

**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: 2021/62/93271/W

Site Address: 2, Shannon Drive, Mount, Huddersfield, HD3 3UL

Description: Erection of first floor rear extension and formation of accommodation in 2nd floor roof space

Recommending Officer: Lucy Taylor

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-Sep-2021

Officer Report.

Reference: 2021/93271

Location: 2, Shannon Drive, Mount, Huddersfield, HD3 3UL

Proposal: Erection of first floor extension and formation of accommodation in 2nd floor roof space.

Site Description.

2 Shannon Drive is a two-storey detached property located in Mount, Huddersfield. The property is currently under construction, following the granting of planning permission under application 2021/91741 for the erection of a single storey rear extension, first-floor extension over single storey side and the conversion of the garage to living space. An area of garden amenity space has been retained to the rear however, this has been reduced in size as a result of ongoing development of the site.

To the front elevation, the property has an area of hard surfacing, utilised as driveway amenity space. This will facilitate off-street parking for 2 cars.

The property is located on a corner plot, on the junction from Moorlands Road onto Shannon Drive. The forms of boundary treatment around the property consist of a low stone wall and low hedging.

With regard to the wider streetscene, there is a mixed sense of similarity. This is because, although a large majority of the properties are faced in brick, the property types and their designs differ from one another.

The site is Unallocated in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the erection of a first-floor extension and the formation of accommodation in the 2nd floor roof space.

The proposed first-floor extension and formation of accommodation in the 2nd floor roof space will involve a 4.2 metre increase in height to the previously approved single storey extension (under planning application 2021/91741). It will have the same width as the single storey projection, at 6.6 metres, and will project from the rear elevation of the host dwelling to the same extent, 3.65 metres. However, due to the formation of accommodation in the 2nd floor roof space, the additional extension will project from the rear elevation of the host gable roof by 7 metres.

The exterior walls of the extension will be constructed from matching brick and the gable roof will be infilled with matching roof tiles. With regard to fenestration, the extension proposes two regular windows on the rear elevation, alongside a high-set window that follows the design of the gable roof. In addition, an additional small obscurely glazed window is proposed in the western side elevation and a velux window within the eastern side elevation of the gable roof. All of these forms of fenestration will be constructed from grey UPVC.

Within the interior of the dwelling, the 1st floor extension will facilitate space for the master bedroom and another additional bedroom, and the 2nd floor roof space will be utilised as an 'attic store'.

History of Negotiations.

The case officer sought amended plans, specifically for drawing '208', due to the original submission been scaled incorrectly. Amended plans, scaled correctly, were submitted by the applicant.

The submitted plans raised significant concerns in terms of the design and scale of the proposed first floor extension. 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 principal 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 Planning History.

- **2021/90233** – Erection of single and two storey extensions. *Granted approval 17th March 2021.*
- **2021/91741** – Erection of single storey rear extension, first-floor extension over existing side and conversion of garage to living space. *Granted approval 21st June 2021.*

Representations.

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 27th September 2021 – no representations were received.

Consultation Responses.

KC Highways Development Management – deems the proposals acceptable with no specific conditions because there will be no resultant changes in access, parking or to bin storage arrangements.

Policy/Legislation.

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 in the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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, 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 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 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 notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”

Chapter 2 of the NPPF goes onto further state that objectives should:

“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

LP1 goes further and states:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

The Kirklees Council House Extensions and Alterations SPD (adopted June 2021), supports and applies national and local policies, to set out the specific design principals for house extensions and those within the wider domestic curtilage. In the context of this application, the SPD will be used to assess the local context and character, the original house, neighbouring properties and parking. The council expects proposals for new house extensions/alterations to comply with the guidance and key design principles set out in this document.

The principle of developing a first-floor rear extension with 2nd floor roof space accommodation at 2 Shannon Drive is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

1. Impact on Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) 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.”

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 development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
*“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...”*

The Council’s House Extensions and Alterations SPD is also relevant to the visual amenity assessment of the proposal, outlining that the proposed first-floor rear extension should:

- be proportionate to the size of the original house and garden;
- not project out more than 3 metres from the rear wall of the original house or by more than 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, as a wall, fence or hedge, by at least 1.5 metres
- not adversely affect habitable windows where they adjoin a neighbour’s boundary.

Key design principles 1 and 2 of The Council’s House Extensions and Alterations SPD are relevant in this case. Principle 1 (Local character and street scene) sets out 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.

Key design principle 2 (Impact on the original house) which details 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.

Weight is afforded the extant planning history in place in relation to this site. Given that permission has already been granted for extensive development of the host dwelling, including the conversion of the garage into living accommodation and the erection of both a single storey rear extension and first-floor side extension under planning application 2021/91741, it is concluded that any further development of the site will result in a significant level of development of the host property. When calculated, the host dwelling has a volume of approximately 867.12 metres squared. The previously approved extensions present a volume increase of 18%, whilst noting that the single storey extension replaced an existing conservatory, and the garage conversion presented no increase in footprint but a increase to habitable space to serve the dwelling. Therefore, with the proposed first floor rear extension presenting an additional volume increase of approximately 31.4%, it

is concluded that it's erection would not be subordinate to the host property and would reduce the overall dominance of the original dwelling.

The impact of the proposal is further emphasised through the overtly prominent design of the proposed works, whilst set down by 0.35 metres from the roof there would be a further projection from the gable by an 7 metres. As a result of this, the extension is considered to result in an unacceptable extent of bulking and massing to the rear of the dwelling. As well as impacting upon the visual amenities / character of the host property, these characteristics would also have an impact upon the wider streetscene, with the site in a prominent location and clearly visible from Moorlands Road and from the junction of Roman Avenue.

The proposal would disrupt the setting of the dwellinghouse within the wider streetscene and significantly reduce the extent of separation distance between surrounding neighbouring properties, especially No.36 Moorlands Road creating an unacceptable built-up appearance within a street which is characterised by spaciousness between neighbouring dwellings.

In addition, from a design perspective it is also noted that, given the positioning of the proposed extension, a significant amount of the white boarded detail to the rear would be lost, disrupting the original architectural design of the dwelling and making the small area retained disjunct from the rest of the dwellinghouse visually.

The proposed works at 2 Shannon Drive are not considered to comply with the requirements of development as set out in the SPD and are considered to result in a disproportionate addition to the dwellinghouse/garden.

Therefore, for the reasons outlined above, it is considered that the proposal would cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore not considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan or the Council's adopted House Extensions SPD.

2. Impact on Residential Amenity:

Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document are considered to be of relevance. These state the following:-

- Key design principle 5: Overshadowing/loss of light Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.
- Key design principle 6: Preventing overbearing impact Extensions and alterations should not unduly reduce the outlook from a neighbouring property

Sections B and C of LP24 states 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 users.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 4 Shannon Drive, No. 34 Moorlands Road and No. 36 Moorlands Road. It is considered that the proposed extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 4 Shannon Drive – this property is located to the east of the application site.

Given the relationship and separation distance between these two neighbouring properties, the proposed first-floor rear extension presents no impact of overbearing or overshadowing for the occupiers of 4 Shannon Drive. In addition, because no glazing is proposed on the side elevation that faces towards this neighbouring property, the first-floor extension also presents no significant impact to neighbouring privacy or overlooking. It is recommended a condition is in place to ensure no openings are later inserted to this elevation under permitted development rights, in the event of any grant of consent.

No. 36 Moorlands Road – this property is located to the south-east of the application site.

Given the relationship and separation distance between these two neighbouring properties, the proposed first-floor rear extension presents no impact of overbearing or overshadowing for the occupiers of 36 Moorlands Road. In addition, because of their relationship to one another, and the position of additional glazing to only the rear elevation of 2 Shannon Drive, the first-floor extension is concluded to present no significant impact to neighbouring privacy or overlooking.

No. 34 Moorlands Road – this property is located to the south of the application site, ancillary to No.36 Moorlands Road.

Although it is unclear as to whether this building currently functions under residential use, it is classified within the council’s GIS system to have a primary classification as ‘residential’ with its own separate building number, therefore, for the purposes of residential amenity an assessment on the basis it is residential is undertaken.

The proposed rear extension to 2 Shannon Drive would impact upon the residential amenity of this neighbouring property, presenting impacts of both overbearing and overshadowing for any current occupiers or any occupiers in the future. This is concluded on the basis the proposed first-floor extension is to be erected in close proximity to this ancillary building and to an increased

height – presenting an overbearing impact and an overshadowing impact, blocking natural light to the openings in the northern elevation of this property.

Given that additional glazing is only proposed to the first-floor, that will overlook the roof of this property, no significant impact is considered to be posed to residential privacy or overlooking.

Key Design Principles 5 and 6 of The Council's House Extensions and Alterations SPD requires that development does not lead to overshadowing and an overbearing impact to neighbouring properties, this is in line with the residential amenity principles set out in Chapter 12 of the NPPF and LP24 of the Kirklees Local Plan. Therefore, for reasons of causing detrimental harm as a result of overshadowing / overbearing impact to No.34 Moorlands Road – both for any current occupiers or future occupiers, the proposed development to 2 Shannon Drive is not considered to comply with national and local planning policies/guidance, causing undue impacts to the residential amenity of No.34 Moorlands Road.

3. Impact on Highway Safety:

Upon formal consultation with KC Highways Development Management, it was concluded that the proposal is acceptable from a highways safety perspective because there would be no resultant changes in access, parking or to the existing bin storage arrangements.

Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to comply with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4. 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 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

5. Representations:

No representations were received.

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.

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 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.

The proposal does not fulfil Chapter 12 of the NPPF or LP24 of the Kirklees Local Plan with regard to both visual and residential amenity. For this reason, the proposal also fails to comply with Kirklees Council's House Extensions and Alterations SPD.

Recommendation – Refuse

Decision Authorisation – Delegated Powers

Application Number – 2021/93271

Officer Recommendation – REFUSE

1. By virtue of its scale, prominence and massing the development would introduce an overly prominent and incongruous feature which would fail to harmonise with the host property or wider street scene. The proposal is contrary to 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 paragraph 126 of the National Planning Policy Framework.
1. By virtue of its size and proximity to the neighbouring property to the south of the site the development would lead to an unacceptable level of overshadowing and have an overbearing impact contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 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
Rear Aerial as Approved	108	-	17.8.21
Rear View as Approved	205	-	17.8.21
Site Plan as Approved	102	-	17.8.21
Floor Plans as Approved	104	-	17.8.21
Proposed Rear Aerial 1	200	-	17.8.21
Proposed Rear Aerial 2	204	-	17.8.21
Elevations as Approved	112	-	17.8.21
Existing View	201	-	17.8.21
Rear Aerial 2 as Approved	203	-	17.8.21
Front Aerial as approved	107	-	17.8.21
Proposed View	202	-	17.8.21
Proposed Rear View	206	-	17.8.21
Location Plan	100	-	17.8.21
Proposed Elevations	208	2	27.9.21
Proposed Floor Plans	207	-	17.9.21

Design and Access Statement	-	-	17.9.21
-----------------------------	---	---	---------

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 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. Amendments were sought regarding the scale of submitted drawing '208', this was corrected by the applicant and re-submitted correctly. No amended plans were sought with regard to the design of the scheme, this is explained in full within the 'history of negotiations' section of the report.

Report Dated:

27.9.21