

**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: 2021/62/93268/E

Site Address: 182, Headfield Road, Savile Town, Dewsbury, WF12 9JH

Description: Erection of extensions and alterations

Recommending Officer: Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Oct-2021

OFFICER REPORT

Site Description

182 Headfield Road is a semi-detached dwelling with stone and cladding on the front elevation and brick to the side and rear. The property has a hard standing to the front and side with a single storey extension to the rear and a large outbuilding in the yard at the back of the dwelling.

The property backs onto a wooded area with similar dwellings to each side and opposite the front elevation.

Description of Proposal

The applicant is seeking permission for a single storey front, a front dormer, a two storey side and a single and two storey rear extension.

The front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including to the front of the proposed side extension.

The front dormer would have a width of 4.5m and a height of 1.5m with a flat roof form. The cheeks of the dormer would be tile hung.

The side extension would project 2.7m from the original side wall of the property and would extend the depth of the dwelling with a pitched roof form.

The rear extension would project 6m from the original rear wall of the dwelling on the ground floor reducing to 3m at first floor extending across the width of the dwelling including to the rear of the proposed side extension. It would have a lean to roof over the single storey element and a perpendicular pitched roof over the two storey extension.

The front extension and the front wall of the side extension would be constructed using stone with brick for the side and rear walls. The roof would be covered with tiles.

Relevant Planning History

2015/90143 - erection of extensions - granted

2015/92890 - erection of extensions - refused

2021/91593 - larger home notification – granted

There is also a large outbuilding which was built in 2018 without planning consent. The Compliance team have been made aware.

History of negotiations

The submitted plans raised significant concerns in terms of the size of the front dormers given their prominence in the street scene, the design of the side extension with the lack of set back and set down leading to an appearance which is not subservient and the cumulative impact of the varying elements of the scheme and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. 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 there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 29/09/2021

As a result of the above publicity, no representations have been received.

Consultation Responses

None

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 UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and 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 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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 the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The properties on Headfield Road are residential dwellings of a similar age although there are variances in terms of style and there have been very significant and sometimes very unsympathetic extensions and additions in the wider area. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state 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. Furthermore, Key Design Principle 2 of the HESPD goes onto state 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 details.

The proposal under consideration consists of four distinct elements which shall be addressed below.

Single storey front extension

Front extensions are highly prominent in the street scene. Careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character. The House Extension SPD suggests in point 5.14 that they may be appropriate where the house is set back from the pavement, which 182 Headfield Road is by approx. 8.7m. The SPD also states that front extensions should be small and subservient to the main house. With the projection proposed at 1.5m and the single storey nature of the extension, the proposed extension is considered to broadly comply with this point. The materials proposed are shown on plan as stone which will match the main house. There are also many examples of similar extensions within the street including to the front of the adjoining property. The front extension is therefore considered to be acceptable in terms of visual amenity and broadly compliant with the House Extension SPD, KLP and the NPPF.

Front dormer

Dormers on the front are particularly prominent within the street scene and the newly adopted House Extension SPD refocuses the need for such extensions to fit in with the host property and the wider area. It is noted that there are a number of dormers in this street with varying designs. Point 5.27 of the House Extension SPD states that dormer windows should relate to the appearance of the house and should not dominate the roof. The proposed dormer here would have a width of 4.5m and would have a flat roof form. Although this would be set up from the eaves, it would not be set down from the apex and would by reason of its size overwhelm the original roof. The front dormer is therefore not considered to be acceptable in terms of visual amenity.

Two storey side extension

The two storey side extension would lie flush with front of the dwelling and would fill the land to the side of the dwelling with no separation to the boundary. The lack of setback and set down will result in the extension not forming a subservient addition to the property and the space between buildings is an important part of the character of an area and allowing extensions which fill this area would erode the character. The side extension would fail to meet the criteria of the House Extension SPD, KDP1 and point 5.22 which states that side extensions should retain a gap of at least 1m to the boundary to avoid a terracing effect and retain access to gardens. The side extension is not considered to be acceptable in terms of visual amenity.

Single & two storey rear extension

The ground floor to the rear of the original house would be replacing an existing extension and has already been agreed through the larger home notification scheme. This does not however include the area to the rear of the side extension or the first floor. However, the first floor would be similar to the adjoining dwellings own extension and as such would not be out of place in the wider area.

Summary

The cumulative impact of the works proposed together with the existing outbuilding to the rear would overdevelop the rear of the dwelling. The front dormer is too large and would cover the majority of the original roof and the side extension, without a setback, would not form a subservient addition to the dwelling. Having taken the above into account, the proposed extensions and alterations would cause harm to the visual amenity of both the host dwelling and the wider street scene. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form subservient additions to the property in keeping with the existing building, Key Design Principles 1 & 2 of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The rear garden original had an area of approx. 152 sqm. However, with the existing rear extension and the large, unauthorised outbuilding less than 70sqm of the rear yard has been retained. The proposed extensions would reduce this further to less than 45sqm leaving an inadequate amenity space for the occupants. Therefore, the proposals fail to comply with KDP7 of the House Extension SPD.

There are no properties to the rear which could be affected by the works proposed.

Impact on 180 Headfield Road

The front extension would be constructed along the shared boundary with the adjoining dwelling. However, given the limited projection of 1.5m together with the single storey nature of the extension, Officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjoining 180 Headfield Road.

The side extension would be positioned on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining 10 Headfield Road.

The rear extension would be constructed up to the shared boundary. However, the neighbour has their own single and two storey rear extension which would mitigate any impact of the proposed extension. There would be no impact on the amenities of the occupiers of the adjoining 180 Headfield Road.

Impact on 184 Headfield Road

The adjacent neighbour has a single storey side extension which is a hairdressing shop separating the host property from the neighbour's house. The front extension would therefore have no impact on the amenities of the occupiers of the adjacent 184 Headfield Road.

The side and rear extension would be built right up to the neighbours side wall which includes a window and door. This would have an unacceptable impact

on the adjacent neighbour and would fail to comply with LP24 of the KLP, KDP 5 & 6 of the House Extension SPD and chapter 12 of the NPPF.

Impact on 177 & 179 Headfield Road

Given the separation provided by the road and gardens of the host property and the neighbouring dwellings opposite of over 30, the front and side extensions together with the dormer proposed would not have any significant impact on the amenities of the occupiers of the neighbouring 177 & 179 Headfield Road.

Having considered the above factors, the proposals will result in the dwelling itself having insufficient amenity space and further adverse impacts upon the residential amenities of the adjacent 184 Headfield Road thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would still retain space for three vehicles and is considered to represent a sufficient provision. Bin storage for the dwelling is currently at the front of the house and would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5– Other matters:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, if approval is recommended a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP, if minded to approve.

Carbon Budget

The proposal is 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 will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

None as the recommendation is for refusal.

9 – Conclusion:

This application to erect a single storey extension to the front, front dormer, two storey side extension and a single & two storey rear extension at 182 Headfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The proposed front dormer, by reason of its size and design, would form a prominent and incongruous feature within the street scene. To permit the front dormer would be contrary to policy LP24 of the Kirklees Local Plan, KDP 1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed side extension, by reason of its scale, infilling the space to the side of the property would erode the sense of space within the wider area and given the lack of setback would not form a subservient addition to the dwelling. To permit the side extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP 2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The cumulative impact of proposed extensions and the existing development at the rear of the dwelling, by reason of the level of development proposed, would have a harmful effect on the character of the host property. To permit the extensions would be contrary to policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP 2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent property together with the spatial relationship between the properties would result in an overbearing impact on

the amenity space and windows, particularly in the side elevation of the adjacent 184 Headfield Road. To permit the side and rear extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principle 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.

The proposed rear extension, by reason of its projection along the shared boundary with the adjoining dwelling would result in an overbearing impact and overshadowing in the morning of the first floor windows. To permit the side and rear extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principles 5 & 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.

The proposed extensions would result in overdevelopment of the dwelling with an inadequate amenity space for the occupiers of the host property. To permit the extensions would be contrary to policy LP24 of the Kirklees Local Plan, Key Design Principle 7 of the House Extension SPD and advice within the National Planning Policy Framework.

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. For the reasons set out above 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: 2021/93268

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed front dormer, by reason of its size and design, would form a prominent and incongruous feature within the street scene. To permit the front dormer would be contrary to policy LP24 of the Kirklees Local Plan, KDP 1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
2. The proposed side extension, by reason of its scale, infilling the space to the side of the property would erode the sense of space within the wider area and given the lack of setback would not form a subservient addition to the dwelling. To permit the side extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP 2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
3. The cumulative impact of proposed extensions and the existing development at the rear of the dwelling, by reason of the level of development proposed, would have a harmful effect on the character of the host property. To permit the extensions would be contrary to policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP 2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
4. The proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent property together with the spatial relationship between the properties would result in an overbearing impact on the amenity space and windows, particularly in the side elevation of the adjacent 184 Headfield Road. To permit the side and rear extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principle 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.
5. The proposed rear extension, by reason of its projection along the shared boundary with the adjoining dwelling would result in an overbearing impact and overshadowing in the morning of the first floor windows. To permit the side and rear extension would be contrary to policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principles 5 & 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.
6. The proposed extensions would result in overdevelopment of the dwelling with an inadequate amenity space for the occupiers of the host property. To permit the extensions would be contrary to policy

LP24 of the Kirklees Local Plan, Key Design Principle 7 of the House Extension SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Proposed plans	01	890418	17/08/2021

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 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 submitted plans raised significant concerns with regards to all elements of the scheme and the resultant harm to the character of the host property, amenities of the adjacent property and the wider area, given the incongruous appearance of the resultant house. 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 there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought.

Report Dated

11/10/2021