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:	**2022/62/90319/E**
Site Address:	9, Tweed Close, Birstall, Batley, WF17 0PE
Description:	Erection of dormer to create enclosed roof terrace and application of render
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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 27-May-2022

OFFICER REPORT

Site Description

No.9 Tweed Close is a 1.5 Storey detached bungalow which currently benefits from its own driveway and private rear garden. The property resides within a cul-de-sac.

The dwelling was constructed out of red brick matching other dwellings within the vicinity; however, the property has been fully rendered post 2019.

The street scene and wider area is medium density and predominantly residential in nature; however, the property resides next to Birstall Cricket Club.

The site resides within a High Risk Coal Area.

Description of Proposal

This application seeks planning permission for a side facing enclosed terrace on the eastern roof plane of the dwelling.

The proposal would extend a maximum of 6.1m beyond the plane of the existing dwelling, be set down from the ridge by 21cm, above the eaves by 40cm have a width of 4m and a height of 2.8m.

The proposal would feature a pitched roof and dark hanging roof tiles

The description has been amended to also include the rendering to the property.

Relevant Planning History

No previous planning permission

Representations

The application was advertised by neighbour letters, which expired on 10/03/2021.

Due to an amendment to the description of development, the application was further advertised, which expired 19/05/2022.

No representations were received from either round of neighbour notification.

Consultation Responses

No consultees required

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 Tweed Close, Birstall.

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.

The application property features an a-symmetric pitched roof which has a shallower gradient along its eastern elevation.

Key Design Principle 1 of the Kirklees home extensions and alterations SPD states that alterations and extensions should be in keeping with the scale

design and local character of the area. As previously highlighted, the area is characterised by red brick dwellings which are of varying scale. The property has been rendered prior to the submission of this application; however, it is understood the property has been fully rendered post 2019. It is considered that the alteration to render on all elevations of the dwelling is an unsympathetic alteration to the dwelling which fails to respect the prevailing character of the street scene and context of the wider area.

The enclosed roof terrace would be visible within the street scene due to it being located on the side elevation of the dwelling.

Section 5.4 of the Kirklees home extension guide refers to dormers and roof extensions. This states that:

'*Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.*

The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.'

It is considered that due to the proposal projecting 6.1m beyond the plane of the roof, having a height of 2.6m and being situated on the side elevation of the existing dwelling, the proposal would appear overly dominant to the host dwelling, appear as an obvious addition within the street scene and fail to integrate with the wider character of the area.

It is acknowledged the existing dwelling features an a-symmetric roof; however, it is considered that the scale of the proposal would not assimilate within the existing roof space, would appear as an unconventional later addition, and further unbalance the appearance of the dwelling from the street scene.

The proposal would fail to respect the character of the original dwelling and would be read as a discordant feature within the street scene and wider in area. Therefore, the proposal fails to meet KLP policy 24 in terms of the character of the host property and the criteria of the House Extension SPD, particularly KDP 1 & 2 in terms of the character of the area and the impact on the house.

<u>3 – Impact on residential amenity</u>:

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.

Due to the proposal being situated on the eastern elevation of the dwelling and facing onto Birstall Cricket Club, there would be no significant issues raised regarding the residential amenity of neighbouring residents

4 – Impact on highway safety:

The proposals would not result in significant intensification of the property. 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:

No representations received

7 – Negotiations:

No negotiations were requested however the description was amended.

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/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.

The application of render to the external elevations of the property demonstrates an unsympathetic and uncharacteristic addition to the application property which fails to respect the character of the area or the original dwelling.

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The proposed enclosed roof terrace, by reason of its projection, overly prominent location, domineering appearance and scale 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 Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2022/90319
Officer Recommendation: Refuse
Conditions and Reasons

1. The proposed dormer and enclosed roof terrace, by reason of its projection, overly prominent location, domineering appearance and scale 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 Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The application of render to the external elevations of 9 Tweed Close are considered to fail to respect the character of the original dwelling, the street scene, and the prevailing character of the area. To retrospectively permit the application of render 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 Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing and proposed 3d Views	S22367 / P107	1/2/2022
Proposed floor plans	S22367 / P105	1/2/2022

Plan Type	Reference	Date Received
Proposed Elevations	S22367 / P106 REV:A	4/5/2022
Existing Elevations	S22367 / P104	1/2/2022
Existing Floor Plans	S22367 / P107	1/2/2022
Block Plan	S22367 / P102	1/2/2022
Site Location Plan	S22367 / P101	1/2/2022

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 varying elements of the scheme and the harm to 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. The application was amended to alter the description of the proposal to include the rendering of the dwelling and the description altered accordingly. It was considered that as the property has previously been rendered and this is would not accord with policy LP24 the Kirklees Local Plan or Home extension and alteration SPD, no further alterations could be made under the scope of this application to receive a favourable outcome.