

**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: 2021/62/91950/E

Site Address: 14, Caledonian Road, Savile Town, Dewsbury, WF12 9NT

Description: Erection of single and two storey extension with a balcony

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: 20-Jul-2021

OFFICER REPORT

Site Description

14 Caledonian Road is a brick built, semi-detached dwelling, which is elevated from the road with a sloping front garden and retaining wall at the front. There is access from Selbourne Avenue to the rear to the rear garden, which also has a drive and garage with the lawned area.

The property is sited in a residential area, with a mix of house types and styles.

Description of Proposal

The applicant is seeking permission for a single-storey side extension and a rear extension with garages on the lower level and a balcony.

The side extension would project 2.8m from the original side wall of the dwelling and would extend the depth of the property. The roof form would be lean-to type.

The rear extension would project 8m from the lower ground level, with the ground being excavated to provide the double garage and access with steps along the boundary with the adjacent no. 12 to the balcony, which is above the garage and which has a depth of 2m across with the width of the extension and would have a 1m brick balustrade and the ground floor would project 6m from the original rear wall of the dwelling with a lean-to roof form, for the most part hipping to the corner with the side extension. The plans indicate there would be roof lights.

The extensions are proposed to be constructed using brick for the walling with tiles for the roof covering.

Relevant Planning History

None.

History of negotiations

The submitted plans raised significant concerns in terms of scale, bulk and massing of the rear extensions and terrace and the resultant harm to the character of the host property and the wider area, together with harm to the adjoining and adjacent neighbours. 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 the issues were substantial, these were considered too significant to be resolved under this application. As such, amended plans were not sought.

Representations

The application was advertised by neighbour letters, which expired on 08/07/2021.

Following the above publicity, no representations were 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
- **LP 30** – Biodiversity
- **LP 53** - Contaminated land

Kirklees Council has recently produced its supplementary planning guidance on House extensions. This is an adopted document, although it is still in the period after adoption where it is open to legal challenge. Nevertheless, it needs to be considered in the assessment of planning applications with appropriate 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
- 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 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:

Caledonian Road is a residential street with properties of varying styles and sizes. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

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

Single storey side extension

The proposed single storey side extension is of a scale, which would be acceptable relative to the size of the existing house. The materials proposed include the use of brick for the walling and tiles for the roof covering, which would match the main house. As such, the side extension is considered acceptable relative to the size of the host property.

Rear extension

The proposed rear extension would incorporate a lower ground floor, with a projection of 8m from the level of the original dwelling and a ground floor with a projection of 6m, which includes a terrace. This would fill most of the land to the rear of the property and would not form a subservient addition to the dwelling. The roof detail between the side and rear extensions is also somewhat incongruous, although it is appreciated that views of this in the wider area are limited. It is also noted that there is a diverse range of properties and extensions in the wider area. However, the formation of a lower ground floor and extensive ground works and excavations would not be in keeping with the two-storey nature of the dwelling. It is appreciated that the materials proposed would match the main house. However, this does not overcome the issues of topography, scale, bulk and massing. Accordingly, the rear extension is not considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extension would 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.

Impact on 12 Caledonian Road

This adjacent house to the north-west occupies a lower level and, although it has had its own extensions, including a balcony, the proposed side and rear extension would result in a significant massing and overbearing impact. Furthermore, the proposed terraced area would overlook this house's own established terrace and amenity space. Therefore, the proposals would result in harm in terms of the amenities of the occupiers of the adjacent 12 Caledonian Road.

Impact on 16 Caledonian Road

It is appreciated that this adjoining dwelling has a rear extension and that the proposed lower ground level would have limited effect on this neighbouring house. However, the ground floor extension and terrace would be constructed along the shared boundary, resulting in an overbearing impact and a loss of privacy. Therefore, it is considered that the proposals would result in harm in terms of the amenities of the occupiers of the adjoining 16 Caledonian Road.

Impact on 45 Caledonian Road

This neighbouring house opposite occupies a lower position, some 23m from the application site. Given this separation, together with the limited scale of the side extension, officers are satisfied that there would be no significant effect on the amenities of the occupiers of the neighbouring 45 Caledonian Road.

Impact on 24 & 26 Selbourne Avenue

These neighbouring dwellings to the rear occupy positions some 33m from the application site and, as such, the proposed extension and terrace would have no significant impact on these neighbours to the rear.

Having assessed the above, the proposals are considered to result in harm to the residential amenity of numbers 12 and 16 Caledonian Road, in conflict 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 scheme includes garaging for two cars, which is considered to represent a sufficient parking provision. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with policy LP22 of the KLP.

5– Other matters:

Biodiversity

Whilst the property is sited in an area, which is known to include bat habitats, in this instance, as the works proposed include no work to the main roof, they are considered unlikely to have an impact on the bat population.

Contaminated Land

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

Carbon Budget

The proposal is a 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 would need to be adhered to as part of the construction process and which would 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 side and rear extension, with a terrace, at 14 Caledonian 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 rear extension, by reason of its scale, bulk and massing, would not form a subservient addition to the dwelling and would, by reason of significant ground works, be out of character with the wider area. To permit the rear extension would be contrary to policy LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed rear extension, by reason of its scale and massing on the shared boundary with the adjacent 12 Caledonian Road, would result in an overbearing impact and overshadowing in the afternoon of the amenity space and rear windows. To permit the rear extension would be contrary to policy LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed raised terrace would result in overlooking of the adjacent property, 12 Caledonian Road, in terms of its garden area. To permit the terrace would be contrary to policy LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed rear extension, by reason of its projection along the shared boundary with the adjoining 16 Caledonian Road, would result in an overbearing impact on this neighbouring house's amenity space and rear windows. To permit the rear extension would be contrary to policy LP24 of the KLP and advice within chapter 12 of the NPPF.

The proposed raised terrace would result in overlooking of the adjoining property, 16 Caledonian Road in terms of its amenity space and rear windows. To permit the terrace would be contrary to 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. 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: 2021/91950

Officer Recommendation: REFUSE

Reasons for refusal

1. The proposed rear extension, by reason of its scale, bulk and massing, would not form a subservient addition to the dwelling and would, by reason of significant ground works, be out of character with the wider area. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
2. The proposed rear extension, by reason of its scale and massing on the shared boundary with the adjacent 12 Caledonian Road, would result in an overbearing impact and overshadowing in the afternoon of the amenity space and rear windows. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
3. The proposed raised terrace would result in overlooking of the adjacent property, 12 Caledonian Road, in terms of its garden area. To permit the terrace would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
4. The proposed rear extension, by reason of its projection along the shared boundary with the adjoining 16 Caledonian Road, would result in an overbearing impact on this neighbouring house's amenity space and rear windows. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
5. The proposed raised terrace would result in overlooking of the adjoining property, 16 Caledonian Road in terms of its amenity space and rear windows. To permit the terrace would be contrary to 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	1B	873579	25/05/2021
Existing & proposed plans	001A	875007	01/06/2021

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 scale, bulk and massing of the rear extensions and terrace and the resultant harm to the character of the host property and the wider area, together with harm to the adjoining and adjacent neighbours. 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 the issues were substantial, these were considered too significant to be resolved under this application. As such, amended plans were not sought.

Report Dated

16/07/2021
