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:	2021/62/92897/W
Site Address:	20, Rutland Road, Milnsbridge, Huddersfield, HD3 4RA
Description:	Erection of two storey extension to side and associated 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 13-Sep-2021

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92897

Site Description

20 Rutland Road is a two storey detached dwelling located within an area without notation on the Kirklees Local Plan. The dwelling is constructed from facing brickwork and has uPVC openings. To the front of the property is a driveway for one vehicle and a small garden and to the rear is a garden area with a playing field beyond. The surrounding area is comprised of mainly detached properties which vary in design and style.

Description of Proposal

Permission is sought for the erection of a two storey extension to the side and associated alterations.

The proposed extension would lie flush with both the front and rear elevations of the property and would project to the side by 1.7 metres. The roofline would be a continuation of the existing with the eaves sitting just below those on the adjacent property No. 18.

The proposed construction materials would be to match the existing and openings are proposed within the front, side and rear elevations and it is proposed that to reconfigure the first floor opening within the front elevation and create an additional opening.

History of negotiations/amendments received

None

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 27th August 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
- **LP 28** – Drainage

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, 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 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:

The proposed two storey extension would be located on the side elevation of the dwelling and would have flush front and rear elevations and a cat slide roof. Due to the limited width of the extension and the roofline set down from the existing, it could be argued that the proposal is subservient to the host property. The Kirklees House Extensions and Alterations SPD states that two storey side extensions should maintain a 1 metre gap to the side boundary and should be set back at least 500mm form the front wall of the house. The proposed extension is not set back from the building line. Due to the limited space to the side of the extension the space would be reduced from 2.4 metres to 0.6 metres thus falling short of the 1 metre gap required. This lack of space is further exacerbated at eaves level as there would be a 0.2m gap between the eaves of the proposed extension and that to the neighbouring dwelling. This would have a negative effect on the street scene creating an almost 'terracing effect' between this property and its neighbour.

It is noted that there is a dwelling within the street scene which has completed a similar scheme. No. 24 Rutland Road was granted in 2006 which has been implemented. This was approved prior to the adoption of the Kirklees Local Plan and also prior to the adoption of the more recent SPD. The schemes would be very similar in the style of extensions with similar roof designs. This carries some weight in the determination of this particular application.

However, the repetition of this design of extension would have a more pronounced effect at the application site as one of the properties adjacent to no. 24 is a bungalow so there is more sense of space around no. 24. In addition, a further side extension close to the boundary - and even closer to the eaves lines of the neighbouring property at lower ground level - would exacerbate the potential terracing effect along this small group of two-storey detached houses.

As each application is assessed upon its own merits against relevant national and local policies and guidance in force at the time of determination, it is therefore considered that the proposed extension, which would result in a development which would be visually cramped in appearance, would fail the acceptable parameters for two-storey side extensions set out in paragraph 5.20 of the House Extensions and Alterations SPD and therefore Policy LP24 (a) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

In terms of the impact of the scheme on residential amenity, openings are proposed within the front, side and rear elevations of the extension and a reconfiguration of the first floor window openings within the front elevation. The established separation distance with the facing properties would not be reduced and there are no dwellings beyond the rear elevation which would be affected by the works. There are no openings within the side elevation of the adjacent property and therefore there would be minimal harm in terms of overlooking, being overbearing or from overshadowing.

As such, in terms of residential amenity, the proposal is acceptable and would accord with both local and national policy.

4 – Impact on highway safety:

No additional bedroom space would be created and therefore there is no requirement to provided additional parking for the property.

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 is not considered that specific mitigation measures are required in this instance.

Drainage – there is a culvert that runs along the rear of the site. As the extension would not encroach any further towards the culvert, it was not considered necessary to require any further details regarding the protection of the culvert.

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/or 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 **REFUSE**

Decision Authorisation - Delegated Powers

Application Number: 2021/92897

Officer Recommendation: REFUSE

Reason for refusal

1. The proposed extension by reason of its design, scale and siting would result in a scheme that would appear cramped and incongruous resulting in harm to the character and appearance of the host dwelling and the wider streetscene. The extension would fail to comply with paragraph 5.20 of the adopted House Extensions and Alterations Supplementary Planning Document and Policy LP24 (a) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP01		19th July 2021
Existing elevations and floor plans	2021/040/01		19th July 2021

Plan Type	Reference	Version	Date Received
Proposed elevations and floor plans	2021/040/03		19th July 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 Agent was not asked for amendments as it was considered that there would be no design solution to allow the construction of a side extension.

Report Dated: 10th September 2021

Coal – none