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:	**2021/62/94661/E**
Site Address:	3, Lydgate Drive, Lepton, Huddersfield, HD8 0EN
Description:	Erection of first floor rear extension and exterior alterations
Recommending Officer:	Elenya Jackson

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 15-Mar-2022

OFFICER REPORT

Site Description

No.3 Lydgate Drive is a semi-detached bungalow which benefits from its own driveway, detached garage and private rear garden. The property resides off Wakefield Road, Lepton.

The dwelling is constructed out of red brick and similar in scale and design to neighbouring dwellings within the street scene.

The area is medium and predominantly residential in nature; the property does not have any non residential property within its immediate vicinity.

The site resides within a coal referral area.

Description of Proposal

This application seeks permission for a first floor rear extension above an existing single storey rear extension.

The proposal would extend 6m overall beyond the plane of the existing roof, be set down marginally from the ridge of the existing dwelling, have a width of 9.1m and a maximum height of 5.4m.

The eaves height of the existing dwelling is 2.7m and its maximum height is approximately 5.5m

The proposal would feature a flat roof.

The proposal would be constructed with grey upvc cladding and render.

Relevant Planning History

2005/93782 – Erection of dormer extension – approved

95/92018 – Erection of single storey extension and detached garage – approved

No.1 (adjoining property) –

2018/92587 – Erection of detached dwelling - approved

2018/92422 - Demolition of single storey side extension and garage and erection of single and two storey rear extension and dormer windows to front and rear - approved

Representations

The application was advertised by neighbour notification letters, which expired on 11/02/2021.

One representation received objecting to the proposal due to concerns regarding how the proposal would impact parking and traffic in the area during construction.

Consultation Responses

KC Highways DM: no objections

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 without allocation on the Kirklees Local Plan.

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

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 host property is located on Lydgate Drive which has residential properties of a similar age and design, although there have been a variety of extensions and alterations.

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.

It is considered that due to the design, scale and form of the proposal coupled with the overly contrasting proposed materials, the extension would be discordant, overly prominent and domineering to the host dwelling.. The proposal would fail to respect the character of the host dwelling and would be read as a discordant feature within the wider area. In particular, the 6m projection beyond the roof plane of the existing dwelling together with the use of a flat roof form fails to comply with Policy LP 24 in terms of the character of the host property, in addition to Key Design Principles 1 & 2 of the House Extensions and Alterations SPD.

It is acknowledged that no.18 Lydgate Drive features an extension which encompasses a flat roof; however, this was granted in 2016 prior to the adoption of the Kirklees Local Plan, the House Extensions and Alterations SPD and the 2021 NPPF which focusses on good design. .

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.

1 Lydgate Drive: adjoins the application property to the north.
The proposal would represent a two storey extension to a dormer bungalow. It is acknowledged that no.1 features a single storey rear extension in its immediate private amenity space. However, it is considered that the rear extension would be constructed in close proximity to the common boundary with the adjoining property and would result in an overbearing and oppressive impact as well as overshadowing in the afternoon given the position of the extension to the south of the neighbour and its level of projection. It is appreciated that the neighbour does have their own single storey extension to the rear which would mitigate some of the impact. However, the first floor is

undeveloped and as such the proposed rear extension would have an effect on the windows of the adjoining property. As such, the proposed rear extension would cause an unacceptable impact on the amenities of the occupiers of the adjoining 1 Lydgate Drive

5 Lydgate Drive: adjoins the application site to the south
Overlooking: The proposal would not feature any side facing windows and the rear facing window within the proposed extension would face the private amenity space of the application property. This is considered a usual relationship within a street scene and no issues would arise regarding overlooking.
Overshadowing/loss of light/overbearing: The proposal would be set away from no.5 Lydgate Drive and would reside within the horizontal 45 degree visibility splay of two side facing windows at no.5; however, these do not relate to habitable rooms. Therefore, the proposal would not raise any significant issues regarding overshadowing/loss of light or overbearing.

Due to the location and scale of the proposal no additional impact would occur to the residential amenity of the occupiers of neighbouring dwellings.

4 – Impact on highway safety:

The proposals may result in some intensification of the domestic use of the property. However, KC Highways DM have raised no objections and as such, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– 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.

6 – Representations:
One objection received relating to the proposal causing obstructions the highway during construction and generating noise during construction.

Response: The impact to highway safety has been assessed within this report. Short term disruption caused during the construction period is not a reason to refuse the application and any obstruction to the Highway could be investigated as a police matter.

7 – Negotiations:

No negotiations were undertaken.

8 – Proposed conditions

None as the recommendation is for refusal.

9 – 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.
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The proposed rear extension, by reason of its projection, flat roof design and contrasting materials would have a harmful effect on the character of the host property and in turn, the prevailing character of the area. To permit the rear 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 Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by reason of its projection along the shared boundary with no.1 Lydgate Drive would result in an overbearing impact and overshadowing in the morning of the first floor windows of the neighbouring property. To permit the 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.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2022/94661
Officer Recommendation: Refuse

Reasons for Refusal

1.The proposed rear extension, by reason of its projection, flat roof design and contrasting materials would have a harmful effect on the character of the host property. To permit the rear 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 Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework

2.The proposed rear extension, by reason of its projection along the shared boundary with no.1 Lydgate Drive, would result in an overbearing impact and overshadowing in the morning to he first floor windows of that property. To permit the 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 Extensions and Alterations SPD and paragraph 130 (f) of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Block Plan	21-723-02	22/12/2021
Existing Plans and Elevations	21-723-03	22/12/2021
Proposed floor plans	21-723-04a	22/12/2021
Proposed Elevations	21-723-05a	22/12/2021
Location Plan	21-723-01	22/12/2021

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 in terms of design, the cumulative impact of the varying elements of the scheme and the harm to residential amenity and 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.