

**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:	2021/62/94752/E
Site Address:	17, Hutton Drive, Heckmondwike, WF16 9NJ
Description:	Erection of first floor side and two storey rear extensions, dormer to front and associated 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: 14-Mar-2024

OFFICER REPORT

Site Description

17 Hutton Drive is a brick built, semi-detached dwelling with gardens to the front, a drive with car port to the side and an enclosed garden to the rear. There is also a detached garage in the rear corner of the garden.

The properties surrounding are similar in terms of age and style although there have been some extensions and alterations.

Description of Proposal

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

The front dormer would be centrally sited within the original roof with a width of 2.9m and a height of 1.9m. The dormer would have a flat roof form and would be clad with vertically hung tiles.

The side extension would be set back 0.5m from the front wall of the dwelling with a projection of 2.9m, infilling the area to the side of the property up to the shared boundary with the adjacent dwelling and extending the full depth of the property with a set down pitched roof form.

The rear extension is proposed to project 5m on the ground floor, reducing the 3m at first floor and extending across the full width of the dwelling including to the rear of the proposed side extension. The roof over the ground floor would be lean to with a perpendicular pitch over the first floor.

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

Relevant Planning History

2021/93926 - larger home notification for a 5m rear extension - agreed

History of negotiations

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. The submitted plans raised concerns in terms of visual amenity with regards to the front dormer, the side extension and the rear extension together with harm to the adjoining property as a result of the rear extension.

The agent was made aware of the issues and offered the opportunity to amend. As amended plans have not been forthcoming, the application is being progressed on the basis of the initially submitted plans.

Representations

The application was advertised by neighbour letters, which expired on 10/02/2022

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 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 December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 Extensions & Alterations 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:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations SPD 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 three distinct elements which shall be addressed below.

Front dormer

Paragraph 5.26 of the House Extensions & Alterations SPD requires consideration of the wider area and surrounding buildings when considering whether a front dormer is appropriate. Dormers should be well-designed and small in scale.

Dormers are not a common feature of this street and as such, this would be the first front dormer in the area. The proposed structure would be large and very prominent within the front roof plane and would result in an incongruous feature, which would be out of character with the wider area. It is noted that the dormer would be clad with vertically hung tiles which would improve the appearance. However, not enough to overcome the concerns in terms of its size. The front dormer is therefore not considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

Although it is noted that the proposed side extension includes a 0.5m set back from the front with a corresponding set down of the roof, the extension would infill the area to the side of the property up to the shared boundary with the adjacent dwelling. As per paragraph 5.20 of the House Extensions & Alterations SPD, the extension should not fill all of the space to the side of the property given the sense of space within a street is an important feature. There are no other such extensions within Hutton Drive and as such, this would be out of character with the area. No justification has been provided with regards to the loss of the space between the properties which should be maintained to ensure good design and sense of space. The development proposed would, therefore, result in eroding the character of the street detrimental to the appearance of the local area.

Despite the use of materials to match the main house along with detailing including the fenestration which would form an acceptable relationship with the host property, the side extension is not considered to be acceptable in terms of visual amenity.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD 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.

The width of the rear extension would result in a large and ungainly extension to the dwelling with the width resulting in a roof form which is large. In this instance, given the width of the extension proposed and the resulting

awkward roof, the scale is not considered to be acceptable. It is noted that the use of brick for the walling with tiles for the roof covering would match the main house. However, that does not overcome the issues in terms of the scale, bulk and massing. The rear extension is not considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would cause significant harm in terms of visual amenity for 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, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 House Extensions & Alterations 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 15 Hutton Drive

The front dormer would be set up within the roof plane with limited potential to impact on the amenities of the occupiers of the adjoining dwelling with regards to overshadowing, overbearing or overlooking.

The side extension would be located on the opposite side of the host property to the adjoining house and as such would have no impact in terms of overbearing, overshadowing or overlooking.

The rear extension would be constructed along the shared boundary with a 5m projection along the ground floor and 3m at first floor with potential for an overbearing impact and overshadowing in the late afternoon. The ground floor element has been agreed through the larger home notification scheme. Furthermore, it is noted that the neighbour does have their own single storey rear extension which would mitigate some of the impacts. The first floor extension has no set back to minimise the impact on the first floor bedroom window and is likely to infringe upon the 45 degree line impacting the neighbour in terms of overbearing and overshadowing. The agent has not amended the proposals to reduce this impact or provided any justification or evidence that harm would not be significant. The windows proposed are in the rear elevation and would look into the applicants own garden with angled views only of the extent of the neighbour's garden. As such, whilst there are no concerns in terms of privacy, the extension would result in overshadowing in the later afternoon and an overbearing impact.

With regards to the impact on the adjoining 15 Hutton Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 19 Hutton Drive

The front dormer would be set up within the roof plane with limited potential to impact on the amenities of the occupiers of the adjacent dwelling with regards to overshadowing, overbearing or overlooking.

The side extension would reduce the space between the properties, and it was noted on site that the neighbour does have openings on the side elevation. These appear to serve a landing and bathroom at first floor level with a side door and secondary kitchen window on the ground floor. There is a car port at present with a timber wall and as such, the ground floor element of the side extension would have no further impact. The first floor windows do not serve habitable spaces and as such, the first floor element would be considered unlikely to result in any overshadowing, overbearing or overlooking.

The rear extension would be constructed up to the shared boundary with the potential to result in overshadowing in the morning and overbearing. However, there is a separation provided by the neighbour's drive and there is an agreed larger home notification for the ground floor. The windows proposed are in the rear elevation and would look into the applicants own garden with angled views only of the extent of the neighbour's garden. As such, there are no concerns in terms of privacy, overshadowing in the later afternoon and an overbearing impact.

With regards to the impact on the adjacent 19 Hutton Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 28 Lyndale Crescent

The neighbour to the rear occupies a slightly lower land level some 21m from the site with an angled relationship. Given the spatial relationship between the properties, including the distance and angling, the rear extension proposed would have limited potential for overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 28 Lyndale Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions &

Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 1 Hawke Avenue

The front of the host property aligns with the rear garden of the neighbouring property on the opposite side of the road, 1 Hawke Avenue. The road itself provides a separation of 18m which would prevent any overshadowing or overbearing. The front dormer is set within the roof of the dwelling and would bring the new opening no closer to the neighbour's garden area than the existing first floor windows. As such, there would be no loss of privacy.

The side extension would include a first floor window. However, this would not be any closer to the neighbours garden than the existing first floor windows and as such would not result in any loss of privacy. Furthermore, the road provides a physical separation of over 18m and there is no direct relationship which could result in any overshadowing or overbearing.

With regards to the impact on the neighbouring 1 Hawke Avenue, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Having considered the above factors, the proposals are considered to result in an adverse impact upon the residential amenity of the occupants of the adjoining property 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 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the proposals include a car port and the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling 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 Extensions & Alterations 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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a front dormer, two storey side extension and single & two storey rear extension at 17 Hutton Drive has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The front dormer, by reason of its scale, would result in the formation of an incongruous feature, out of character with the host property and wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The two storey side extension by reason of the scale, design and location would infill the existing gap thereby appearing discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape, adding an unsympathetic form of development that would detract from the host building and character of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by reason of its width and roof design, would form an incongruous feature harmful to the character of the host property and the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by reason of its position along the boundary would result in overshadowing in the late afternoon and an overbearing impact. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 of 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: 2021/94752

Officer Recommendation: Refuse

Reasons for refusal

1. The front dormer, by reason of its design and scale, would result in the formation of a large incongruous feature that would appear out of character with the host property and wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
2. The two storey side extension by reason of the scale, design and location would take up all of the space to the side of the house and fail to maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property, as such it would close a gap between semi-detached houses eroding the sense of space between houses appearing discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape which is a positive characteristic contrary to Policy LP24 of the Kirklees Local Plan and design guidance given in sections 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document.
3. The proposed rear extension, by reason of its width and roof design, would form an incongruous feature harmful to the character of the host property and the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
4. The proposed rear extension, by reason of its position along the boundary would result in overshadowing in the late afternoon and an overbearing impact. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	640764	00/00/2019
Existing plans	-	640772	00/00/2019
Proposed plans	-	640771	00/00/2019

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 visual amenity with regards to the front dormer, the side extension and the rear extension together with harm to the adjoining property as a result of the rear extension. The agent was made aware of the issues and offered the opportunity to amend. As amended plans have not been forthcoming, the application is being progressed on the basis of the initially submitted plans.

Report Dated

13/03/2024
