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:	2021/62/92851/W
Site Address:	3, Viewlands, Fixby, Huddersfield, HD2 2HY
Description:	Erection of first floor extension to rear and two storey extension to front
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 14-Oct-2021

SITE DESCRIPTION – 2021/9

3 Viewlands, Fixby is a large detached random stone property with a concrete tiled roof, located within a residential area of large properties of mixed styles.

There is an existing first floor extension over the original double garage incorporating a first-floor link to the original property, creating a covered walkway providing access into the rear garden. The property has also been extended with a rear conservatory on the back of the host property and a large single storey extension behind the garage which projects 12m. The rear garden has a gentle slope up towards the rear boundary which is fairly large with mature planting to all sides.

DESCRIPTION OF PROPOSAL

The application is for a new first floor over the single storey extension behind the garage which would follow the existing footprint of the building.

The measurements of the proposal are as follows:

- 4.6m in width
- 12.3m in length
- 4.75m in height to the eaves; 7m in overall height

The application also includes a 2-storey front extension in front of the existing garage

The measurements of the proposal are as follows:

- 5.7m in width
- 3.5m in projection from the existing building
- 5.7m in height to the eaves; 8.5m in overall height

The 2-storey front extension would enlarge the existing garage and enlarge the first-floor family room/bedroom above.

The new first floor extension over the rear annex, would include a new staircase with an additional bedroom, en-suite and walk-in-wardrobe, with no link to the existing first floor.

The front extension would be built from random stone and concrete tiled roof to match the host property. The rear extension would be cream rendered to match the upper half of the rear extension again with a concrete tiled roof.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92851

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The submitted plans raised significant concerns in terms of the design and scale of the proposed extensions, given the level of previous extensions. 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 such, amended plans have not been sought, with the entire principle of development considered unacceptable in line with national/local planning policy and other material planning considerations. The specific reasons for refusal are set out in the assessment section of this report.

RELEVANT HISTORY

2013/93472 Erection of single storey rear extension (modified Proposal) – Granted

Condition 5. - The use of the extension hereby approved shall remain ancillary to the occupation of the main dwelling and shall not at any time be occupied as separate residential accommodation.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy D2 of the Unitary Development Plan and advice in the National Planning Policy Framework.

https://mapping.kirklees.gov.uk/connect/analyst/mobile/#/main?mapcfg=Planning%20-%20Development%20Management

2013/92297 - Single storey rear extension – granted

98/91628 - Conservatory –granted

91/01663 – bedroom and playroom extension –granted

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 27.8.21, 3 letters of representation have been received commenting on this application, from 1 household.

A summary of the comments received is set out below:

- Loss of light/overshadowing
- Overbearing
- Loss of Privacy due to side windows
- Not subservient due to the proposed size

CONSULTATION RESPONSES

None

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.

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

House Extensions and Alterations Supplementary Planning Guidance (SPD)

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.

ASSESSMENT

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.

In terms of extending and making alterations to a property, Policy LP24 of the Local Plan is a key material consideration when assessing such proposals, which relates to good design amongst other matters, whereby,

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…" and "*c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Chapter 12 of the NPPF which strongly emphasises the importance of good design and how this can contribute to the overall quality of the area not just for the short term but over the lifetime of the development. Whereby 126 provides a principal consideration concerning design which states:

> *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Finally, the newly adopted Supplementary Planning Document on House Extensions and Alterations (adopted June 2021), Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – that "extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene."

- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

The Supplementary Planning Document clearly refers to front extensions in section 5.13 and the potential impact they could have on the character of the area and visual amenity. Where large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The SPD also refers to rear extensions which should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.

5.2 of the Supplementary Planning Document refers to the general rules, where a rear extension should:

- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Taking the above into account, the principle of extending residential properties in an identified settlement upon unallocated land can be considered to be acceptable. However, careful consideration must be made in regard to the size of the plot and position of the proposed new extension in relation to its surroundings. An assessment of this, along with all other material planning considerations, including visual and residential amenity, shall be set out below

Impact on visual amenity:

3 Viewlands, Fixby was a modest 3/4-bedroom property with a detached double garage within fairly large grounds located in a residential area of mixed style properties.

In 1991 the property was extended with a first-floor extension over the garage and first floor link to the host property this provided a 45% increase to the host property which given that the property is not within the Green Belt and is situated on a fairly large plot this was considered to be acceptable. Furthermore, the first floor over the garage and link are set back from the front elevation and on a slight curve to sit in line with the adjacent neighbour's property at No.1.

The 2nd application in 1998 was for a conservatory to the rear of the host property, which itself added 10% to the host property but combined with the first extension the combined extensions added 55% volume. This extension was located to the rear, being single storey and small in scale it was considered to have little impact on neighbours and the street scene.

The 3rd extension itself added 26%, with an overall combined extensions of 81% to the original property. At the time of this application, it was considered that the proposed rear extension was large, given its projection of 12.3m. However the application was assessed on whether the size of the extension would have an impact on the character of the area and visual amenity. From the officer's report at that time:

> *It was considered that the rear garden is large with mature planting to all boundaries which would screen the extension from the street and neighbouring properties. Due to the sloping garden the extension would also be built into the slope, resulting in the internal floor level of the extension being lower than the existing garden level. This would also reduce the impact of the extension on neighbours. The extension would reflect the design of the host property using materials to match. Therefore, it is accepted that the extension is large however due to the levels and screening within the grounds it is considered that the extension would have little impact on the character and visual amenity of the area.*

Therefore, again this extension was considered to be acceptable on balance.

The current proposal now refers to two separate extensions to the property.

The first extension is to the front to extend the existing garage and first floor family room above by extending the front elevation forward by 3.5m by the width of the garage and the ridge line following through. The proposed extension has been designed with materials to match the host property and repeating the gabled roof, with the roof line running though. The design and materials are considered to be acceptable in principle in this case.

However, the proposal is to the front of the property where the Supplementary Planning Document clear refers to front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In this case, the current building is set back approx. 10m which would be reduced to 6.5m at its shortest distance, where it could be said that the extension is set back from the road frontage, however it would be forward of the neighbour's side extension and the newly created building line created between the two properties, furthermore it wouldn't be screened.

The extension itself is also not small in scale being 2-storey and having a footprint of 20^2m, furthermore when seen with the existing extension would have a combined increase of 104% and albeit designed to match the host property, it is not seen as subservient and therefore would harm the character of the host property.

It is accepted the front extension would be built from matching materials, however this doesn't overcome the concerns already raised.

Finally, the front extension would be forward of the neighbour's property however they are not parallel with each other. Therefore, given the relationship the extension itself would have limited impact on the immediate neighbour.

The second extension is to the rear enlarging the existing annex with a new first floor; where again the proposed extension has been designed with materials to match the host property and repeating the gabled roof, with a set down of the roof line. The design and materials are considered to be acceptable in principle in this case. It is accepted that there would be limited view from Viewlands, the extension would be seen from The Fairway albeit again a reduced view, when looking between No.1 Viewlands and No.16 the Fairway nevertheless it will be seen from a public viewpoint.

The Supplementary Planning Document refers to rear extension, where consideration should include, preserving a back garden of a reasonable size, being set behind the original building, and not projecting beyond the sides; and maintaining external access to the rear garden.

In this case the development follows these guidelines given its first floor, set behind the garage and providing access to the rear garden, albeit the open walkway could easily be infilled without planning permission the property is

set in from both side boundaries, giving access to the rear albeit limited access.

However, the extension doesn't respect the original house and garden in terms of its size and scale, as the combined percentage increase would be 127% and even if the front extension was removed from the proposal, it would still have a combined increase of 104%. It is also considered that the rear extension having a projection of 12.3m would also have some overshadowing effect on the neighbours, given the proximity from the shared boundary.

Therefore, when the proposed extensions are taken into account with the previous extensions to the property, the cumulative impact of the existing and proposed extensions would not be subservient, resulting in an unacceptable and overly dominant arrangement of extensions to the original building which would be unduly harmful to the visual amenity of both the host property and the character of the wider area.

It is acknowledged that the facing material of the extensions would be stone and concrete roof tiles for the front extension, which would both match the main dwelling, this alone wouldn't overcome other concerns.

The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (a & c) and advice in the SPD in that the extensions would not cumulatively be subservient to the original building, as well as the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

No.3 has two side neighbours: No. 1 & No. 5 Viewlands, both are detached from the host property.

It is considered that the proposal would be sufficiently sited from properties opposite, and albeit the extension is close to the rear boundary, given the existing screening and difference in levels again the rear extension would be sufficiently sited from the properties at the rear not to prevent undue harm to any of these neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing impact.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
- Principle 4 - 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."

- Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

No.5 Viewlands

No. 5 is located to the east being at a slightly higher level than the host property and set away from the shared boundary with further separation distance provided by the neighbour’s drive. Given that the proposed extensions are along the west boundary and over 20m away from No 5. it is considered that the proposals would not cause undue harm to No.5 in terms of loss of light or the creation of an overbearing /over dominant effect.

Furthermore, there are no direct facing side windows in the rear extension with the front side windows screened in part by the existing property. Therefore, it is considered that the proposal would not cause undue harm to No.5 in terms of loss of overlooking in this case.

No.1 Viewlands

No. 1 is to west of the property and along this boundary the properties are at almost equal distance from the shared boundary.

The proposed front extension is 2-storey and would project 3.5m, where the neighbours property extends further forward, where the overall projection would be reduced to 1.5m beyond the neighbour’s property. Therefore, given that this part of the neighbour’s property is a later addition, the front extension would have little impact on the neighbour from being overbearing or overshadowing.

With regards overlooking from the front extension, the proposal includes a side window at first floor along with a new window in the existing family room, where these would overlook the neighbour’s property and albeit the front garden, they are at close quarters. However, if the application was considered to be acceptable, then amended plans could be requested or a condition added for these to be removed or to be high level.

With regards to the rear extension which would again be first floor, having a projection of 12.3m almost the full depth of the rear garden and would be set in from the shared boundary by approx. 1.7m. it is considered that the size and position of the extension would have an overbearing and some over shadowing affect in the summer months, on the neighbour property No.1.

With regards overlooking the proposal shows windows along this boundary clearly overlooking the neighbours rear garden, again these could be conditioned to be high level or removed, however they wouldn't meet building regulations approval. Therefore, would have to be moved to the east facing elevation which would on the whole would overlook the applicant's garden and would also look towards the neighbour's garden at No. 5. However, the separation distance is approx.11.5m to the shared boundary, with no direct face to face windows, therefore this separation distance would be considered to be acceptable.

To conclude this section, the proposal therefore wouldn't accord with Policy LP24 of the Kirklees Local Plan which states "extensions [should]…minimise impact on residential amenity of future and neighbouring occupiers." Given the proximity of the rear extension in relationship with its neighbour, it would result in significant harm upon the residential amenity of No. 1 Viewlands, along with the newly adopted SPD as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive can still accommodate 4 cars along with the enlarged garage, as such would meet the aims of Policy LP22 of the Kirklees Local Plan and Key design principle 15 of the Council's adopted House Extensions and Alterations SPD with respect to highway safety and the 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. It is however noted that proposal includes some solar panels which would allow some solar gain but wouldn't overcome concerns raised above.

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 will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

Furthermore, it was considered to be unreasonable to ask for a survey adding un-necessary expense to the applicant given the fundamental concerns over the size of the proposed extensions.

Representations:

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

A summary of the comments received is set out below:

- Loss of light/overshadowing
  Response: - addressed in the report

- Overbearing
  Response: - addressed in the report

- Loss of Privacy due to side windows
- **Response: -** addressed in the report

- Not subservient due to the proposed size
  Response: - addressed in the report

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, the adopted SPD and other material considerations. It is considered that the development proposals does 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 taken as a whole.

Decision Authorisation - Delegated Powers

Application Number: 2021/92851

Officer Recommendation: Refuse

1. The proposed extensions by reason of their scale and design, and when cumulatively assessed with previous extensions to the original property, would not represent a subservient addition to the host building or be in keeping with the property in terms of its scale and detailing. The development would cause harm the character and appearance of the host property and the wider area and fail to accord with Policy LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policies in Chapter 12 of the National Planning Policy Framework.

2 The proposed rear extension, by virtue of its size and proximity to the neighbouring property at No. 1 Viewlands, would lead to an unacceptable loss of amenity through overbearing impact, overlooking at close quarters and an overshadowing impact contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and paragraph 130 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250			22.7.21
Block Plan 1:200 at A3			15.7.21
Existing layout			15.7.21
Existing elevations			15.7.21
Proposed layout		A	15.7.21
Proposed elevations		A	15.7.21

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. The Case Officer did not undertake any negotiations with the given the previous extensions and accommodation required.

Recommendation and Authorisation Box

Report Dated: 13.10.21

Coal – low risk