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:	**2022/62/90199/E**
Site Address:	22, Brewery Lane, Thornhill Lees, Dewsbury, WF12 9DZ
Description:	Single storey rear extensions 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: 17/3/22

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OFFICER REPORT

Site Description

22 Brewery Lane is a former public house, converted to a non-residential education and training centre. The building is a two-storey, stone-built building with single storey extension and to the rear. There is a large tarmacadam car park to the side and rear of the premises. The site lies within a predominantly residential area and there are a number of shops within the vicinity. The building has approval for the change of use of the public house to a non-residential education and training centre (D1 use class).

Description of Proposal

The applicant is seeking permission for a single storey extension to the rear.

The extension would project 7.4m from the existing rear wall of the building and would have a width of 4.3m. The roof form would be flat and have a height of 3.3m.

The lower walls would be constructed using artificial stone with glazed upper.

Relevant Planning History

2012/92198 - Change of use of former public house to dwelling - refused

2012/92863 - Change of use of former public house to dwelling and erection of boundary wall - approved

2013/90997 - alterations to convert public house to non-residential institution and training centre - approved

2014/90959 - extension and alterations to non-residential, education and training centre - approved

2017/93141 - erection of portacabin for community use - refused

2018/91094 - erection of portacabin for community use - approved

2018/93663 - variation of condition 2 on 2018/91094 – approved

There is also a current enforcement complaint on the site under comp/21/0117

History of negotiations

The submitted plans raised significant concerns in terms of design, the cumulative impact of the existing & proposed extensions, given the

incongruous appearance of the resultant building as well as the significant overbearing and oppressive impact on the adjacent 13 Nursery Street. 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. The application has been submitted as a consequence of enforcement involvement. It is considered that there are no alterations which would be considered to overcome the concerns. As such, the agent has not been approached to amend the scheme.

Representations

The application was advertised by site notices and neighbour letters, which expired on 28/02/2022

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

Consultation Responses

K.C. Highway – informal discussion, whilst the loss of a parking space is not ideal, this is insufficient grounds to refuse the application.

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

- **LP 27** - Flood risk
- **LP 30** – Biodiversity
- **LP48** – Community Facilities and services
- **LP 53** - Contaminated land

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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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 the building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. Furthermore, the current use is for a community facility and as such policy LP48 and chapter 8 of the NPPF are also of relevance. In this case, the principle of development could be considered acceptable, subject to assessment against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Alteration to community facility:

The building on site is a former public house which was converted and extended under a 2014 planning application to form a place of worship which is considered to be a community facility. Whilst policy LP48 the KLP and chapter 8 of the NPPF both support works to enhance an existing community facility, this should not be at the cost of harm in terms of either visual or residential amenity. As per the other elements of the assessment below, the work would enhance the community facility. However, there are other considerations, which should be afforded weight, in terms of the appearance of the building and impact on the amenities of the adjacent neighbour. The matters will be weighed in the assessment of the development.

Impact on visual amenity:

22 Brewery Lane is a former public house which has been extended under a 2014 application and the use changed to an Islamic education centre. The traditional style of the original building has already undergone modification to the rear with a full width extension. Further extending this in the location, scale and design proposed would appear insensitive and would not respect the form of the original building and the cumulative impact of the existing and proposed extensions would result in an incongruous feature which is unacceptable in terms of visual amenity. Due to its close proximity to the neighbouring property the design and scale would appear harmful visually to the adjoining occupants.

Having taken the above into account, the proposed extension would cause significant harm in terms of visual amenity for both the host building and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout 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.

There are no buildings or homes to the north of the site which could be affected by the extension. However, the extension has been constructed along the shared boundary with the adjacent 13 Nursery Street. Given the height and relationship of the structure to the neighbouring space, it is considered to result in a significant overbearing and oppressive impact to the adjoining occupants. The adjoining space is the only amenity area associated with the dwelling and the resulting relationship of the extension to this space is considered significantly detrimental to the enjoyment of this space of the occupants of 13 Nursery Street.

Having considered the above factors, the extension results in an adverse impact upon the residential amenity of the occupants of the adjacent 13 Nursery Street, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in the loss of a parking space. Whilst this is not ideal, the car park is still of a size to support approx. 24 vehicles which is considered to be a sufficient provision. 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.

Other matters:

Biodiversity

The development is for a single storey extension to the building. Whilst the building is situated in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the development, if officers are minded to approve then it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. Given the extension is to form an entrance porch, no further information was considered necessary to align with the aims of chapter 14 of the NPPF.

Carbon Budget

The proposal is a small scale development to an existing building. 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 single storey extension to the rear of 22 Brewery Lane 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 extension, by reason of the scale, bulk, position and massing, does not respect the form of the host property. Furthermore, the cumulative impact of the extensions to the rear of the building forms an incongruous feature that is harmful visually. To permit the extension would be contrary to policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

The extension, by reason of the projection, height, bulk, position and massing, has an overbearing and oppressive impact on the ground floor windows and amenity space detrimental to the occupants of the adjacent 13 Nursery Street. To permit the extension would be contrary to policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

Whilst the application would provide additional accommodation for a community facility it is not considered that any benefit in enhancing the provision would outweigh the concerns regarding the impact on the adjoining occupants and the enjoyment of their living spaces.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. 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: 2022/90199
Officer Recommendation: Refuse
Reasons for refusal

1. The extension, by reason of the scale, bulk, position and massing, does not respect the form of the host property. Furthermore, the cumulative impact of the extensions to the rear of the building forms an incongruous feature that is detrimental to visual amenity. Any community benefit is very limited and would not outweigh the harm. To permit the extension would be contrary to policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

2. The extension, by reason of the projection, height, bulk, position and massing, has an overbearing and oppressive impact on the ground floor windows and amenity space thereby detrimental to the occupants of the adjacent 13 Nursery Street. Any community benefit is very limited and would not outweigh the harm. To permit the extension would be contrary to policy LP24 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	914050	20/01/2022
Proposed plans	D02-a	914049	20/01/2022

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.

The submitted plans raised significant concerns in terms of design, the cumulative impact of the existing & proposed extensions, given the incongruous appearance of the resultant building as well as the significant overbearing and oppressive impact on the adjacent 13 Nursery Street. 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. However, there are no alterations which would be considered to overcome the concerns. Therefore, the agent has not been approached to amend the scheme.

Report Dated 10/03/2022