, significant concerns were raised with agent in relation to the impact of the proposal upon the visual amenities of the locality by virtue of its siting, scale and design. Concerns regarding the impact on neighbouring amenity were also raised. As such, officers provided the agent with the opportunity to amend the plans and set out in detail what was considered to be acceptable. In this instance amendments were sought on the 27th April 2021 however, these did not address the concerns raised and therefore the scheme has been moved onto determination.

Report Dated: 10th May 2021