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:	2021/62/92138/W
Site Address:	84, Chiltern Avenue, Lindley, Huddersfield, HD3 3PF
Description:	Erection of side extension, front dormer extension and alterations
Recommending Officer:	Laura Yeadon

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: 19-Jul-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92138

Site Description

84 Chiltern Avenue is a semi-detached hip roofed bungalow located within a residential area which is unallocated on the Kirklees Local Plan. The property has a front elevation which is stonework with a front projection which is red brick. The side and rear elevations are also constructed from red brick with a conservatory located on the rear elevation and a uPVC porch on the side elevation. The property is set up from the roadside and is separated from the roadside by a front lawned garden and is within a triangular shaped plot. Along the southern boundary is a concrete driveway which leads to a detached prefab garage.

Description of Proposal

Permission is sought for the erection of a side extension, front dormer extension and alterations. To enable the extension, the existing porch and detached garage would be demolished.

Side extension

The proposed side extension would lie flush with the existing lounge, set back from the kitchen by 1.2 metres and would project to the side by 3 metres. The extension would span the full side elevation and would lie flush with the rear existing rear elevation. Due to the boundary line, the extension would be stepped in towards the rear of the property to a width of 2.3 metres. The existing roof would be altered from a hip to a gable to create accommodation within the roof space. The proposed construction materials are facing brickwork to the walls with concrete tiles for the roof.

Dormer extension

A dormer extension is proposed within the front elevation roof slope. The dormer would be set up from the gutter line by 0.7 metres and set down from the ridge of the roof by 2 metres. The dormer would be set in from the side elevation by 1 metres and set in from the shared boundary with the attached property by 1.3 metres. The dormer would be a total width of 7.6 metres, height of 2 metres with a total projection of 3.4 metres with a flat roof. The proposed construction materials would be uPVC cladding. No proposed colour of the cladding has been submitted.

Alterations

The proposed alterations to the property include new entrance steps to the side elevation, roof lights within the rear elevation and internal alterations to create accommodation and a bathroom within the roof space, including a staircase.

History of negotiations/amendments received

No negotiations have taken place. An extension of time was refused and therefore the application is determined as submitted to ensure the application was determined within the 8 week timeframe.

Relevant Planning History

None

Representations

We are currently undertaking the legal 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.

Final publicity date expired 8th July 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

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 24** – Design

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, 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

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene. This is considered in detail in the report below.

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. 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 terms of the principle of extending a bungalow section 5.7 of the Extensions and Alterations SPD provides specific details of the considerations of extending bungalows and the considerations that Officers will assess.

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

2 –Impact on visual amenity:

In terms of visual amenity, the property is located within a residential area which is comprised of mainly semi-detached properties which are mainly hipped roofed with sporadic pitched roofs. The development proposed within this application would result in a side extension, a hipped to gable roof form and a dormer extension to the front of the property which would extend into the side extension roof slope. Due to the resultant mass of the extensions, including the dormer extension the development would not result in the works being subservient with the original building as required within Policy LP24 (c) of the Kirklees Local Plan.

Whilst the side extension and hip to gable roof form may be designed to be subservient to the host property, the front dormer is considered to introduce this feature to the street scene where front elevation dormers are not common. The Extensions and Alterations SPD states that in terms of front dormer extensions, consideration should be given to the surrounding buildings within the street. It goes on to say under para. 5.26 that modern flat roof dormers may be considered acceptable if they are well-design, small in scale and appearance and characteristic of the street scene. In this instance, the dormer proposed is large in scale and would be an alien feature within the street scene where other dormer openings are located within the rear elevations and would not or either respect or enhance the character of the townscape. The SPD goes on to say that ideally, dormers should be located to the rear of the house and should be as small as possible with a substantial area of the original roof retained. Due to the size and scale of the proposed feature, it is not considered that the dormer would comply with this guidance.

Para. 5.31 of the Extensions and Alterations SPD states that increasing the height or amending the roof pitch will significantly affect the character of the and proportions of the building and will impact on the street scene. In this instance, there is no proposed increase in height to the building however it is proposed to amend the roof pitch. It is important to note that the property hosts full permitted development rights and therefore a hip to gable alteration and a side extension could be constructed without the requirement of planning permission. Notwithstanding this, there are no previous applications for a Certificate of Lawfulness to demonstrate a fall back position.

The proposed materials of construction for the extension are considered to be acceptable and would be in keeping with and would match the host property, as required within Policy LP24 of the Kirklees Local Plan and the supporting SPD. However there are concerns with the proposed construction materials for the dormer being PVC cladding. The SPD states under para. 5.27 that dormer windows should be design in a style and with materials to match the existing house. In this case whilst it is noted that there is a uPVC conservatory

to the rear of the property, in terms of the original property the use of uPVC cladding is not considered an acceptable construction material.

As such, it is not considered that the development would not represent a subservient addition to the host building and the front dormer extension due to its size, scale and siting would result in an incongruous feature on the host dwelling and the wider street scene which would not comply with Policy LP24 a and c of the Kirklees Local Plan, advice within the Extensions and Alterations SPD and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Openings are proposed within the side elevation of the extension and the front elevation of the dormer extension with roof lights within the rear elevation of both the original house and extension. In terms of the openings within the dormer, these would face the houses opposite the site. As the dormer is set back within the roof slope, the separation distance between the site and the facing properties would not be reduced. In terms of the side elevation openings, these would face the side elevation of the No. 86 albeit at an oblique angle. The proposed plans are annotated and state that the side elevation window/door shall be obscurely glazed and therefore there are minimal concerns regarding overlooking. It is not anticipated that there would be significant harm from the proposed roof lights.

In terms of overshadowing and/or being overbearing the as the side extension would be to the north of the neighbouring property, No. 86, it is not considered that there would be a significant loss of light to this property. With regard to being overbearing, due to the minimal openings within the side elevation of the neighbouring property, it is not considered that the extension would cause significant harm from being overbearing.

As such, it is considered that the proposal is acceptable from a residential amenity and would comply with both local and national policy.

4 – Impact on highway safety:

The existing garage would be demolished to allow for the construction of the extension. The submitted proposed site plan (Dwg No. 21/629/05) indicates that 2 no. off-street parking spaces can be provided within the site. This would result in the partial loss of the lawned garden. Should the application be supported, a condition can be attached which would ensure that the parking spaces are permeable.

5 – 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. It was not considered necessary to request specific measures to address the development's resilience to climate change.

6 – Representations:

None

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/orthe 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 **REFUSE**

Decision Authorisation - Delegated Powers

Application Number: 2021/92138

Officer Recommendation: REFUSE

Reason for refusal

1. The proposed development by reason of its scale and siting when cumulatively assessed against the original property would not result in a subservient addition to the host building. In addition due to the scale, siting and materials of the proposed front dormer extension would result in an incongruous feature on the host dwelling and in the wider street scene which would not comply with Policy LP24 a and c of the Kirklees Local Plan, advice within the Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	21/629/01		25th May 2021
Existing block plan	21/629/02		25th May 2021
Existing elevations and floor plans	21/629/03		25th May 2021
Proposed elevations and floor plans	21/629/04a		25th May 2021
Proposed block plan	21/629/05		25th May 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. No negotiations have taken place. An extension of time was refused and therefore the application is determined as submitted to ensure the application was determined within the 8 week timeframe.

Report Dated: 19th July 2021

Coal - low