

**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: 2021/62/91124/E
Site Address: 123, Foxroyd Lane, Thornhill, Dewsbury, WF12 0NA
Description: Erection of single storey front extension
Recommending Officer: Jennifer Booth

DECISION – REFUSED

I hereby authorise the approval/refusal* (delete as appropriate) 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: 12-May-2021

OFFICER REPORT

Site Description

123 Foxroyd Lane is a modern brick-built dwelling at the end of a row of four similar properties. The dwelling is single-storey in appearance, when viewed from Foxroyd Lane and it drops down at the rear, forming a two-storey appearance. The property has a hard surfaced parking area to the front and a small sloping area to the rear.

The property backs onto Edge Top Working Men's Club, which occupies a lower position to the rear, there is a grassed area to the eastern side, similar dwellings to the western side and it faces the side of an older property on the opposite side of the road.

Description of Proposal

The applicant is seeking permission for a front extension.

The extension is proposed to project 4m from the front of the dwelling with a width of 5m, an eaves height of 2.4m and an overall height of 4.2m. The roof form would be a perpendicular pitch to the main roof.

The walls would be constructed using blockwork and render with tiles for the roof covering.

Relevant Planning History

None.

History of negotiations

The submitted plans raised significant concerns in terms of design, scale, materials, which would result in a substantial and incongruous appearance relative to the host property. 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 neighbour letters, which expired on 06/05/2021.

Following the above publicity, no representations have been received.

Consultation Responses

None.

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

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it needs 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 (KLP) and the National Planning Policy Framework (NPPF), 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 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

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 KLP, policy LP1 of which 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 part of a row of modern brick-built dwellings, which are located on a residential street. Dependant upon design, scale and detailing, it may be acceptable to extend the property.

The extension would have a significant degree of prominence, given its proposed position on the front of the property. The design is poor, with the eaves of the extension sitting below the eaves of the main house and resulting in an awkward relationship and contrived appearance. The scale at 4m projection from the front wall of the dwelling and extending across the full width of the property, together with the use of such a high, pitched roof would further exacerbate this incongruous appearance in the street scene. The property and the others in the row are all brick-built dwellings. As such, the use of render would be harmful to the appearance, incongruous and

unacceptable. This extension does not allow the character of the main house and the other properties in the row to be retained and fails to comply with LP24 of the KLP in terms of visual amenity.

Having taken the above into account, the proposed extension will result in significant harm to the visual amenity of 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 to the east side or the rear, which could be affected by the proposal. The property on the opposite side of the road has its blank side elevation facing the site and, as such, the works proposed would have no effect on the amenities of the occupiers of this property.

This would result in a large extension along the shared boundary with the adjoining 125 Foxroyd Lane. However, the opening closest to the boundary is a door and the space to the front of the neighbour is a parking area. Officers are satisfied, therefore, that there would not be a significant impact on the amenities of the occupiers of the adjoining 125 Foxroyd Lane.

Having reviewed the above, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, 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 front of the property would still be able to provide two off-road spaces, which is considered to represent a sufficient 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:

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 erect a single storey extension to the front of 123 Foxroyd Lane 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 front extension, by reason of its design, scale and use of materials, would result in the formation of a significant and incongruous form of development, which would harm the character of the host property and the wider area. To permit the development would be contrary to policy LP24 of the KLP and advice within 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. For the reasons set out above it is considered that the development would not constitute sustainable development and it is, therefore, recommended for refusal.

RECOMMENDATION

Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2021/91124**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed front extension, by virtue of a combination of the design, scale and use of render, would result in an inharmonious development which would be out of character with the surrounding development and appear as an incongruous feature within the street scene. The proposal would, therefore, be harmful to the visual amenity of the area, contrary to Policy LP 24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	(EX)002	861591	18/03/2021
Existing plans	(EX)001	861589	18/03/2021
Proposed plans	(20)001	861590	18/03/2021
Proposed site plan	(20)002	861588	18/03/2021

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 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, scale, materials, which would result in a substantial and incongruous appearance relative to the host property. 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

10/05/2021

