

**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: 2021/62/92000/W

Site Address: 4, Grimscar Avenue, Birkby, Huddersfield, HD2 2TU

Description: Erection of two storey side and rear extensions, dormer windows to rear and associated alterations (within a Conservation Area)

Recommending Officer: Sam Jackman

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: 12-Jul-2021

SITE DESCRIPTION – 2020/92000

4 Grimescar Avenue is a brick semi-detached property with a blue slate roof located on the corner with Bleasdale Avenue and within Birkby Conservation Area.

The property is located on a sloping site resulting in the rear elevation providing access to the basement. Along with the properties to the east being at a lower level and at right angles to the host property. These properties on Bleasdale Avenue are in line with the south gable elevation of host property.

The property benefits from a detached garage and hardstanding to the side with some amenity space to the rear and side.

DESCRIPTION OF PROPOSAL

The proposal includes a 2-storey side extension which would project from the gable by 4.5m almost up to the boundary by 9.1m the depth of the host property. The side extension will be flush with the front elevation and the ridge line running through.

The proposed 2-storey rear extension would project 3m by 10m, the width of the host property and proposed side extension. The roof would have a shallow catslide, a continuation of the main roof. Given the position of the extension there will be approx. 1.4m to the rear boundary.

The proposal also includes a rear dormer in the host property and side extension, having a width of 9.4m with twin gables and the ridges in line with the host property.

The extensions would create a second reception room, kitchen, dining room, a separate staircase leading to 2 additional first floor bedrooms with bathroom and a 5th bedroom with en-suite and store in the attic.

The drawings indicate a basement with access from the garden and main property however no layout has been submitted for this

The side & rear extensions would be built from materials to match the host property with the rear dormer having white upvc.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92000>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being un- acceptable with no obvious solution to overcome concerns given the amount of accommodation required.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

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 30.6.21, whereby 3 letters of representation have been received objecting to this application.

A summary of the comments received is set out below:

- Loss of light
- overdevelopment
- Overbearing impact and inappropriate design.
- Overlooking
- Loss of parking
- Loss of view
- Disruption when being built

CONSULTATION RESPONSES

K.C. Conservation & Design - The proposed extensions and dormers do not preserve and enhance the character of the conservation area as they introduce a dominant extension with substantial dormers and a catslide roof to the rear. The scale of the extensions does not respect the surrounding character or street scene and they are overbearing.

Justification for the proposal is not clear and convincing, the harm has not been acknowledged and no public benefits have been provided to outweigh this harm. In addition, the requirements in the planning policies have not been considered, and therefore the Conservation and Design Team are unable to support this proposal.

POLICY

The statutory development plan comprises:

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 located within Birkby Conservation Area

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP 24 – Design

LP 35 – Historic environment

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, together with Circulars, Parliamentary 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 & coastal change.
- **Chapter 16** – Conserving and enhancing the historic environment

Householder Design Guide (SPD) adopted June 2021.

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. 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 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 SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

ASSESSMENT**Principle of development:**

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

The site is designated within Birkby Conservation Area. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also

having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP24 requires that the form, scale, layout and details of all development “respects and enhances the character of the townscape, heritage assets and landscape...”

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...*”. Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

In this case, it is considered that there may be potential to extend the property, but this would depend on its scale and impact on the Birkby Conservation Area, visual and residential amenity and all other material planning considerations. These will be considered next.

Impact on visual amenity and heritage asset:

The property is a brick 1930’s semi-detached located within Birkby Conservation Area, surrounded by mixed style properties which are both stone terraced properties and brick semi-detached. The property is located on a prominent corner plot at the junction with Bleasdale Avenue and Grimescar Avenue.

The property currently has a detached garage and small single storey rear extension which will be removed as a result of the proposal to build an ‘L’ shaped 2-storey extension and rear dormer, to create a 5-bedroom property with 3 reception rooms.

Impact on the Conservation Area and wider street scene.

The proposed side extension would double the width of the property and extend beyond the building line of the terrace along Bleasdale Avenue, causing harm to the rhythm of the street pattern which is a characteristic feature of the repetitive terraced streets in this conservation area and contributes to its significance.

The proposal for a rear extension with a shallow catslide roof will also change the characteristics of this simple house by adding a roof pitch which is out of

character with the form of the surrounding buildings and the host building itself. In addition, a pair of large dormer window extensions are proposed on the rear pitch and these will certainly harm the character of the conservation area by adding a dominant roof feature in this prominent location where simple pitches are characteristic, along with the more unusual half dormers on the south side of Bleasdale Avenue.

Both the side and rear extensions will lead to less than substantial harm to the significance of the conservation area by greatly increasing the size of the property the character of the house and adding a dominant element to the street-scene on this prominent corner. Paragraph 194 above requires clear and convincing justification to be provided, and 196 requires public benefits to be submitted to outweigh the harm.

In addition, Policy LP35 requires development proposals affecting a designated heritage asset, in this case the Birkby Conservation Area, to preserve or enhance the significance of the asset.

The proposed extensions and dormers do not preserve and enhance the character of the conservation area as they introduce a dominant extension with substantial dormers and a catslide roof to the rear. The scale of the extensions does not respect the surrounding character or street scene and they are overbearing.

The heritage statement submitted with the application states that the side extension will continue the existing flow of the street scape as it is an end terraced house, however, no consideration has been given to how this large extension will impact on to the adjacent terrace on Bleasdale Avenue where it will interrupt the flow.

Impact on the host property

Policy LP24 requires the form, scale, layout and details of all development to respect and enhance the character of the townscape, heritage assets and landscape. Extensions should be subservient to the original building and in keeping with the existing buildings in terms of scale, materials and details.

The proposal would be built of matching materials using brick with blue slate which are considered to be acceptable materials, although the use of white upvc for the rear dormer is unacceptable. This could be easily amended or conditioned if the principle of the development was considered to be acceptable.

With regards to the design of the side extension, an addition to the side could be potentially acceptable, but given the side extensions width and the full width rear extension, concerns remain. It is noted that the materials of construction would match with a matching roof design. Also, the front elevation window proportions, position and numbers, reflect the host property. Furthermore, it is noted that there are other side extensions in the area, such as at 1 Lyndale Avenue opposite. Although both extensions are to the side on

a corner plot, 1 Lyndale Avenue has been designed with a hipped roof, set in from the front elevation along with the side boundary and would sit within the confines of the front and rear elevation. Furthermore, it would be at an acceptable distance from its neighbour.

However, the proposed side extension at No 4 Grimescar Avenue would be very prominent within the street scene given the sloping site, and albeit materials match the host building along with the front fenestration details, due to the size of the extension and proximity from the boundary and the additional rear projection having a shallow catslide would represent an incongruous feature within the street scene. These comments are also reflected in the Conservation Officers comments above.

Therefore, the proposed extensions do not respect the character of the immediate area. Its form, siting and external appearance do not harmonise with the host property. Where the combined extensions would create a discordant structure, which will have a detrimental impact to the visual amenity and the significance of the Birkby Conservation Area.

Furthermore, the host property and its associated curtilage are of a very modest size and, given the level of extensions proposed, would have no meaningful amenity space remaining. As such, the scale is considered not to be acceptable, as it would substantially overdevelop the property and form an incongruous feature, given the limited space remaining around the property. Having taken the above into account, the proposed extensions would cause significant harm in terms of visual amenity for both the host dwelling and the wider street scene within Birkby Conservation Area. The application, 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.

Impact on residential amenity:

The proposed 'L' shaped extension would be built almost to the side boundary along Bleasdale Avenue with only a max distance to the boundary of 1m which tappers down to almost 0.1m towards the corner and front of the property. To the rear of the property the extension would be approx. 2m away from the rear boundary again this would be reduced to 1.3m due to the tapering site boundary. Resulting in no amenity space remaining for the property to the side or rear, with only the small front garden remaining untouched.

Along the rear boundary there is an existing path serving the rear gardens of 12 properties along Bleasdale Avenue & Grisedale Avenue. Due to the proximity of the rear elevation to the rear boundary it is considered that the extension would have an overbearing effect on the users of this path creating a narrow and oppressive access to the rear gardens.

The properties to the rear are in the form of a row of terraces located at right-angle to the host property with the gable facing the rear elevation, albeit there are no windows in the gable, therefore no overlooking in this case would occur. The rear windows in the side extension would overlook both the uses of the footpath given the distance of 1.3m and the front gardens of properties along Bleasdale Avenue. It is accepted that the gardens are front gardens having an open aspect however the new relationship with the proposed side extension rear windows and the separation distance is considered to be unacceptable.

With regards the side elevation, currently there is a ground floor hall window and a secondary window to the living room along with a first-floor window to a small bedroom. The proposed extension proposes to repeat the living room side window and 2 further secondary windows to the two first floor bedrooms. These windows would result in a separation distance of approx. 15m, to the property opposite no.41 Bleasdale Avenue, which is considered to be the minimum acceptable distance, where these windows could be conditioned to be obscurely glazed if the principle of the development was considered to be acceptable.

With regards being overbearing and or overshadowing the proposal extends to the side boundary and almost to the rear boundary. Given the sloping nature of the site and the proximity from neighbours along Bleasdale Avenue, it is considered that the side extension and subsequently the rear extension would create an unprecedented overbearing impact on its neighbours.

Having reviewed the above, the proposals would have a significantly adverse impact upon the amenities of the occupiers of the adjacent 30 Bleasdale Avenue, in terms of overlooking, an overbearing impact and overshadowing. Therefore, the proposals fail to comply with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 127 (f) of the NPPF.

Impact on highway safety:

In terms of highway safety, the existing garage and off-street parking spaces will be lost, given that the accommodation being provided would be 5 bedrooms, 3 parking spaces would be required. Therefore, on street parking would be inevitable. On street parking in the local area can be oversubscribed and there is concern that the proposal would have a detrimental impact on highway safety contrary to Policy LP21.

The proposal also doesn't meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that albeit the extension would have an impact on the existing roof structure which appears to be in a good state of repair. However, a cautionary foot note would be added if the application was to be approved.

As such the development would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that three representations have been received as a result of site publicity.

A summary of the comments received is set out below:

- Loss of light
Response – addressed in the report

- Overdevelopment
• **Response** – addressed in the report

- Overbearing impact and inappropriate design.
• **Response** – addressed in the report

- Overlooking
• **Response** – addressed in the report

- Loss of parking
• **Response** – addressed in the report

- Loss of view
- **Response** – there is no right to a view

- Disruption when being built
- **Response** – it is accepted that most developments would have an impact on immediate neighbours during construction, however if this is unreasonable with regards noise or blocking of footpaths both environmental Health and highways would be involved.

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 would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2020/92000

Officer Recommendation: REFUSE

Reasons for Refusal

1. The proposed extensions, by reason of their design, scale, bulk and massing would represent an incongruous feature to the host property and within the street scene. The extension would not be subservient to the host property and would be harmful to the character of the host property, the street scene of Grimescar Avenue and Bleasdale Avenue and the wider Birkby Conservation Area. To permit the extensions would be contrary to Policies LP24 a & c & LP35 of the Kirklees Local Plan and advice within Chapters 12 and 16 of the National Planning Policy Framework.
2. The cumulative impact of the varying extensions, given the modest curtilage of the host dwelling would result an overdevelopment of the site with insufficient amenity space remaining for the future occupiers. To permit the proposals would be contrary to Policy LP24 c of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.
3. The proposed extensions, by reason of the significant bulk and massing, would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 30 Bleasdale Avenue, with regards to being overbearing, overshadowing and overlooking at close quarters. To permit the proposals would be contrary to Policy LP24 b of the Kirklees Local Plan and the National Planning Policy Framework.
4. The proposed development would lead to the reduction in available space for off street parking at the application site and would materially increase the number of bedrooms at the site without providing additional off street parking. The proposal would therefore lead to potential further on-street parking where spaces can already be oversubscribed to the detriment of Highway safety. To permit the development would be contrary to Policies LP21 and LP22 f of the Kirklees Local Plan and the aims of the National Planning Policy Framework paragraph 109.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations	2116/02		13.5.21
Proposed layout & elevations	2116/02		13.5.21
Heritage Statement			19.5.21

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. No negotiations have taken place with the applicant/agent due to the application being unacceptable with no obvious solution to overcome concerns given the amount of accommodation required.

Recommendation and Authorisation Box

Report Dated:

9.7.21

Coal – low risk