

**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:	2021/62/91781/E
Site Address:	4, Windermere Road, Dewsbury, WF12 7PQ
Description:	Erection of single storey rear and two storey side extensions and canopy to front
Recommending Officer:	Katie Wilson

DECISION - Refusal

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21-Mar-2022

Report – 2021/91781

Site Description

The application site is 4, Windermere Road, Dewsbury. It is a 2-storey semi-detached house, thought to date from the 1940's/50's. The walls are red brickwork and it has a dual pitched roof, hipped to the side and surfaced in grey / blue tiles. There is a small garden to the front with driveway to the side leading to larger back garden, enclosed by similar houses to either side and bowling green to the rear.

The land is relatively flat with the wider area being residential in nature together with a cricket ground and bowling club to the north and east. There are houses of similar design and materials, some of which have been extended in various ways, with a greater variety beyond the immediate street-scene.

Description of Proposal

Planning permission is sought for erection of single storey rear and two storey side extensions and canopy to front.

Single storey rear extension:

- Rectangular footprint 3.0m projection x 5.8m wide
- Mono pitched roof 2.6m eaves level and 3.7m overall height.
- Window and patio door to rear elevation, kitchen window to north facing side elevation.
- External materials to match existing
- Providing space for kitchen / dining extension

2-storey side extension:

- Rectangular footprint 2.5m projection to side x 7.6m deep (set back from front elevation 0.5m and in line with existing rear elevation
- Dual pitched roof, hipped to the side. Eaves level to match existing, ridge level set down approximately 0.2m
- Windows and doors in front and rear elevations at ground and first floor level. Side elevation blank.
- External wall and roof materials to match existing.
- Providing space for store and kitchen/dining extension at ground level with bedroom, walk in wardrobe and ensuite above.

Front canopy:

- It would be above the front door and bay window and project approximately 0.75m from the front elevation.
- It would also extend across the whole of the original frontage of the house and the proposed side extension.
- Mono-pitched roof surfaced in tiles to match existing.

History of negotiations/amendments received

Discussion took place with the applicant and agent regarding the adverse impact that the proposed side extension and turning the entire front garden in parking, would have on visual and residential amenity. The applicant/agent supplied justification for the current proposal and examples of other 2-storey extensions in the wider area that have been approved. These have been considered but all have individual circumstances of which are different to this application site. They are not thought to out-weigh the harm that the proposed development would have upon the character of the street-scene and residential amenities of the neighbouring property to the north.

The description of the proposal was also altered during assessment to include '...and canopy to front'.

Relevant Planning History

None.

Representations

Final publicity date Expires: 9th July 2021. One representation received.

The points raised are as follows:

- Overbearing and overshadowing impacts upon neighbouring property, particularly from 2-storey element.
- Overlooking impact from kitchen window in side elevation of single storey extension.
- The design and appearance will affect the character of the area.

Parish/Town Council comments: Not applicable.

Consultation Responses

No consultations took place during the course of assessing this application.

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):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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 of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. This should be assessed in conjunction with the House Extension SPD and chapter 12 of the NPPF.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. Regarding extensions, it states under part c, that proposals should promote good design by ensuring *'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'*.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) and detailed guidance 5.1 – 5.6 for single storey rear extensions and two-storey side extensions 5.19 to 5.22 given in the Kirklees Householder extensions SPD reflect the above.

In this instance, information kept on the Kirklees mapping system suggests that the original part of the house is as it currently stands. Whilst the proposed extensions would increase the floor area by approximately 60%, the rear extension would be single storey and the side extension would be set back from the front elevation (at first floor level) and the ridge level would be slightly below that of the original part of the house. In officers' opinion this would ensure that the extensions are subservient to the original building.

All the external wall and roof materials would be to match the existing, and in terms of details, the roof designs, and window / door openings would also be very similar to those on the host dwelling house.

Regarding local character and streetscene, Windermere Road is a relatively long, straight road with houses lining each side, serving a total of approximately 42 properties. Historic maps held on the Kirklees mapping system suggest that the houses date from the 1940's or early 1950's and are of the same era as the wider residential estate to the south and south east (around Bennett Lane and Grasmere Road) with further parts of the surrounding estate to the south west and west added in the 1960's and 70's.

Approximately 80% of the houses along Windermere Road are 2-storey semis, built with predominantly dark red brickwork. The remaining dwellings are split between detached bungalows and detached 2-storey houses. Several have stone facades with red brickwork elsewhere.

All the buildings have dual pitched and hipped roofs surfaced in either blue slate tiles, trimmed in red or solely red tiles. All also have bow or bay windows to the front, most are double height although those at the allocation site (and to either side) are ground floor only. All the buildings follow a fairly clearly defined front building line set back from the pavement around 5 to 6 meters with gardens to the front. Most appear to have had driveways to the side allowing some separation between each pair of semis, or detached dwelling.

Over time, most of the properties have been altered in various ways. Some alterations have involved 2-storey side extensions built up to mutual boundaries on both sides (particularly between nos 10 & 12, Windermere Road and 37 & 39, Windermere Road). These appear to merge buildings and erode the original pattern of houses with spaces in between. The introduction of such development appears detrimental to the character of the host and locality.

Several other houses have two storey side extensions built up to mutual boundaries just on one side (particularly nos 11, 17, 21, 24, and 29, Windermere Road). In officers' opinion, these take up all or most of the space at the side of the house, and fail to maintain a gap of 1 meter to the side boundary ensuring the building is not too close to a neighbouring property. Some are also not set back from the front elevation or down from the ridge level. These too are considered to be starting to encroach on the sense of space which is important to the character of the area.

Furthermore, many of the front gardens, (particularly where side extensions have been built), have been hard surfaced and become parking spaces. In officers' opinion this too is eroding the character of the street-scene.

The current proposal at 4, Windermere Road includes a 2-storey side extension. Whilst it is acknowledged that the building materials and roof design would match the host dwellinghouse and it would be set back 0.5m from the front elevation at first floor level, it would also take up all or most of the space to the side of the house and it would not maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. As such it would close a gap between semi-detached houses and further erode a sense of space between houses which is a positive characteristic of the streetscene. This would be contrary to 5.19, 5.20 & 5.21 of the Kirklees house extensions SPD.

The current proposal also includes turning all the front garden into off street parking. This would contribute to a street-scene beginning to be dominated by large areas of hard surfaces and parked cars. This would have a negative impact upon the character of the streetscene and does not promote good design. It is contrary to policy LP24 of the Kirklees Local and 4.43 of the Kirklees House Extensions Supplementary Planning Document.

The Kirklees house extensions SPD is based on the principle of 'comply or justify'. The agent has supplied the following justification for the proposed side extension:

- The application was submitted in May 2021 prior to the new SPD being introduced.

In response: Kirklees House Extensions SPD was adopted in June 2021 and so was a material consideration during assessment and determination of the application. Notwithstanding this, the Local Plan (adopted February 2019) also makes reference to 'terracing' effect and respecting the character of the street scene. This would have been

applicable during the assessment of the application in April / May 2021. The SPD supports the Local Plan and aims to provide consistency in approach and outcomes by providing additional policy requirements. It should also be noted that the concerns raised are not exclusive to visual amenity as the development will result in impact on the amenity of the adjoining occupants.

- The 2-storey side extension is only 2.5m wide. To reduce it by 1.0m would not make the scheme viable.

In response: This is appreciated that to reduce the width would reduce the accommodation significantly, but the design as submitted would cause concerns regarding filling in the gap between houses and resulting in a negative impact upon the host building and street scene. This would not meet the aims of the Kirklees house extensions SPD and detract from the character of the street scene.

Furthermore, there are concerns about overshadowing and overbearing impact upon windows in the facing side elevation of neighbouring property at 6, Windermere Road, one of which appears to be the main window to a habitable room. This would be contrary to LP24 of the Kirklees Local Plan and key design principle of the SPD. In addition it has not been adequately demonstrated that two or three vehicles can be accommodated whilst meeting key design principle 15 of the SPD

- The client wants to access the store via a new door at the bottom of the steps, therefore set back at ground floor level is not needed.

In response: This is noted and the application is being assessed on the basis of the submitted plans.

The applicant has also submitted annotated photographic examples of other houses in the area which have been granted planning permission for similar 2-storey side extensions. Several are in other streets and those identified as in Windermere Road are over 11 years old and mentioned above in this section impact upon visual amenity. If assessed against the current planning policies there would be concern about their impact upon the character of the street scene and would not comply.

Further to this, it is noted that there has been recent appeal decisions in relation to two storey side extensions. Notwithstanding this each application is assessed on its own merits taking into account relevant material considerations which can be site specific. There remain concerns about the impact of the proposal on visual and residential amenity of which differ from those appeals.

Regarding the proposed single storey rear extension, given its size and position it would have no impact upon the street-scene as it would be screened by the host building and surrounding houses. Its scale, design and materials are also considered to be acceptable. It would be immediately adjacent to a mutual boundary with the adjoining semi at 2, Windermere Road, where there is already a conservatory at the back. This provides adequate justification to support the proposed extension being close to the boundary.

To conclude, whilst the proposed single storey rear extension is considered acceptable, the proposed 2-storey side extension would take up all or most of the space to the side of the house and further erode a sense of space between houses which is a positive characteristic of the street-scene. This does not promote good design and is contrary to LP24 of the Kirklees Local Plan and design guidance given in the Kirklees House Extensions Supplementary Planning Document.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

Key design principles 3 (privacy), 5 (overshadowing/loss of light), 6 (preventing overbearing impact) and 7 (outdoor space) of the Kirklees householder extensions SPD expand upon LP24 and are discussed below.

In this instance, there would be three households potentially affected by the proposals; these are addressed as follows:

2, Windermere Road – this is the adjoining 2-storey semi, attached to the southern side of the house at the application site. It already has a single garage attached to the side and a conservatory at the back.

The main impact upon this neighbouring property would be from the proposed single storey rear extension.

In terms of privacy, no openings are shown in the facing side elevation and new openings could be controlled by condition.

Regarding overshadowing and overbearing impact, given that the proposed development at the back is single storey, projects 3.0m, and is oriented to the north, it is considered that it would have very limited impacts of this nature.

6, Windermere Road – this is another 2-storey semi-detached house. It is located to the north of the application site and its side elevation is parallel to and north of the facing side elevation at the application site.

In terms of privacy, the facing side elevation of the proposed side extension would be blank and new openings could be controlled by condition.

Regarding the proposed rear extension, the proposed plans indicate that there would be a kitchen window in the side elevation. This would be a secondary side window to that room and at ground floor level, approximately 2.7m from the mutual boundary, where currently there is a dwarf wall and some single storey outbuildings. At 6, Windermere Road there is a driveway

and on the opposite side of the drive a fence around 1.8m high between the back of the house and the front of garage.

Key design principle 4 of the Kirklees house extensions SPD, states that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. In the case of dining kitchens, (such as this) greater weight will be given to protecting light and outlook, and side windows should not be included in extensions where they would unacceptably overlook neighbouring gardens or otherwise constrain the development potential of adjoining land.

As the proposed side window is a secondary kitchen diner window and does not directly overlook a habitable room window at 6, Windermere Road, it is considered that the separation distance to the boundary is acceptable. However it is also considered that there should be a new fence (approximately 2.0m high) along this section of the boundary to prevent unacceptable overlooking to neighbouring gardens or otherwise constrain the development potential of adjoining land. This could be conditioned.

In terms of overshadowing and overbearing impact, the proposed 2-storey side extension would be close to the mutual boundary and orientated to the south. It would also be approximately 3.0m away from the facing side elevation at 6, Windermere Road, where there are four windows with driveway in between. Three are small windows, and thought to be to non-habitable rooms, another (at ground floor level) is slightly larger and thought to be a kitchen window.

These windows are already overshadowed by the existing house at the application site. In officers' opinion the proposal would increase this impact, and the closer proximity of the proposed side extension to them would significantly reduce aspect from them whilst resulting in increased overshadowing of the space. This would not minimise the impact on residential amenity of future and neighbouring occupiers and is contrary to policy LP24 of the Kirklees LP and key design principle 5 and 6 of the Kirklees House extensions SPD.

5, Windermere Road – This neighbouring property is to the front of the application site and on the opposite side of the road. Given that there would be a separation distance of around 22.5m between the nearest facing elevation, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts.

Bowling green (at rear) – The bowling Green is identified as urban green space on the Kirklees Local Plan and development proposals for UGS would be considered against policy LP61 of the Local Plan. The nearest part of the proposed development would retain a distance of at least 10.5m to a mutual boundary and as such it is considered that this would not constrain

development of this neighbouring site should it be subject to development proposals.

With regards to Key Design Principle 7 - Outdoor space. Extensions and alterations should ensure an appropriately size and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. In this proposal, the garden area would be reduced by around 1/4, and this is considered to retain an acceptable amount of outdoor amenity space.

4 – Impact on highway safety:

With regards to Key Design Principle 15 - Provision for parking. Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking.

The site is accessed from Windermere Road, an adopted, but unclassified road and so it would be acceptable from a highway safety point of view, to reverse in and out of the site.

Although not marked on the submitted plans it is estimated from the first floor layout plan that the existing house has 2 bedrooms and a box/bedroom. It also has a driveway to the front and side where at least 2 vehicles could park off street.

The current proposal would add an extra bedroom and although the agent asserts that the 4th bed/study is not large enough for a single bed, in officers' opinion the proposal would be an intensification of the existing use that requires a further parking space.

The proposal would also remove parking spaces on the drive to side of the house, and the block plan indicates that the whole of the front garden would be used for parking. This would be a rectangular space approximately 8.3m wide x 4.8m deep. Whilst it is noted that parking is shown on the block plan to the front of the property, it has not been adequately demonstrated that 3 vehicles can be accommodated whilst meeting Key Design Principle 15

With regards to Key Design Principle 16 - Provision for waste storage. Extensions and alterations should maintain appropriate storage arrangements for waste.

Currently, it looks like household waste bins are kept on the driveway at the side of the house then wheeled to the front on collection days. The proposed extension would provide a store at ground level and it is expected that this is where the bins would be stored. This would be acceptable in terms of key design principle 16.

5 – Other matters:

Carbon Budget

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.

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

Biodiversity

There are no biodiversity constraints at the site.

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity. In this instance it is considered that it would be un-necessary to provide ecological enhancement measures

Flood Risk

With regards to Key Design Principle 14 - Drainage and flood risk. Extensions and alterations should ensure that all new developments are resilient and resistant to flood risk.

The application site is in flood zone 1 and there is no flooding data at the site or surrounding land. As such the risk of flooding is very low and in officers' opinion no resilient or resistance measures are currently required.

Procedural matter:

During the course of assessment the agent agreed to amend the description of the proposal to include '....and canopy to front'. Given the small scale nature of this element of the proposal and its lack of additional impact upon residential amenity, it was considered unnecessary to re-advertise the scheme.

6 – Representations:

One representation received. The points raised are as follows:

- Overbearing and overshadowing impacts upon neighbouring property, particularly from 2-storey element.
Response: These impacts have been assessed in section 3 (impact upon residential amenity) above and found to be contrary to relevant policies.
- Overlooking impact from kitchen window in side elevation of single storey extension.
Response: This impact has been assessed in section 3 (impact upon residential amenity) above and found to be acceptable subject to conditions.
- The design and appearance will affect the character of the area.
Response: The impact upon visual amenity have been assessed in section 2 (impact upon visual amenity) above and found to be contrary to relevant policies.

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 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

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2021/91781

Officer Recommendation: Refusal

Reasons for refusal

1. The proposed two-storey side extension would take up all or most of the space to the side of the house and fail to maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. As such it would close a gap between semi-detached houses and further erode a sense of space between houses which is a positive characteristic of the street-scene. This does not promote good design and is contrary to LP24 of the Kirklees Local Plan and design guidance given in sections 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document.

2. The proposed side extension would abut the mutual boundary with 6, Windermere Road, which has four windows in its facing side elevation and driveway in between. Three are small windows, and thought to be to non-habitable rooms, another (at ground floor level) is larger and thought to be a kitchen window.

The close proximity and massing of the proposed side extension to them would significantly reduce aspect from them whilst resulting in increased overbearing impact and overshadowing of the space. This would not minimise the impact on residential amenity of future and neighbouring occupiers and is contrary to policy LP24 of the Kirklees Local Plan together with key design principles 5 and 6 of the Kirklees House extensions Supplementary Planning Document.

3. The proposal includes turning the entire front garden into off street parking. This would contribute to a street-scene beginning to be dominated by large areas of hard surfaces and parked cars. This would have a negative impact upon the character of the street scene and does not promote good design. It is contrary to policy LP24 of the Kirklees Local and 4.43 of the Kirklees House Extensions Supplementary Planning Document.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			29.04.2021
Site plan	Dwg no. 20/80		29.04.2021
Plans and elevations as existing	Dwg no. 20/80		29.04.2021
Plans and elevations as proposed	Dwg no. 20/80		29.04.2021

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 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. The applicant was approached regarding amendments to the application, they agreed to altering the description, but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

Report Dated: 16.03.2021

