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:	**2021/62/94320/E**
Site Address:	5, Lawnhurst Mews, Dewsbury Moor, Dewsbury, WF13 4TB
Description:	Erection of two storey and single storey rear extension and front porch extension
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: 13-Jan-2022

OFFICER REPORT

Site Description

5 Lawnhurst Mews is a stone built, modern attached property with an open garden to the front, drive to the side leading to a detached garage at the rear and an enclosed garden to the rear of the property.

The property is surrounded by other dwellings with a mix of ages, palettes and styles.

Description of Proposal

The applicant is seeking permission to enlarge the existing porch and erect a single and two storey rear extension.

The width of the porch would be increased by 2m, in line with the existing porch. The roof would continue the existing lean to.

The extension is proposed to project 4.5m from the original rear wall of the dwelling on the ground floor reducing to 3m at first floor. The extension is proposed to extend across the width of the dwelling with a lean to roof form over the single storey section and a perpendicular pitched roof over the first floor.

The walls of the extensions are proposed to be constructed using stone with tiles for the roof covering.

Relevant Planning History

2006/93720 - erection of two storey extension - granted although not built

History of negotiations

The submitted plans raised concerns in terms of the design and scale of the extension with regards to the impact in terms of the character of the area and the harm to neighbouring properties in terms of overbearing and oppressive impact. Furthermore, there would be insufficient parking provision. 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 27/12/2021

As a result of the above publicity, one representation has been received which expressed the following concerns which can be summarised as material considerations:

- Overlooking,
- Close to the neighbours boundary,
- Requirement for additional parking,
- Overbearing.

Although other matters may have been raised, only the material considerations can be considered by officers.

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 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

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

Assessment

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.

Impact on visual amenity:

The host property is located on a small, modern residential cul de sac of similar properties.
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 two distinct elements which shall be addressed below.

Front porch

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The proposed porch would be small in scale with a limited width and projection which would be constructed using materials to match the main house. The front porch is therefore considered to be acceptable in terms of visual amenity.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

Due to the scale of the rear extension, extending 4.5m on the ground floor, 3m at first floor and extending across the full width of the property it is not considered to form a subservient addition to the dwelling and would occupy a significant area of the rear garden. It is appreciated that the materials proposed would match the main house. However, the due to the scale and mass of extension proposed is not considered to be acceptable in terms of visual amenity and there are no mitigating factors to justify the development proposed.

Conclusion

Having taken the above into account, although the front porch could be supported, the proposed single & two storey rear extension would not form a subservient addition to the dwelling by reason of its size and would cause harm in terms of visual amenity for 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 extension would not form a subservient addition to the property or be in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>:

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 and Key Design Principle 6 on preventing overbearing impact.

Impact on 4 Lawnhurst Mews

The limited scale of the front porch and its continuation of an existing structure towards the shared boundary with the adjoining property is such that there would be no impact on the amenities of the occupiers of the adjoining 4 Lawnhurst Mews.

The rear extension proposed would be constructed along the shared boundary and would have an overbearing and oppressive impact on the rear windows and amenity space of the adjoining dwelling. This would be further exacerbated as the neighbouring property occupies a lower position than the host property. Furthermore, the position of the extension to the east of the neighbour would result in overshadowing in the morning. Although there are no windows proposed in the side and as such there would be no loss of privacy. However, there are no factors pertaining to the site which would mitigate the harm in terms of overbearing or overshadowing. With regards to the impact on the adjoining 4 Lawnhurst Mews, the scheme is not considered to be acceptable in terms of KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 381 Staincliffe Road

The adjacent neighbour to the east occupies an elevated position some 9m from the site. Given the significant land level difference, the proposed extension would not have any significant impact on the amenities of the occupiers of the adjacent 381 Staincliffe Road. With regards to the impact on the adjacent 381 Staincliffe Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 154 Moor End Lane

The very limited scale of the porch and the relationship between the host property and the neighbour to the north is such that there would be no harm caused to the amenities of the occupiers of the neighbouring 154 Moor End Lane. With regards to the impact on the neighbouring 154 Moor End Lane,

the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 377 Staincliffe Road

The angled relationship between the host property and the neighbour to the southeast is such that the extension would have no significant impact on the windows in the rear elevation or the immediate amenity space. There would be a relationship between the new windows and part of the neighbours garden area. However, this effect would be not significantly greater than the existing dwelling. With regards to the impact on the neighbouring 377 Staincliffe Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 373 Staincliffe Road

The blank side elevation of the neighbouring 377 Staincliffe Road is situated some 20m from the existing rear elevation of the host property with part of the neighbouring garden of 377 between the sites. With regards to the impact on the neighbouring 373 Staincliffe Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Having considered the above factors, there would be harm caused to the amenities of the occupiers of the adjoining 4 Lawnhurst Mews in terms of overbearing and overshadowing. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use with the addition of two new bedrooms and resulting in a five bedroom property. As per paragraph 4.42 of the House Extension, a property with over 4 bedrooms should have parking for three vehicles. It is noted that the dwelling has parking to the side for one vehicle and another space within the garage. Being located on a mews there is limited on street parking.

There is no scope to provide the third parking space and given the very limited size of the small cul de sac, no alternative on street parking and any indiscriminate parking in this location is likely to lead to concerns regarding highway safety. As such the scheme would represent additional harm in terms

of highway safety as adequate provision cannot be provided failing to comply with Policy LP22 of the Kirklees Local Plan and cannot be justified in terms of Key Design Principles 15 of the House Extension SPD .

Other matters:

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.

Representations:

One representation has been received which expressed the following concerns which can be summarised as material considerations:

- Overlooking,
- Close to the neighbours boundary,
- Requirement for additional parking,
- Overbearing.

The matters raised relating to impact on residential amenity and highway safety have been addressed within the relevant sections of this report.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 24 Tailor Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

The proposed extensions to the rear, by reason of the design and scale, would not form a subservient addition to the dwelling which would be harmful in terms of visual amenity for both the host property and the wider area. To permit the rear extension 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 rear extension, by reason of its projection and position along the shared boundary with the adjoining dwelling would result in an overbearing impact and cause overshadowing in the morning. To permit the

rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP 5 & KDP 6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed extensions and alterations, by reason of the provision of a further bedroom, would generate a requirement for off road parking which cannot be provided within this site due to the position of the dwelling and the relationship with the road. The existing on street parking exceeds capacity and could not be considered to be acceptable in offsetting the requirements for the host property. To permit the development would result in hazardous conditions in terms of highway safety and would be contrary to Policy LP22 of the Kirklees Local Plan, Key Design Principle 15 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: 2021/94320
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed extensions to the rear, by reason of the design and scale, would not form a subservient addition to the dwelling which would be harmful in terms of visual amenity for both the host property and the wider area. To permit the rear extension 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 rear extension, by reason of its projection and position along the shared boundary with the adjoining dwelling would result in an overbearing impact and cause overshadowing in the morning. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP 5 & KDP 6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

3. The proposed extensions and alterations, by reason of the provision of two extra bedrooms, would generate a requirement for additional off-road parking which cannot be provided within this site. To permit the development would result in indiscriminate on-street parking compromising highway safety and therefore being contrary to Policy LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extension SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	S01	905454	18/11/2021
Proposed plans	S02	905075	18/11/2021
Work specifications	S03	905078	18/11/2021
Design & access statement	-	905094	18/11/2021

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 concerns in terms of the design and scale of the extension with regards to the impact in terms of the character of the area and the harm to neighbouring properties in terms of overbearing and oppressive impact. Furthermore, there would be insufficient parking provision. 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 12/01/2022