

**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: 2021/62/92932/W

Site Address: 3, Westridge Drive, Beaumont Park, Huddersfield,
HD4 7AX

Description: Demolition of garage and erection of replacement
garage and two storey side extension with terrace and
replacement balustrade

Recommending Officer: Katie Chew

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.**

John Holmes

AUTHORISED OFFICER

Date: 29-Nov-2021

Officer Report

Site Description

3 Westridge Drive, Beaumont Park, Huddersfield, HD4 7AX

The application site comprises of a large two-storey stone built detached dwelling which benefits from front and rear garden/amenity areas, single storey attached garage and 2 driveways to the front.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the demolition of garage and erection of replacement garage and two storey side extension with terrace and replacement balustrade.

The proposed single storey garage is to be located on the western elevation and will measure approximately 11.8m x 3.8m, with a ridge height of 4.6m.

The proposed two storey side extension is to be located along the eastern elevation and replace the existing garage and single storey element to the east. The extension will measure approximately 8.6m x 8.1m with a ridge height of 6.6m. A single storey porch element is also proposed to the front of the extension measuring approximately 1.3m x 2.7m with a ridge height of 2.9m.

Other external alterations are also proposed to create a terrace area to the rear, at first floor level. The existing roof is to receive a new balustrade and structural alterations to enable its use as a terraced area. The new and existing roof is also to be tiled with dark grey concrete tiles and alterations are to be made to the existing stairway to the rear to provide a new raised patio area.

Materials proposed within the extensions and alterations include regular coursed natural stone to match the existing, windows to match the existing and dark grey concrete roof tiles.

History of negotiations/amendments received

No amendments have been sought as the proposals would require a significant amount of changes to make the proposals acceptable.

Relevant Planning History

2011/91117 – Erection of two storey side extension and formation of first floor terrace to rear. Approved 25th July 2011.

Representations

Final publicity date expires:

Neighbour Letters – Expired 15th November 2021.

3 representations have been received in objection to the proposals. Comments are summarised below.

- The proposed development constitutes overdevelopment of an existing property. The dwelling has already been extended to twice its original size and the proposal will increase it again to 3 times its original size;

Officer note: Noted. Overdevelopment is discussed below within the visual amenity section of the report.

- The property will have 8 bedrooms, there is not sufficient space within the plot to accommodate the number of vehicles which will result in vehicles being parked on the adjacent road causing an obstruction to other users;

Officer note: Noted. However, highways officers have stated that they raise no concerns in respect to parking.

- The application form states that there are no changes to existing parking which is incorrect as the garage changes from a double to a tandem which is less likely to be used;

Officer note: Noted. Changes to access and parking is discussed within the highways section of this report.

- Concerns over loss of privacy to habitable rooms and gardens of adjacent neighbouring properties;

Officer note: Noted. Impact on residential amenity is discussed in the report below.

- The scale of the proposed extension would be overbearing and out of character with other houses in Westridge Drive, the proposals would significantly alter the feeling and character of the neighbourhood;

Officer note: Noted. Impact on visual and residential amenity is discussed in the report below.

- The exceptionally wide frontage would result in the loss of light (not helped by the fact that the property is on a sloping site) especially during the winter months when the sun is low in the sky;

Officer note: Noted. Impact on residential amenity is discussed in the report below.

- Access to neighbouring driveways is already an issue due to the acute angle of entry on the apex of the bend in the road and the arrangement of driveways. When no. 3 park their cars on the street extreme concentration is required to enter and exit neighbouring driveways;

Officer note: Noted. However, highways officers have stated that they raise no concerns in respect to parking.

- The space between houses is as important as the buildings themselves to the visual aspect of Westridge Drive;

Officer note: Noted. Visual amenity is discussed in the report below.

- The application is not in accordance with the NPPF in the following areas and is not sustainable as below:

8.2b and c
 11. a.di and dii
 20d
 104. Promoting sustainable transport
 107. Parking
 108.
 112. c and d
 113
 124. Making effective use of land
 125.
 126. – residential amenity. Achieving well designed places
 127.
 130.
 134.

Officer note: Parking and access (104, 107, 108 & 112 – a travel plan (113) is not deemed necessary given that this is for an extension to an existing residential dwelling) is assessed and discussed within the highways impact section of this report. Visual and residential amenity (126) is also discussed

under the visual and residential impact sections of this report. 20d relates to creating strategic planning policies and therefore would not be relevant in this instance. 8 2b and c are noted and outlined within the principle of development section of this report. 11. A. di and dii are noted and are discussed within the principle of development section of this report. Paragraphs 124 & 125 relate to housing developments and not householder extensions and therefore are not relevant to this application. Paragraphs 127, 130 & 134 are noted, design is discussed within the visual amenity section of this report.

Officer note: The Council 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, details of which are outlined above.

Parish/Town Council Comments

N/A.

Local Ward Members

N/A.

Consultation Resources

KC Highways Development Management – Comments received 10th November 2021. No objections.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

National Planning Policy:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact on the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1- Principle of Development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

An assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise is undertaken within the following report, with the conclusion section of this report setting out the conclusions in regard to the principle of the development.

2 – Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal considering concerning design which states:

“The creation of high-quality, beautiful and sustainable 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”.

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

'Key design principle 1 (Local character and street scene) – 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.'

Key design principle 2 (Impact on the original house) – 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.'

Paragraph 5.19 of the Council's House Extensions and Alterations SPD states that two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. Paragraph 5.20 goes on to say that:

'Two storey side extensions should:

- Not take up all or most of the space to the side of a house;*
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- Be set back at least 500mm from the front wall of the house'.*

The proposed two storey side extension (coupled with the proposed garage to the east would take up the majority of space to the side of the dwellinghouse. Although the extension would be stepped back the front elevation of the host dwelling by around 1m (this does not include the proposed single storey porch element to the front of the side extension). Finally, a 1m gap would be provided between the shared boundary and therefore the proposals could in principle be amended to increase the separation distance between the shared boundary to allow for some additional space around the host dwelling to allow the proposals to accord with the above recommendations.

Moving on to the proposed single storey side extension, paragraph 5.17 of the above SPD highlights that single storey side extensions should be offset and complement the original building. As such, single storey side extensions should not extend more than two thirds of the width of the original house; not exceed a height of 4 metres; and be set back by at least 500mm from the original building line to allow for a visual break.

The proposed single storey side extension would be stepped back by 0.3m, whilst this isn't up to the 0.5m requirement discussed above, this could be amended. The garage would not provide a 1m gap to the side boundary and would leave a 0.1m separation distance, this would not be deemed to be acceptable and should a 1m gap be provided this would not allow sufficient space for the use of the garage for the parking of vehicles. The garage (alongside the proposed two-storey side extension) would take up the majority

of the space to the side of the house. It is therefore considered that this element of the proposals would not be in accordance with the Councils House Extensions and Alterations SPD.

No.3 Westridge Road originally comprised of a modest 3 bedroomed detached property with single attached garage, located in a residential area with a mixed style of properties. In 2011 the property was granted planning permission for a two-storey side extension and first floor terrace to the rear (app ref: 2011/91117) whilst the two-storey side extension was built out the rear terrace was not. The current proposal seeks to provide an additional two storey side extension, rear terrace area and single storey garage.

Principle 7 of the Kirklees House Extensions and Alterations SPD highlights that new development should ensure that an appropriately sized and useable area of private outdoor space is retained. In this instance the front garden/amenity space would be retained with the majority of space to the rear also left available for the occupiers.

Whilst the proposals are in line with Principle 7 of the SPD, the extensions do not respect the original house and garden in terms of its size and scale, as the combined percentage increase in floorspace would be an approximate 105% increase. Therefore, when the proposed extensions are considered 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 to match the host dwelling, with dark grey concrete roof tiles, whilst the materials are supported this alone would not overcome other concerns raised.

The proposals therefore fail to comply with Policy LP2 & LP24 of the Kirklees Local Plan (a & c), Principles 1 and 2 of the adopted House Extensions and Alterations SPD as the extensions would not cumulatively be subservient to the host dwelling, as well as paragraphs 126 and 130 of the National Planning Policy Framework.

3 – Impact on Residential Amenity:

Sections B and C of LP24 state that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers”.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Impact on no. 1 Westridge Drive

This neighbouring property is located to the west of the application site and is most likely to be impacted upon by the proposed single storey extension on the western elevation. Whilst 1 window is proposed within the western elevation of the garage, the eastern elevation at no. 1 is blank therefore there are no concerns in respect to overlooking. In addition, the proposals are to be single storey in height and be located directly adjacent to an existing garage, therefore there are no concerns in respect to the proposals being overbearing in nature. Finally any overshadowing arising from the proposed garage would fall across the roof of the garage at no. 1 and therefore no habitable room windows or useable amenity space would be significantly impacted upon.

Impact on no. 2 Westridge Drive

This neighbouring property is located to the north of the application site approximately 29m away. Given this large separation distance there are no concerns in respect to overlooking or overshadowing, and whilst it is noted that the extension proposed is large in scale and size this separation distance will ensure that the proposals are not overbearing on the adjacent neighbouring property.

Impact on no. 5 Westridge Drive

This neighbouring property is located to the west of the application site and is most likely to be impacted by the two-storey side extension proposed along the western elevation. As no windows are proposed within the western elevation of the extension there are no concerns in respect to overlooking or the loss of privacy. It is also noted that there would be some additional overshadowing arising from the proposals throughout the morning however, it is not considered that this would be significantly detrimental given that it would not be for a prolonged period of the day and this dwelling benefits from a large amount of amenity space to the rear, front and sides. Therefore, there would always be some garden area free from shading. Finally, whilst the proposed extension is to be large in scale and size, it would be viewed against the host dwelling and stepped back from the shared boundary. In addition, no. 5 is set a different orientation to no. 3 and stepped back within its plot providing an oblique relationship between the properties.

Impact on no. 94 Beaumont Park

This neighbouring property is located to the south of the application site. Given the location and orientation of this neighbouring property to the application site, there are no concerns in respect to overshadowing. It is also noted that no. 94 is turned away from no. 3 Westridge Drive which does mean that only the northern gable elevation faces towards the application site as this gable is blank there are no concerns in respect to the direct overlooking into any habitable room windows. Whilst it is noted that a number of new windows are to be included within the rear elevation alongside a new terrace area at first floor level, given the existing relationship between the host dwelling and no. 94 and that there are mature trees along the southern boundary of the site which do provide a buffer and some screening, loss of privacy is not considered to be a concern in this instance. Finally, although the extensions proposed are large in scale and size, it is considered that the proposals would be stepped back far enough away and viewed in context with the host dwelling and adjacent properties to ensure that the proposals would not appear overbearing in nature of this dwelling.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

Given the nature of the proposals the Council's Highways officers were consulted, they raised no objections as parking on both driveways would be retained and parking is to be provided within the double garage. Whilst the proposals will provide an 8 bedroomed dwelling the Kirklees Highways Design Guide states that 4+ bedroomed dwellings should provide 3 off-street parking spaces and therefore it is considered that adequate parking could be provided. The also note that vehicular access from Westridge Drive is to remain unchanged and that presumably the waste collection arrangements will remain as existing.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and the guidance contained within the National Planning Policy Framework.

5 – Other Matters:

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature and scale of the proposals and that the host dwelling appears to be well sealed to the eaves it is unlikely that roosting bats will be found during construction works on site. However, should planning permission be granted it is recommended that an informative is included which provides information for the applicant should roosting bats be found during construction works.

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 predates 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.

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11

request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

The proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures were 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 in the event of any approval. The proposed development would therefore comply with principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 – 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.

Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with policy LP24 of the plan stating that good design should be at the core of all proposals in the district.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/92932

Officer Recommendation: Refuse.

Reason for Refusal:

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 to the character and appearance of the host property and the wider area and fail to accord with Policy LP2, 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 paragraphs 126 and 130 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Planning Scheme – Plans & Elevations As Existing	ACU(100)01	-	20 th July 2021
Proposed Plans & Elevations	ACU(100)02	B	4 th October 2021
Location Plan	ACU(100)03	-	20 th 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought as the proposals would require a significant amount of changes to make the proposals acceptable.

Report Dated:

26/11/2021