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:	**2022/62/90514/W**
Site Address:	75, Imperial Road, Edgerton, Huddersfield, HD1 4PG
Description:	Erection of single storey rear extension and external alterations
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 01-Jul-2022

Officer Report.

Reference: 2022/90514

Location: 75, Imperial Road, Edgerton, Huddersfield, HD1 4PG

Proposal: Erection of single storey rear extension and external alterations

Site Description.

75 Imperial Road is a two-storey semi-detached property located in Edgerton, Huddersfield. The property is faced in stone, brick and pebble dash render, with a hipped roofing form infilled with slate tiles. Within the wider curtilage of the site, garden amenity space is located to the front and rear. There is no on-site parking amenity space.

Within the wider streetscene of Imperial Road, there is a strong sense of similarity established. This is a result of all of the properties along Imperial Road sharing the same design of style and construction, semi-detached and faced in matching exterior materials.

The application site is Unallocated in the Kirklees Local Plan; however, the rear boundary adjoins with the boundary of the Edgerton Conservation Area.

Description of Proposal.

Planning permission is sought for the erection of a single storey rear extension.

The proposed single storey rear extension will project 6 metres from the original rear elevation of the host dwelling, with a width of 6 metres and a maximum height of 3.5 metres. A parapet roof will front the flat roof structure, this will have a maximum height of 3 metres. The proposed extension will be built on the shared boundary with the adjoining property. The external walls of the extension will be faced in brick and render.

With regard to fenestration detailing, the extension proposes glazing to only the rear elevation. This comprises of one regular window and set of glazed bi-folding doors. In addition, roof lighting is proposed in the form of two roof lights. All forms of fenestration will be framed in UPVC/aluminium.

Within the interior of the dwellinghouse, the extension will function as a kitchen/diner.

History of Negotiations.

The case officer sought amended plans to the reduce the projection of the proposed rear extension from the rear elevation of the dwelling, from 6 metres down to 3 metres, to comply with the design requirements of single storey rear extensions as set out on page 24 of the Kirklees Council House Extensions and Alterations SPD. In addition, the officer sought that the extension be set 1 metre away from the adjoining neighbouring property, for reasons of SPD compliance and residential amenity.
The case officer allowed the applicant a time period of 18 days to submit amended plans.

Although amended plans were submitted by the applicant, these failed to address the concerns as set out by the case officer. The amended plans showed a rear extension that retained a maximum projection of 6 metres, as well as adding a single storey side extension to the scheme.

As a result of failing to comply with the original proposal as submitted on 14 February 2022, the case officer notified the applicant that the overall determination of the application would be based on the original plans as submitted 14 February 2022, unless notified otherwise within a time period of five days.

No further communications were received from the applicant, therefore, the case officer determined the proposal as originally submitted on 14 February 2022.

Relevant Planning History.

- **2021/94549** – Prior notification for erection of single storey rear extension. *Refused 2022.*

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, a site notice and within the newspaper, collectively expiring on 20 April 2022 – one neighbour representation was received.

The neighbour raised the following concerns:

- The size of the planned extension is way beyond permitted development at 6m extending away from the house.
- It will block much of the light into the kitchen and garden at no 73.
- The neighbouring property is built at a lower level to no 75, so the extension will overshadow, and cause loss of light more than the plans suggest. Also, the gardens slope down from the houses so it will appear even more imposing from outside.
- It will take up much of the already small garden at no 75. By doing so it will increase run off and potential flooding – there is a culvert running

along the bottom of the gardens and it has flooded in the past filling the gardens of 73 and 75 with water. This could potentially flood the new extension, or cause problems further down Imperial Road/Cleveland Road.
- The side wall to the boundary with the neighbouring property has no features or interest in it and just appears from the plans to be a large expanse of red brick. This will be dark and uninteresting and increase the wind tunnel effect between the two houses
- The look of the extension will be very modern and out of character with the age of the house.
- Access to the back garden to build the extension will cause a lot of noise, mess and disturbance to neighbouring properties.

Although negotiations took place between the case officer and the applicant, the scheme was not re-advertised as the amended plans submitted were overwritten by the original plans, which had already been advertised. Therefore, due to the initially submitted scheme being that which is being assessed, re-advertisement was not necessary.

Consultation Responses.

No consultations were deemed necessary.

Policy/Legislation.

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 application site is Unallocated in the Kirklees Local Plan; however, the rear boundary of curtilage adjoins with the boundary of the Edgerton Conservation Area.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment

Supplementary Planning Documents:

House Extensions and Alterations SPD - The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an

existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council. The guidance and additional details on Local Plan policies set out in the SPD have been produced on the principle of 'comply or justify'.

Highways Design Guide SPD (2019)

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, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 16** – Protecting and Enhancing the Historic Environment

Assessment.

The following matters will be considered as part of the assessment of this application. These considerations will be looked at in detail individually:

1) Principle of Development
1) Impact on Visual Amenity (including to designated heritage assets)
2) Impact on Residential Amenity
3) Impact on Highway Safety
4) Other Matters
5) Representations
6) Conclusion

1) Principle of Development

The site is without notion in the Kirklees Local Plan. Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, policy 1 of the Kirklees Local Plan declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

Given the location of the application site, abutting the boundary of the Edgerton Conservation Area, Paragraph 195 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Consideration will also be given to Policy LP35 of the Kirklees Local Plan, which states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".*

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

1) **Impact on Visual Amenity (including to designated heritage assets)**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape… c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seeks to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The Kirklees Council House Extensions and Alterations SPD states that single storey rear extensions to semi-detached properties should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height
- not project out more than 3 metres from the rear wall of the original house
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

From a visual amenity perspective, the impact of the proposed rear extension to 75 Imperial Road having a total projection of 6 metres, only 2.5 metres less than the entire length of the host property is not considered to be subservient in relation to the size of the original dwellinghouse.

The extension would take up a large extent of rear garden amenity space at the property following construction. In addition, the width of the proposed extension aligns with the width of the host dwelling and adjoins the neighbouring boundary to the west.

The flat roofing structure is considered to create an undue extent of bulking and massing, with a significant height that sits just below the first-floor window of the original rear elevation of the property. This height in conjunction with the scale of the development is considered to be out of character with the host property from a visual amenity perspective, contributing to the obtrusive

design of the extension, set below the eaves height of the original dwelling by only 1.9 metres. As a result, the extension is considered to have an incongruous appearance which is not subservient due to the overall size/scale and design of the development.

Therefore, the dimensions and siting of the proposed rear extension at 75 Imperial Road are concluded to be unacceptable from a visual amenity perspective. Whereby the design is not subservient to the host dwelling and presents the introduction of a new, obtrusive and disproportionate built form to the rear of the host dwelling.

With regard to the wider streetscene, although the extension is located to the rear of the dwelling, obscure views of the proposed development could be obtained from the fronting highway of Imperial Road when approached from the east to the west. This is a result of the built form aligning with the total width of the host property and the significant height to which the extension would be built. Again, this emphasises the obtrusive nature of the proposed extensions to the rear from a visual amenity perspective.

The proposed extension would be retained within the curtilage of the dwellinghouse; therefore, it is concluded to pose no significant detriment to the heritage significance of the Edgerton Conservation Area, which bounds the rear of the application site.

The proposed rear extension to 75 Imperial Road fails to comply with the design requirements of the Council's House Extensions and Alterations SPD as set out above. Therefore, given that the SPD functions under a 'comply or justify' system, the extension proposed to 75 Imperial Road is considered unacceptable given its size/scale.

Resultantly, for the reasons outlined above, the proposed rear extension at 75 Imperial Road is not considered to comply with policies within Chapter 12 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Specifically this policy states the following:-

'Planning policies and decisions should ensure that developments… f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Of relevance to the consideration of this proposal is the requirements of Key Design Principles 5 and 6, which state the following

Key design principle 5: *'Overshadowing/loss of light 'Extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.'*

Key design principle 6: *'Preventing overbearing impact 'Extensions and alterations should not unduly reduce the outlook from a neighbouring property.'*

Key Design Principle 7 of the SPD requires a functional garden space to be retained as part of any development. The proposed rear extension to 75 Imperial Road would reduce the existing size of the rear garden by half. However, some rear garden amenity space would be retained and therefore, the development accords with the aims of Key Design Principle 7.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 73 and No. 75, as well as No.'s 43 and 45 Cleveland Road located to the rear. It is considered that the proposed single storey rear extension would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

No. 73 Imperial Road – this property is located to the east of the application site.

This property is set to a lower topographical ground level than No. 75. The proposed rear extension to No. 75 would lead to some additional overbearing for the occupiers of this neighbouring property, due to its size/scale. In addition, the extension could result in some additional potential for overshadowing during the summer months.

However, given the seperation retained from the shared boundary (approximately 2.2 metres) and further to the neighbouring dwelling itself (approximately 4.2 metres), on balance, the impact is not considered to be of such significance to warrant refusal.

Furthermore, no windows are proposed to the side elevation of the extension, ensuring that there is no increased potential for overlooking.

No. 77 Imperial Road – this property adjoins the application site to the west.

Given the size/scale of the proposed rear extension to 75 Imperial Road, and the siting of the solid western side elevation along the shared boundary, its erection would result in undue impacts of overbearing and overshadowing for the occupiers of this neighbouring property.

In addition, the extension would fail to comply with the 45-degree rule, as set out in the Council's adopted House Extensions and Alterations SPD. The 6-metre projection to the proposed extension, and the lack of seperation distance from the shared boundary, means that the extension fails to meet the 45-degree rule in relation to the glazed doors to the rear elevation of No. 77 Imperial Road. This is particularly important, as based upon site visit analysis, it is likely that these windows serve a main habitable room within the interior of No. 77.

The extension would not impede negatively upon residential privacy, with no glazing proposed to the side elevation.

The size and scale of the proposal and the proximity of the extension along the shared boundary is considered to be such that the proposal would unacceptably overshadow and would lead to an unduly oppressive / overbearing impact to the occupiers of this dwelling. It is therefore recommended that the proposal be refused on these grounds.

No.'s 43 and 45 Cleveland Road – these properties are located to the rear of the application site.

The proposed rear extension to 75 Imperial Road would be located a significant distance from the shared rear boundaries of curtilage (approx. 6 metres) with No's 43 and 45, and would be an even further distance from the location of the main properties themselves (approx. 27 metres).

Therefore, the single storey nature of the proposed extension and this significant extent of separation distance, it is concluded that no significant impacts of overbearing, overshadowing or overlooking will be caused as a result of development.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, having a detrimental upon the living conditions associated with No. 77 Imperial Road. The scheme proposed therefore fails to accord with Chapter 12 of the NPPF, Policy LP24 (b) of the Local Plan and design principles 3, 4, 5 and 6 of the Council's adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek

to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development will not increase the domestic function of No. 75 Imperial Road, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway safety perspective.

In turn, erecting the proposed rear extension at 75 Imperial Road would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

4) Other Matters

Climate Change

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Key Design Principle 8 of the Council's adopted House Extensions and Alterations SPD.

5) Representations

Insofar as they have not been addressed elsewhere in this report, the representation was received is addressed as follows:-

- It will take up much of the already small garden at no 75. By doing so it will increase run off and potential flooding – there is a culvert running

along the bottom of the gardens and it has flooded in the past filling the gardens of 73 and 75 with water. This could potentially flood the new extension, or cause problems further down Imperial Road/Cleveland Road.

Response: The Council's GIS mapping system does not indicate a Culvert to the bottom of the garden at number 75 Imperial Road. Therefore, this comment has not been given significant weight within the overall determination of this application.

- The side wall to the boundary with the neighbouring property has no features or interest in it and just appears from the plans to be a large expanse of red brick. This will be dark and uninteresting and increase the wind tunnel effect between the two houses.

Response: The extension has been concluded inappropriate from a residential amenity perspective. Potential wind tunnel effects are not considered to be material planning consideration which would be afforded significant weight, given the scale of the devellopment

- Access to the back garden to build the extension will cause a lot of noise, mess and disturbance to neighbouring properties.

Response: This is a material planning consideration which is afforded little weight in this case given the scale of the proposal.

6) 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 considerations.

The proposal presents an unacceptable impact upon visual amenity in terms of the size/scale of the rear extension proposed and presents an unacceptable extent of detriment to residential amenity.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

In turn, the proposal does not fulfil the aims of Policies LP2 & LP24 in the Kirklees Local Plan or in Chapter 12 of the NPPF. In addition, the scheme

fails to comply with Key Design Principles 1, 2, 3, 4, 5 and 6 of the Council's House Extensions and Alterations SPD, adopted June 2021.

Recommendation: Refuse
Decision Authorisation – Delegated Powers
Application Number:
Officer Recommendation: Refuse

Conditions and Reasons:

1. The proposed single storey rear extension, by virtue of its size and massing, would appear as an incongruous and discordant feature to the host building, thereby causing detrimental harm to the visual amenities of the locality. The proposal would therefore be contrary to Policies LP2 and LP24(a) and (c) of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document.

2. By virtue of its scale, massing, design and proximity to the adjoining property (No. 77 Imperial Road), the development would lead to a detrimental level of overshadowing and form an oppressive and overbearing feature, which would have a detrimental impact upon residential amenity to the occupiers of No. 77 Imperial Road. Therefore, the proposal would fail to provide a high standard of amenity for the occupants of the aforementioned neighbouring dwelling, contrary to policies within Chapter 12 of the National Planning Policy Framework, Policy LP24(b) of the Kirklees Local Plan and Key Design Principles 4, 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

Plans and Specifications Schedule:-

Side Elevation Existing	PL06	-	14.2.22
Front and Rear Elevations Existing	PL04	-	14.2.22
Proposed Floor Plans	PL03	-	14.2.22
Existing Floor Plans	PL02	-	14.2.22
Location Plan	PL01	-	14.2.22
Existing and Proposed Roof Plan	PL08	-	14.2.22
Front and Rear Elevations Proposed	PL05	-	14.2.22

Side Elevation Proposed	PL07	-	14.2.22

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Although amendments were sought, the applicant/agent failed to comply or produce amended plans showing the requested alterations.

Report Dated: 27.6.22