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:	**2022/62/90255/E**
Site Address:	69, Leeds Old Road, Heckmondwike, WF16 9AA
Description:	Demolition of existing conservatory and erection of two storey and single storey extensions
Recommending Officer:	Alice Downham

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: 19-Apr-2022

Officer Report

Site Description

69 Leeds Old Road is a two-storey semi-detached dwelling located in Heckmondwike. It is faced in red brick, with a hipped roof finished in slates. To the rear, the property benefits from a two-storey rear extension and conservatory. There is hardstanding to the front and side, and a garden to the rear. The site is bounded by timber fencing, brick walls, and hedges. It is noted that Leeds Old Road slopes downhill to the southwest.

The site address is located in a residential area. There is variation in the size, design, and age of the neighbouring properties, although they are predominantly brick-built. The street scene is relatively uniform, with few additions and alterations.

The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The applicant is seeking permission for the demolition of the existing conservatory and the erection of two-storey and single-storey extensions. This is a resubmission of previously withdrawn application 2021/94066.

The proposed two-storey side and rear extension would project 3.5m from the side elevation of the host dwelling. It would be set back 1.0m from the front elevation and would project 2.2m from the rear elevation, flush with the existing two-storey rear extension. It would have a hipped roof to match the existing, with a gable end to the rear elevation. The roof would be set down from the ridgeline of the host dwelling by approximately 0.3m at the side elevation and approximately 1.4m at the rear elevation.

The proposed single-storey rear extension would be set off from the shared boundary with no.71 by 0.5m and would be set off from the side elevation of the proposed two-storey extension by 0.3m. The single-storey element would project 3.0m from the rear of the existing and proposed two-storey extensions (5.2m from the original dwellinghouse). The single-storey element is proposed to have a lean-to roof form with a maximum height of 3.8m.

All external materials would match the existing, as indicated on the submitted plans.

History of negotiations/amendments received

The submitted plans raised significant concerns in terms of the scale, bulk and massing of the proposed extensions. 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. Furthermore, the agent is aware of the issues with the proposal, as officers raised the same concerns over the similar withdrawn scheme (2021/94066).

Relevant Planning History

2021/94066 – Demolition of existing conservatory and erection of two storey and single storey extensions. Withdrawn.

It is noted that the applicant property benefits from a two-storey rear extension and conservatory. There is no planning history for these additions.

At neighbouring properties:

94/93098 – Erection of ground floor extension. Conditional full permission. (7 Field Close).

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 3rd March 2022.

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

No parish/town council comments are required in this instance.

Consultation Responses

None were considered necessary in this instance.

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.

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. The National Planning Policy Framework 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 pre-dates 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

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 highway safety
5) Other matters
6) Representations
7) Conditions
8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, 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 site is located in a residential area. There is variation in the size, design, and age of the neighbouring properties, although they are predominantly brick-built. The street scene is relatively uniform, with few additions and alterations. Depending on design, scale, and detailing, it may be acceptable to extend the host property.

The external walls of the proposed extensions would be faced in brick to match the existing. The two-storey side and rear extension would have a hipped roof to match the existing, with a gable end to the rear elevation. The single-storey element is proposed to have a lean-to roof form. The roof covering would be

slate to match the existing. The materials and detailing are in keeping with the host dwelling and the local character and are therefore considered acceptable from a visual amenity perspective.

The proposed single and two-storey extensions to the side and rear, together with the existing rear extension, cumulatively would increase the footprint of the dwelling from approximately 42.5sqm to approximately 107.2sqm, an increase of approximately 2.5 times the original area. The proposed single-storey extension would project 5.2m from the rear wall of the original dwellinghouse, 3.0m from the rear of the existing and proposed extensions. It is noted that there has been no "larger home extension prior notification" application granted. Although the existing conservatory projects 3.4m from the rear wall of the existing two-storey rear extension, this is given little weight as there is no planning history for this element. The projection of the single-storey element has not been previously agreed and there is no determined "fall-back" option. The two-storey side extension would be set back from the front elevation by 1.0m and would be set down from the ridgeline of the host dwelling by approximately 3.0m at the side elevation and approximately 1.4m at the rear elevation. It is acknowledged that the two-storey side extension appears visually smaller in relation to the host dwelling and appears more subservient. However, overall, it is still considered that the scale, bulk and massing of the existing and proposed extensions would result in an incongruous form of development which would not be subservient to the host dwelling. Given that the street scene is fairly uniform in character, the proposed extensions are considered unacceptable in terms of visual amenity.

With regard to the House Extensions and Alterations SPD, Key Design Principle 1 states 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." In this instance, the current proposal would be constructed of materials to match the existing. However, it is considered that the scale, bulk and massing of the proposed extensions would result in an incongruous feature which would be out of character with the street scene. The proposal thereby fails to comply with Key Design Principle 1 of the SPD and relevant policy LP24 (a) and (c) of the Kirklees Local Plan.

Key Design Principle 2 states 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 instance, the cumulative effect of the existing and proposed extensions would dominate the host dwelling, as they would more than double the footprint of the dwelling. The proposal thereby fails to comply with Key Design Principle 2 of the SPD and relevant policy LP24 (c) of the Kirklees Local Plan.

In terms of the detailed guidance for side extensions set out in the Council's House Extensions & Alterations SPD, the proposed two-storey side extension would comply as it would be visually smaller in relation to the original house (due to being set back from the front elevation and set down from the ridgeline); would not take up all the space to the side of the house (due to the shape of the plot and the orientation of the dwelling); would be set back 1.0m from the

front of the original house; and would have a roof design that follows the form of the existing roof.

In terms of the detailed guidance for rear extensions set out in the Council's House Extensions & Alterations SPD, the proposed two storey rear extension would comply as it would use appropriate materials which match or are similar in appearance to the original house; and would not project out more than 3.0m from the rear wall of the original house (as this property is semi-detached). However, the proposed two-storey rear extension would fail to comply as it would not respect the original house and garden in terms of its size and scale (cumulatively with the existing and proposed extensions, as discussed above).

In terms of the detailed guidance for rear extensions set out in the Council's House Extensions & Alterations SPD, the proposed single-storey rear extension would fail to comply as it would project more than 3.0m from the rear wall of the original house (as this is a semi-detached property).

Having taken the above into account, the proposed two-storey and single-storey extensions would result in harm to the appearance of the host dwelling and would cause harm to the visual amenity of the wider street scene. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, and as the extensions would not (c) form a subservient addition to the property or be in keeping with the existing buildings in terms of scale, materials and details. Furthermore, the proposal fails to comply with Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions & Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

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 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 71 Leeds Old Road

This is the adjoining property to the northeast of the application site. The proposed two-storey side extension would be located to the opposite side of the applicant property and existing two-storey extension and as such would have no impacts on this neighbour. The proposed single-storey rear extension would have no windows in the north-eastern side elevation. Should planning permission be granted, a condition would be added removing permitted development rights for the insertion of windows into the north-eastern side elevation to protect the privacy of this property. It is noted that the proposed extension is replacing an existing conservatory which projects approximately 3.4m from the rear wall of the two-storey dwellinghouse and which is set off approximately 0.4m from the shared boundary with this neighbour. The

proposed single-storey rear extension would project 3.0m from the rear wall of the two-storey dwellinghouse and would be set off approximately 0.5m from the shared boundary with this neighbour. Although the maximum height of the proposed single-storey extension would be higher than the existing, taking the above into account, it is considered that there would be no significant impacts on the amenities of this neighbour as a result of the proposed single-storey rear extension over and above the existing situation on site.

Impact on 67 Leeds Old Road

This is the adjacent property to the southwest of the application site. This dwelling is located at a slightly lower elevation relative to the applicant property, and is angled away from the applicant property. There would be no windows inserted in the south-western side elevation of the proposed single-storey rear extension. There would be windows inserted in the south-western side elevation of the proposed two-storey side extension. However, these would serve a WC, a utility room, and a shower room. As such, if planning permission were granted, these would be conditioned to be obscurely glazed due to the use of these rooms. Therefore, there would be no additional overlooking impact as a result of the proposal. A separation distance of approximately 3.8m to the proposed two-storey extension, and approximately 3.7m to the proposed single-storey extension, would be maintained by the driveways of the dwellings. Taking the above into account, it is considered that there would be no significant overbearing or overshadowing impacts on this neighbour as a result of the proposal.

Impact on 2 & 4 Leeds Old Road

These are the neighbouring properties to the front elevation of the application site. There would be no significant impact on the amenities of 2 & 4 Leeds Old Road, given the significant separation distance provided by the front amenity space of the dwellings and the road in between (approximately 31m). Furthermore, the existing windows in the front elevation of the applicant property already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

Impact on 7 & 9 Field Close

These are the neighbouring properties to the rear elevation of the application site. There would be no significant impact on the amenities of 7 & 9 Field Close, given the separation provided by the rear gardens of the dwellings (approximately 24m). Furthermore, the existing windows in the rear elevation already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.” Key Design Principle 4 states 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." Key Design Principle 5 states that "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property." Key Design Principle 6 states that "extensions and alterations should not unduly reduce the outlook from a neighbouring property." In this instance, the current proposal would not result in any significant adverse impacts on privacy, natural light, or outlook for inhabitants, future occupants, and neighbours, as discussed above. The proposal thereby complies with Key Design Principles 3, 4, 5, and 6 of the SPD and Policy LP24 (b) of the Kirklees Local Plan.

Key Design Principle 7 states 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." In this instance, the current proposal would retain over half of the rear amenity space. The proposal thereby complies with Key Design Principle 7 of the SPD and Policy LP24 (b) and (c) of the Kirklees Local Plan.

In terms of the detailed guidance for side extensions set out in the Council's House Extensions & Alterations SPD, the proposed two-storey side extension would comply as it would have no significant additional impact on the neighbouring properties in terms of overshadowing or overlooking, as previously discussed. Furthermore, it would retain a gap of at least 1.0m to the side boundary (to avoid a terracing effect, to retain rear access to gardens, and to ensure the building is not too close to a neighbouring property).

In terms of the detailed guidance for rear extensions set out in the Council's House Extensions & Alterations SPD, the proposed two-storey rear extension would comply as it would preserve a back garden of a reasonable size, at least half the garden area retained; would maintain external access to the rear garden; and would not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties (as previously discussed). Furthermore, the proposed two-storey rear extension would be separated from the property boundaries by at least 1.5m; and would not adversely affect habitable room windows where they adjoin a neighbour's boundary (as the proposed extension would be separated from the adjoining no.71 by the existing two-storey rear extension).

In terms of the detailed guidance for rear extensions set out in the Council's House Extensions & Alterations SPD, the proposed single-storey rear extension would comply as it would preserve a back garden of a reasonable size, at least half the garden area retained; would maintain external access to the rear garden; and would not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties (as previously discussed). Furthermore, it would not cover more than half the total area around the original house (including previous extensions and outbuildings). However, the proposed extension would project over 3.0m from the rear wall of the original dwellinghouse with an eaves height greater than 2.5m; and would retain a gap of less than 1.0m from the property boundaries. Therefore, the proposed

single-storey rear extension would fail to comply with the detailed guidance for rear extensions in the Council's House Extensions & Alterations SPD.

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 in the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework. However, it would fail to comply with the detailed guidance in the Council's House Extensions and Alterations SPD.

4 – Impact on highway safety:

The applicant is seeking permission for the demolition of the existing conservatory and the erection of two-storey and single-storey extensions. The proposed development would accommodate an increase from a three-bedroom dwelling to a five-bedroom dwelling. The submitted plans show space for three cars to park on the hardstanding to the front of the property post-development. The proposed parking arrangements are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

House Extensions and Alterations SPD

The guidance and additional details on Local Plan policies set out in the Council's House Extensions and Alterations SPD are based on the principle of 'comply or justify'. The proposed development complies with the adopted SPD. This planning application was submitted after the adoption of the SPD, which therefore is a material consideration in the determination of this application. A justification was provided as part of the Design and Access Statement for this application, which states:

"Although the extension may be considered as a larger extension by the local authority – the applicant's circumstances to provide adequate living and bedroom accommodation for his family should be taken into account as justified reasoning. Also within close vicinity of this site there are other houses that have been extended some being two storey extensions not maintaining a 1.0 metre gap to the shared boundary."

However, this is considered insufficient justification in this instance. Failure to comply with the Council's House Extensions and Alterations SPD adds additional weight to the recommendation for refusal.

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 would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

None as the recommendation is for refusal.

8 – Conclusion:

This application for demolition of existing conservatory and erection of two storey and single storey extensions at 69 Leeds Old Road, Heckmondwike, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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

The cumulative impact of the existing and proposed extensions, by reason of scale, bulk and massing, would form an incongruous feature which would not be subservient to the host dwelling, and which would cause harm to the character of the street scene. To permit the proposed development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

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 National Planning Policy Framework and other material considerations.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2022/90255
Officer Recommendation: Refuse
Conditions and Reasons

1. The cumulative impact of the existing and proposed extensions, by reason of scale, bulk and massing, would form an incongruous feature which would not be subservient to the host dwelling, and which would cause harm to the character of the street scene. To permit the proposed development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	EX-01 Rev A - Site Location Plan and Existing Block Plan	914615	26/01/2022
Existing Floor Plans	EX-02 Rev A - Existing Floor Plans and Roof Plan	914614	26/01/2022
Block Plan	PL-01 Rev A - Proposed Block Plan	914913	26/01/2022
Existing Elevations	EX-03 Rev A - Existing Elevations	914612	26/01/2022
Proposed Floor Plans	PL-02 Rev A - Proposed Floor Plans and Roof Plan	914611	26/01/2022
Proposed Elevations	PL-03 Rev A - Proposed Elevations	914610	26/01/2022
Design and Access Statement	Design and Access Statement	914609	26/01/2022

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 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 the scale, bulk and massing of the proposed extensions. 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. Furthermore, the agent is aware of the issues with the proposal, as officers raised the same concerns over the similar withdrawn scheme (2021/94066).

Report Dated: 04/04/2022