

**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:	2021/62/94494/W
Site Address:	33, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN
Description:	Erection of two storey side and single and two storey rear extensions
Recommending Officer:	Ellie Worth

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 21-Feb-2022

Officer report

Site description

33 Foster Avenue, Crossland Moor is a two storey semi-detached dwelling constructed from pebble dash render with a tiled roof. The dwelling benefits from a small garden to the front and private amenity space to the rear. Pedestrian access can be taken from the northern boundary onto Foster Avenue. At the time in which the site visit was undertaken, it was evident that the dwelling does not benefit from any existing on-site parking. Boundary treatment consists of timber fencing and hedging.

The site is situated within a wider residential area, whereby the neighbouring properties consist of two storey dwellings to the west, alongside semi-detached bungalows to the east. The site is unallocated on the Kirklees Local Plan.

Description of development

The applicant is seeking permission for the erection of two storey side and rear extensions. The measurements of the scheme are as follows:

Two storey side extension:

- 3.3m in projection
- 6.7m in length
- 5m in height to the eaves; 7.2m in overall height

Two storey rear extension:

- 5.5m in projection at ground floor; 3.3m in projection at first floor
- 6.9m in width
- 5.3m in height to the eaves; 7.5m in overall height

The extensions would be finished in a pebble dash render and a tiled roof to match those that exist on the host property. The additional windows and doors would be constructed from UPVC. Internally, the works would provide additional living accommodation, taking the property from a 3 to a 5 bed.

Two onsite parking spaces are also proposed to the front of the dwelling.

History of negotiations/amendments required

Concerns have been raised with the agent during the application process regarding the impact in which the extensions would have on the occupiers of the neighbouring bungalow at no. 27 Foster Avenue. However, no amendments have been sought, other than an updated street scene elevation as the scheme was not acceptable and therefore a decision has been made.

It is noted submitted site plan does not scale correctly and details a less first floor extension. However given that the full set of proposed plans can be scaled from it is not considered necessary to seek an amended plan on this matter.

Relevant Planning History

At the application site:

2020/92418 Erection of two storey side and single and two storey rear extensions - Refused

2019/94063 HHPD extension for a 6m projection – Permitted development

Neighbouring sites:

2001/90018 Erection of ground floor extension – Granted (35 Foster Avenue)

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 the 10th January 2022.

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

Consultation responses

KC Highways DM: No objections on balance, subject to conditions being attached to the decision notice.

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.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design

Supplementary planning documents (SPD)

- House Extensions and Alterations
- Highways Design Guide

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, 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 design places

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Background

The previous application 2020/92418 is a material consideration and will be addressed as part of this application. The application was refused for the following reasons:

- 1. The proposed roof pitch of the two storey side extension, by reason of its design and location would appear discordant and incongruous in the street scene and would fail to relate to or respect the host dwelling's original form being an unsympathetic form of development that would harm the character and appearance of the area and the host building. Further, the cumulative scale and mass of the extensions proposed would not appear subservient to the host. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan and advice within the National Planning Policy Framework.*
- 2. The siting, scale and design of the extensions proposed would be overbearing and dominant in addition to overshadowing habitable room windows in the western elevation of the neighbouring dwelling, No. 27 Foster Avenue, to the detriment of residential amenity of the occupants contrary to Policy LP24 (b) of the Kirklees Local Plan and paragraph 127 (f) of the National Planning Policy Framework.*

Therefore, the application seeks to overcome the concerns highlighted above and therefore the rear extension has been marginally reduced, along with a hipped roof above the two storey side extension, instead of a catslide.

As such, the scheme will be assessed in more detail below, against all material planning considerations.

2. Impact on visual amenity

2. Impact on visual amenity Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of

development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 124 provides an overarching consideration of design stating that “the creation of high quality buildings and places are 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”.

The Council’s adopted Householder Design Guide SPD also provides additional guidance in relation to design, with the relevant principles being outlined below:

- Principle 1 - 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.”
- Principle 2 - 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.”

In this case, it has been considered that the works proposed would significantly intensify the bulk and massing at the application site. However, with regards to the rear extension, the single storey aspect has already been granted under a Larger Homes Extension, (HHPD). As such, the works would not result in the overdevelopment of the site, in terms of the space the extensions occupy within the plot.

Two storey side extension

Whilst amendments have been undertaken as part of this modified scheme, to change the cat slide roof into a hipped roof, the additional bulk and massing would still fail to comply with paragraph 5.19 of the House Extensions SPD which 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”. In this case, the amended street scene elevation shows a separation distance to the nearest boundary of 0.7m.

Alongside this paragraph 5.20 further states that 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.

In this instance, the extension does not comply with the above and would appear as a continuation of the existing dwelling, taking away from its original

built form. This in turn has been considered undesirable as it would be out of character and would poorly relate to the attached property in which it is read alongside.

Materials and fenestration would be to match those that exist on the host property. With bi-folding doors being proposed within the rear elevation.

Whilst it is appreciated that the side extension would sit close to the shared boundary with no. 27 Foster Avenue, it has been noted that the additional bulk and massing would not result in an undesirable terracing effect, as this property is a single storey bungalow. This is to accord with Policy LP24 of the KLP.

Two storey rear extension

Paragraph 5.8 of the aforementioned SPD states that two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook.

Generally, two-storey rear extensions should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 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, such as a wall, fence or hedge, by at least 1.5 metre; and
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

Paragraph 5.9 also outlines that larger extensions may be acceptable in certain circumstances if this can be justified.

Therefore, in this case, it has been noted that the rear extension would be proportionate to the size of the dwelling, with the ground floor aspect falling under the remit of permitted development. At first floor, the works would have a projection of 3.3m which is slightly larger than what is outlined above, however, this has been reduced from 3.6m which was submitted as part of the previous application.

Nonetheless, the extension would only be inset from the nearest boundary by 0.1m and therefore would not retain an appropriate separation distance from the shared boundary. For these reasons, the works are not considered to comply with the aforementioned design principles.

Therefore, in turn the size and mass of the extension when taken cumulatively with the proposed side extension would not appear subservient to the host property.

In terms of materials, the extension would be constructed from pebble dash render and matching roof tiles. The additional fenestration has also been considered acceptable, as the new windows and doors would be in keeping with those that exist on the host property. Large areas of glazing have been proposed into the rear elevation, in order would aid passive solar gain and also create a flexible space for the occupants.

Conclusion on amenity

Having taken into account the above, it is considered that the two storey side extension would be clearly visible and prominent within the street scene which is made more significant due to its elevated positioning. As such, officers consider both extensions combined to result in an unsympathetic and incongruous design, which would, in turn, harm the character and appearance of the dwelling in the wider area. Further the cumulative impact of the side and rear extensions would not appear subservient to the host property. Therefore, development proposals would fail to accord with Policy LP24 of the KLP, Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
- Principle 4 - that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
- Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 - that “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

With regards to residential amenity, no.s 27, 35 and 42 Foster Avenue are the nearest residential properties to the application site.

27 Foster Avenue is the neighbouring property to the east of the application site. It has been considered that there would be a detrimental overbearing and overshadowing impact upon these neighbours amenity, given the fact that the property is a single storey bungalow, with what appears to benefit from,

habitable room windows in which overlook the application site. As such, the substantial bulk and massing contained within the side extension would have a material impact upon these neighbour's amenity.

Whilst amendments have been sought as part of this new proposal, to reduce the roof from a cat slide to a hip, this is not considered to overcome the concerns raised, as the main impact would be from the external walls. To add to the above, it has been noted that the application site is situated on a slightly higher level, given the changes in topography within the area.

In terms of overlooking, the submitted plans show no additional openings to be inserted into the side elevation in which would help protect these neighbour's amenity.

The scale and massing of the two storey rear extension would also add to these concerns. However, a separation distance of approximately 4.3m would be retained to the shared boundary and therefore if the side extension was to be omitted, any harm from the rear extension alone would not be undue. The principle of having a 5.5m projection at ground floor, has also been considered acceptable from a residential perspective, as weight has been afforded to the works in which could be constructed under prior approval application 2019/94063.

No new windows would be inserted into the northern facing side elevation, in order to restrict any undue overlooking.

Nonetheless, it has been considered that there would be a detrimental overbearing impact upon the amenity of these neighbours given the scale of the extension and therefore the proposal would fail to comply with the aims of Policy LP24 (B) of the Kirklees Local Plan and Principles 3, 4 and 5 of the Council's House Extension and Alterations SPD.

35 Foster Avenue is the attached property to the west of the application site. There would be no additional impact upon the amenity of these neighbours, as a result of the two storey side extension, as this element would be situated at the opposite side of the host property and would not extend beyond the front and rear elevations.

Nonetheless, there would be some additional overbearing and overshadowing from the two storey rear extension. However, the majority of the works would be mitigated against by these neighbours existing single storey extension, which appears to benefit from a projection in excess of 5m.

The plans also show the first floor element to benefit from a projection of 3.3m which is a reduction for the 3.6m proposed as part of the previous application. However, when assessing the impact on overshadowing on neighbouring amenity, the council as a starting point, will have regard to the 45 degree guideline, as set out within the House Extension and Alteration SPD. In this instance, the works would fall short of the aforementioned rule, however, the impact on neighbouring habitable windows is on balance not considered to be

harmful enough, to refuse this application, given the scale of the ground floor extension at this property with its high overall height. More specifically, a sufficient outlook would be retained and therefore any overbearing and overshadowing would, on balance, not be undue.

The submitted plans also show no additional openings to be inserted into the western facing side elevation, in order to mitigate against any undue overlooking.

As such, on balance, this relationship can be supported.

42 Foster Avenue is the neighbouring property to the north of the application site. There would be a separation distance of approximately 21m, including a highway, between the nearest front elevation at these neighbours and therefore any impact from the additional bulk, massing and openings contained within the side extension would not be undue.

There would also be no undue impact from the proposed two storey rear extension and the on-site parking.

Conclusion on residential amenity

In summary, it has been considered that there would be an unacceptable impact upon the amenity of no. 27 Foster Avenue by the virtue of overbearing and overshadowing, from the additional bulk and massing contained within the two storey side extension. This would fail to comply with the aims of Policy LP24 of the KLP and the advice within the House Extensions and Alterations SPD and the National Planning Policy Framework.

4. Impact on highway safety

Given the works proposed, KC Highways DM have been formally consulted. In this case, the officer has noted that Foster Avenue is a 30mph two way single carriageway local access road of approximately 4.8m width with footways on both sides.

In this case, officers have noted that the proposed access to the parking spaces would be new and therefore should be done under a S184 agreement with the Council's Highways Department. Nonetheless, HDM officers would wish to see suitable visibility splays being achieved for the access which shows splays of 2.4m x 43m. This could be conditioned in the case of an approval.

Furthermore, there is no turning space associated with the parking and this would require vehicles to reverse to park. There are a number of dwellings that already have this type of off street parking so the principle of this has already been established and is not of a safety concern.

The proposal however, would increase the number of bedrooms from 3 to 5 and therefore in accordance with local guidance would require 3 off street parking spaces. In this instance Dwg no. 21-147-P-04 shows two. This is an

increase as currently there is no off street parking associated with the dwelling and therefore on balance, due to such increase no concern is raised.

It is also important to note that the front garden is approximately 6m x 9m and could therefore accommodate 3 off street vehicles.

In the case of an approval, a condition would also be attached to the decision notice to ensure that the additional hardstanding is laid in a permeable surface to accord with Policies LP28 and LP34 of the KLP and the aims of Chapter 14 of the NPPF.

No details have been provided relating to bin storage and collection points and this should be clearly marked on a drawing. As such, a condition would be necessary in order to ensure that such a location is accessible for a cleansing operative, but to ensure that the bins would not obstruct access, the parking area or the footway and highway for highway safety reasons.

With this and on balance due to the formation of off street parking, Highways DM consider the application to be acceptable with the conditions outlined above. This is to accord with Policies LP21, LP22, LP28 and LP34 of Kirklees Local Plan and Chapter 14 of the NPPF.

5. Other matters

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the use of additional openings within the southern facing elevations of the side and rear extensions, will help improve passive solar gain and reduce the use of artificial lighting. In the case of an approval, a condition would have also been attached to the decision notice, in order to ensure that the extended driveway is appropriately surfaced and drained, so that it does not result in surface water runoff and flood risk.

6. Representations

None received.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation REFUSE

Decision Authorisation - Delegated Powers**Application Number:** 2021/94494**Officer Recommendation:** REFUSE**Reason for refusal**

1. The two storey side extension, by reason of its size, scale and location would appear discordant and incongruous in the street scene and would fail to relate to or respect the host dwelling's original form being an unsympathetic form of development that would harm the character and appearance of the area and the host building. Furthermore, the cumulative scale and mass of the proposed side and rear extensions combined would not appear subservient to the host. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 and Paragraphs 5.20 and 5.80 of the Council's House Extensions and Alterations SPD and the advice within Chapter 12 of the National Planning Policy Framework.

2. The siting, scale and design of the two storey side extension would be overbearing and dominant in addition to overshadowing habitable room windows in the western elevation of the neighbouring dwelling, No. 27 Foster Avenue, to the detriment of residential amenity of the occupants contrary to Policy LP24 (b) of the Kirklees Local Plan, Principles 3, 4 and 5 of the Council's House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	21-147-P-01	-	30 th November 2021
Existing and proposed floor plans	21-147-P-02	-	30 th November 2021
Existing and proposed elevations	21-147-P-03	-	30 th November 2021
Existing and proposed site plan and street scene elevations	21-147-P-04	-	17 th January 2022

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. In this instance, concerns have been raised with the agent during the application process regarding the impact in which the extensions would have on the occupiers of the neighbouring bungalow at no. 27 Foster Avenue. However, no amendments have been sought, other than an updated street scene elevation and therefore a decision has been made.

Report Dated: 21st February 2022