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:	2021/62/90775/W
Site Address:	15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ
Description:	Erection of two storey side and single storey rear extensions and front and rear dormers
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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 29-Jul-2021

Officer report

Site description
15 Dorchester Road, Fixby is a two storey detached dwelling designed with a distinctive frontage. The building benefits from a dual pitched gable at first floor and a large bay window at ground floor. Materials consist of stone, brickwork and render. The property also benefits from a landscaped area and driveway to the front, alongside private amenity space to the rear. To the west is an attached garage. Pedestrian and vehicular access can be taken from the northern boundary onto Dorchester Road. Boundary treatment predominantly consists of hedging and stone walling with railings above.

The site is situated within a wider residential area, whereby the neighbouring properties are relatively large in size and scale and vary in design and form. The site is also unallocated on the Kirklees Local Plan.

Description of development
The applicant is seeking permission for the erection of a two storey side and single storey rear extension and front and rear dormers. The measurements of the scheme are as follows:

Two storey side extension:
- 6.7m in projection (7m to include the roof overhang)
- 8.6m in depth
- 5.3m in height to the eaves; 8.7m in overall height

Single storey rear extension:
- 3.5m in projection
- 13.8m in width
- 2.7m in height to the eaves; 3.7m in overall height

Front dormer:
- 2.7m in width
- 1.7m in height
- 2.4m in depth

Rear dormer:
- 3.7m in width
- 2.5m in height
- 4m in depth

The existing garage and rear conservatory would also be demolished as part of this application.

The extensions would be constructed from stone and render to match the materials used on the host property, with tiled roofs. The additional windows and doors would be white UPVC.

History of negotiations/amendments received
Significant concerns were raised with the agent regarding the design and the subservience of the works proposed. As such, officers suggested an amended scheme in order to overcome the concerns raised. In this case, amended plans were sought on the 21st July 2021, however, these have been considered unacceptable and therefore the application has been moved onto determination.

Relevant Planning History
None at the application site or at the immediate neighbouring properties.

Representations
We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 21st April 2021, whereby 3 objections have been received. A summary of the concerns raised are as follows:

- The dormer would be incongruous when compared to the rest of the houses on the estate.
- The dormer would be out of keeping with the character of the area.
- The extension would appear as a two storey dwelling and would have some velux windows in the roof.
- The extensions would impede neighbouring privacy, especially the rear dormer.
- It could potentially have an impact upon the value of our house.

Whilst amended plans have been sought, these are not considered to overcome the visual concerns raised by officers and therefore it has not been considered necessary to re-advertise the scheme, as the application is recommended for refusal.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:
• LP 1 – Achieving sustainable development
• LP 2 – Place shaping

• LP 21 – Highway safety
• LP 22 – Parking
• LP 24 – Design
• LP 30 – Biodiversity

Householder Design Guide (SPD) adopted June 2021.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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
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:
The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework.

Policy LP1 goes on further to stating that: "The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area''.

In this case, it can be stated the principle of some form of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2. Impact on visual amenity
The design of the development will be assessed against Policy LP24 of the Local Plan and Policies in Chapter 12 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, provide a high standard of amenity of future and neighbouring properties and assess other design considerations such as designing out

crime the provision of open space. The Council's adopted Householder Design Guide SPD also provides additional guidance in relation to design which has been considered.

In this case, the proposal seeks to erect a substantial two storey side extension and a single storey rear extension to the existing dwellinghouse. The side extension, due to its size and scale, would appear as a dominant and incongruous feature at the site and therefore would have an unacceptable visual impact. More specifically, the works proposed would be contrary to the guidance in the adopted SPD which states:
Proposals for extensions should normally be smaller in scale than the original property and set back from the existing building line. Two-storey extensions should be set down from the ridge line and generally smaller in footprint. The materials, design, roof pitch and detailing should normally match the existing house detailing.

Whilst the side extension would be set down from the ridge on the main property, it would be of a significant size and scale and therefore would not appear subservient to the host property. More specifically, officers consider the character and form of the original dwelling to be lost, as a result of the works proposed.

Notwithstanding the above, it has been noted that the wider street scene is dominated by large, detached dwellings. Therefore, the principle of extending the property is acceptable, subject to its size, scale and form.

The side extension also proposed front and rear dormers in order to increase the second floor accommodation. In this instance, it has noted that none of the neighbouring properties benefit from front dormers and therefore this would be alien to the street scene. Nonetheless, the rear dormer whilst relatively large in scale, is unlikely to have an unacceptable impact on visual amenity, as it is located up from the eaves and down from the ridge.

Turning to the rear extension, the design of this aspect has been considered acceptable from a visual perspective. The extension would replace the existing conservatory and would extend the full width of the rear elevation. The plans also show a lean to roof in which would harmonise to acceptable degree with the host property.

In terms of materials the extensions would be constructed from stone and render to match the host property. Such materials have been considered acceptable.

With regards to fenestration, the windows proposed would also match those that exist on the host property and therefore no concern is raised.

Having taken into account the above, it has been considered that the proposed side extension would result in an unsympathetic and incongruous design of the host building, that would harm the character and appearance of the dwelling in the wider area. The resultant visual impact in terms of size,

scale and massing would not be subservient or in keeping with the host dwelling and would not accord with Policy LP24 (a and c) of the Kirklees Local Plan and the advice contained within the House Extensions and Alterations (SPD) and Chapter 12 of the NPPF.

3. Impact on residential amenity

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that :-

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

In this case, the impact of the development on each of the surrounding properties will be assessed in turn.

17 Dorchester Road is the neighbouring property to the west of the application site. It has been noted that these neighbours would be the most impacted upon, as a result of the works proposed. Nonetheless, in this case, it appears that the main bulk and massing contained within the side extension would be adjacent to these neighbours blank, side elevation and therefore any overbearing and overshadowing would be undue. The submitted plans also show only one additional opening to be inserted into the side elevation at first floor, which would serve an en-suite and therefore would be constructed from obscure glazing. As such, there would be no undue overlooking.

The dormer windows would also retain an acceptable level of amenity at these neighbours, as they would be centrally placed within the front and rear roof slopes.

In terms of the rear extension, this would be retained at single storey with a lean to roof. In this instance a separation distance of 4.5m would also be retained to these neighbours nearest side and rear elevations and therefore there would be no undue overbearing and overshadowing, especially upon these neighbours ground floor side opening. The submitted plans also show no new windows to be inserted into the western facing elevation in order to mitigate any overlooking. In the case of an approval, permitted development rights for new openings within this elevation would also be removed.

Overall, given the relationship between these neighbours, it has been considered that the works would not have a detrimental impact upon their amenity.

13 Dorchester Road is the neighbouring property to the East of the application site. It has been noted that there would be some impact upon these neighbours' amenity, as a result of the additional built form proposed. However, in this instance it has been acknowledged that the main bulk would

be to the opposite side of the host property and would not exceed the existing ridge roof height. As such, any overbearing, overshadowing and overlooking from the proposed two storey side extension would not be undue.

With regards to the rear extension, this would be single storey in height and therefore would not unduly prejudice these neighbours' outdoor amenity space. There also appears to be no existing windows within these neighbours western facing elevation and therefore no privacy would be lost. As such, it has been considered that an acceptable level of amenity would be retained at these neighbours.

14 Cumberland Avenue is the neighbouring property to the rear of the application site. In this instance, it has been noted that significant separation distance of at least 28m would be retained and therefore any overbearing, overshadowing and overlooking from the additional bulk, massing and openings contained within the extensions would not have a detrimental impact upon these neighbours' amenity. As such, this relationship can be supported.

12 and 14 Dorchester Road are the neighbouring properties to the north of the application site. There would be a separation distance of approximately 28m retained between these neighbours, including a highway. As such, there would be no material overbearing, overshadowing or overlooking upon their amenity.

For these reasons, the proposal has been considered satisfactory in terms of its impact on residential amenity and would accord with the advice contained within Policy LP24 of the KLP.

4. Impact on highway safety

It has been noted that the existing attached garage to the west of the application site, would be demolished as part of this permission. In this instance, no compensatory parking has been provided, nor has it been identified on a plan.

However, given that the application site benefits from a generous front garden, it has been noted that this could be converted into hardstanding in order to provide a sufficient level of parking. In this instance a 5 bedroom property would require 3 parking spaces.

Therefore, having taken into account the above, it is likely that an acceptable level of parking could be achieved, in the case of an approval. This is to accord with Policies LP21 and LP22 of the KLP and the aims of the Council's Highways Design Guide.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid to look to evidence of bat roost potential. In this instance, the property appeared well-sealed around the eaves and roof area, an internal inspection has also taken place, and it was

judged unlikely to contain roosting bats. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

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, it has been noted that the extensions to the property would be constructed to modern building regulations which would aid in improving the overall thermal efficacy of the property. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain.

6. Representation
As a result of the above publicity, 3 objections have been received. A summary of the concerns raised, along with officer correspondence can be seen below:

- The dormer would be incongruous when compared to the rest of the houses on the estate.
- The dormer would be out of keeping with the character of the area.
- The dwelling would appear as a two storey dwelling and would have some velux windows in the roof.
  Comment: The above concerns have been noted and an assessment upon the impact on visual amenity has been undertaken within section 2 of the report.

- The extensions would impede neighbouring privacy, especially the rear dormer
  Comment: An assessment upon the impact of the immediate neighbouring properties has been undertaken within section 3 of the report.

- It could potentially have an impact upon the value of our house.
  Comment: This is not a material planning consideration and therefore cannot be taken into account as part of this application.

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 development plan and that specific Policies in the NPPF provide a clear reason for refusing the development proposed.

Recommendation Refuse

Decision Authorisation - Delegated Powers
Application Number: 2021/90775
Officer Recommendation: REFUSE

Reason for refusal:
1. The proposed two storey side extension, by reason of its size, scale and design, would appear discordant and incongruous in the street scene and would not be subservient thereby failing to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, paragraph 4.5 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and advice within the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Photographs to show existing eaves and guttering	19-048-16	-	25th February 2021
Location plan, existing site plan, floor plans and elevations	19-048-01	-	21st July 2021
Proposed floor plans, elevations and site plan	19-048-30	-	21st July 2021

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 the agent regarding the design and the subservience of the works proposed. As such, officers suggested an amended scheme in order to overcome the concerns raised. In this case, amended plans were sought on the 21st July 2021, however, these have been considered unacceptable and therefore the application has been moved onto determination.

Report Dated: 29th July 2021