LONDON

ARCH
DESIGN STUDIOS LTD
Architecture | Planning | Conservation

Contents

	Page
1. Introduction	2
2. The Site and Surrounding Area	2, 3
3. The Appeal Proposals	3, 4
4. Planning Policy Context	4, 5
5. Grounds of Appeal	5, 6, 7
6. Conclusion	8
7. Appendices	9, 10

1.0 Introduction

1.1 This statement is submitted in relation to an appeal against the decision of Kirklees Council to refuse to grant planning permission for a single storey rear extension at 75, Imperial Road, Edgerton, Huddersfield, HD1 4PG.

1.2 The Local Planning Authority refused the application on the basis of the below two reasons

a. *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.*

b. *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.*

1.3 The purpose of this statement is to put forward the Appellant's case as to why planning permission should be granted. It will be argued within this statement that the proposals are an appropriate form of development within the urban area and would not be harmful to the character and appearance of the existing dwelling, the rear garden scene or neighbouring residential nor locality amenity. It will be argued that a sound basis exists for granting planning permission under the presumption in favour outlined by national planning policy.

1.4 This appeal statement has been assembled in accordance with the Planning Inspectorate's Procedural Guidance and comprises the following chapters.

Chapter 2 – The Site and Surrounding Area
Chapter 3 – The Appeal Proposal
Chapter 4 – Planning Policy Context
Chapter 5 – Grounds of Appeal
Chapter 6 – Conclusion

2.0 The Site and Surrounding Area

2.1 The Appeal property at 75 Imperial Road is a two-storey semi-detached property located in Edgerton, Huddersfield. The property is faced in a mix of 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.

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

2.3 The application site is Unallocated in the Kirklees Local Plan; however, the rear boundary adjoins with the boundary of the Edgerton Conservation Area **but does not fall within the Conservation Area**.

2.4 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 2.85 metres. A parapet roof will front the flat roof structure, this will have a maximum height of 3.5 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 to match the existing properties.

2.5 Regarding 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.

2.6 The planning history of the appeal site is outlined within the Planning Officer's delegated report in respect of this application.

3.0 The Appeal Proposals

3.1 On 5th December 2021 a Householder Application was submitted for the appeal proposal **Planning Portal Ref PP10453744v1 – Appendix 1**

3.2 On 9th Dec 2021 the Local Planning Authority advised this was submitted incorrectly confirming by email "*Upon review an officer has suggested due to the nature/scale of the extension it would be best to apply for a larger home extension application (HHPD) rather than a householder, it is unlikely to be supported under a householder application. I have attached a copy of a larger home extension application form, if you could please complete and return this at your next convenience. The fee for this application type is £96 so we will arrange for a partial refund once the form is received."* – **Appendix 2**

3.3 On 15th December 2021 following discussions with the immediate adjoining neighbouring property at No77 Imperial Road, who it is understood supported the Appellants' proposals for a Prior Application for single storey rear extension which was submitted under (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 SCHEDULE 2, PART 1, CLASS A.1 (g) **Planning App Ref 2021/HHPD/94549/W – Appendix 3**

3.4 On 18th Jan 2021 the Councils Refusal decision was received in respect of DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 - NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE **Planning App Ref 2021/HHPD/94549/W – Appendix 4**

3.5 On 09th February 2022 a Householder Application for single storey rear extension was once again submitted under a Householder application **Ref 2022/62/90514/W – Appendix 5**

3.6 01st July 2022 Kirklees Council Local Authority's decision for a Refusal notice was received in respect of **Planning Application Ref 2022/62/90514/W – Appendix 6**

3.7 The application which is the subject of this appeal was submitted to the Kirklees Council 14th Feb 2022 and allocated reference number **2022/90514 – Appendix 5**. The application sought planning permission for a single storey rear extension. The relevant drawing numbers are quoted on the Council's decision notice.

3.8 The application was refused planning permission under delegated authority by an Officer decision notice dated 01st July 2022 for two reasons. A copy of the Council's decision notice has been submitted with the appeal documentation – Appendix 6.

4.0 Planning Policy Context

4.1 Item 6 of Introduction of Department for Communities and Local Government 'Extending permitted development rights for homeowners and businesses Technical Consultation November, 2012 Department for Communities and Local Government in which The Government proposed action in five areas: • Increasing the size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in nonprotected areas, for a period of three years. No changes were proposed for extensions of more than one storey.

4.2 Schedule 2, Part A, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4.3 Permitted development rights for householders: Technical guidance, Guidance on householder permitted development rights, which allow improvement and extension of homes without the need to make a planning application. From: Department and Ministry of Housing, Communities & Local Government, Published 13 April 2016, Last updated 10 September 2019.

4.4 Kirklees Council House Extensions & Alterations SPD June 2021; General Design Principles Section 4.6 Where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case-by-case basis. The council will support innovative and modern design approaches which are of a high-quality and appropriate to the local context, including those which provide a range of climate change adaptations in their proposals. The scale and proportion of elevations and the quality of contemporary materials and detailing will be important. Such proposals should be supported by reasons and justification for their design approach.

4.5 National Planning Policy Framework - The core planning principles contained within the National Planning Policy Framework (NPPF) identify that planning should deliver homes, seek

high quality design and a good standard of amenity, support the transition to a low carbon future, encourage effective use of land and encourage use of sustainable transport modes.

4.6 In relation to design, the NPPF notes that "*good design is a key aspect of sustainable development*" (para 56) and that it is "*proper to seek to reinforce local distinctiveness*" (para 60). The NPPF notes that whilst appearance and architecture are important, securing high quality and inclusive design goes beyond aesthetic considerations (para 61). Development of poor design that doesn't improve the character and quality of an area should be refused (para 63).

4.7 NPPF Policy regarding style, form and materials;

- *They incorporate a roof profile and materials sympathetic to the existing dwelling;*
- *They do not dominate the existing building in terms of size, scale or height; and*
- *Side extensions of detached or semi-detached dwellings do not create an unbroken or terraced appearance along the street frontage.*

5.0 Grounds of Appeal

5.1 The appeal proposals relate to the construction of residential extensions to an existing dwelling located within the urban area. **The appeal site is not located within a Conservation Area** and the existing dwelling is not of any historical or architectural merit. In light of the foregoing there are no planning policies that advise against a development of the nature proposed. As such, the appeal proposals should be regarded as appropriate in principle subject to their detailed design being acceptable.

5.2 The Appellant wishes to extend the appeal property to provide additional and improved living accommodation for his growing young family. The Appellant and his spouse will both continue to work from home or the foreseeable future and unable to afford to move to a larger property.

5.3 The Appellant is aware of national planning policy which encourages sustainable forms of development and the efficient use of urban land. Through the arguments presented in this statement it will be demonstrated that the appeal proposals are a sustainable form of development, which would have efficient use of the appeal site. In this context, the Appellant considers that the proposals should be viewed positively under the presumption in favour outlined in the National Planning Policy Framework (NPPF).

5.4 The Council's two reasons for refusal alleges that the proposed **single store rear extension would**, firstly 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.

5.5 And secondly, 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 overbearing feature, which would have a detrimental impact upon residential amenity to the occupiers of No. 77 Imperial Road.

5.6 Any assessment as to the impact of a proposed development on the character and appearance of the area must first, out of necessity, follow an understanding and analysis of the key features, which contribute to the particular character and distinctiveness of that locality.

5.7 The appeal site is situated on Imperial Road, a street typified by houses constructed during the inter-war period of housing expansion. In common with the majority of the inter-war residential districts in Kirklees, housing in the locality of the site was developed on a block structure of interconnected routes. Development has advanced along street frontages with each property having a similar set back from the road and a conventional garden area to the rear.

5.8 The immediate street scene flanking behind the appeal site is characterised by a mix of semi-detached and terraced houses. There are several house designs in evidence that share a common inter-war style with variations on the theme. Each property is of a traditional pitched roof appearance and utilises common materials such as render, facing brickwork, pebble dashing and interlocking roof tiles. In addition to the houses themselves, the appearance and quality of the local area is derived from a verdant character created by the tree lined streets and spacious back gardens which typically contain a good degree of mature tree and shrub planting – Appendix 13.

5.9 Despite existing development in the locality of the site dating from a similar period, there are many subtle variations between dwellings owing to their construction by different builders. In addition, many dwellings have been altered and extended over time to suit the changing needs of successive occupiers. Indeed, as the Inspector will note from a site visit, a number of have been previously extended **by way of rear as well as side extensions.** Some of these extensions are two-storey as well to the sides of similar semi-detached properties which would of course have much more of an impact than a single storey rear extension as being proposed by the Appellant.

5.10 The application subject of this appeal is essentially identical to the previously submitted HHPD scheme with his adjoining neighbour's prior approval. It is evident from the refusal of that HHPD application that the rear extension **has incorrectly been assessed by the Local Planning Authority as a side extension** and would clearly have been found to constitute Permitted Development in complying with the various size and height limits set out in Class E of the General Permitted Development Order.

5.11 The Applicant is prepared to amend any aspect of the proposed appearance including materials and has from the outset sought to work with the planning authority in all respects.

5.12 Although the refusal cites Policy requiring new development to be compatible with local character and to safeguard residential amenity and residential extension to complement the character of the host building. It is noted however that neither Local Plan policy nor the Council's associated Householder Design Guide Supplementary Planning Document (SPD) prescribes fixed standards with regard the depth or height of rear extensions and outbuildings which require

planning permission. Instead, the Council's approach is to look at each site on an individual basis with applications being assessed on their merits.

5.13 The Council alleges that the rear extension **(which cannot be viewed from the street scene)** would be out of character with the local area. There is no doubt that the proposed extension would significantly alter the rear aspect of the original dwelling once completed. However, rear extensions are a common feature within the immediate rear garden environment.

5.14 It is worth noting extensions far greater in footprint depth, width, mass and visual incongruity have previously and since been considered to constitute Permitted Development and the fact that this is capable of being completed should be a material consideration. In view of the single storey rear extension being completed as Permitted Development, it is the Appellant's contention that the proposal would not a materially greater impact on the visual amenity of the rear garden environment.

5.15 With regard the impact of the proposal on the original dwelling, it is not considered that the structure would appear unduly harmful given its location to the rear of the dwelling. There being a general acceptance in planning terms that the **rear elevation** of dwellings is a less important aspect of the townscape compared to the front elevation. Arguably, the proposal would improve the appearance of the rear elevation of the dwelling by providing a balanced, well-proportioned visual coherence along the rear elevation.

5.16 It has been demonstrated that even a 1m smaller rear extension, by virtue of the existing rear window cill heights would not allow a workable pitched roof design which would of course have been the preferred design rationale if this had been technically feasible. See Appendices 11 & 12.
.
5.17 The Council further alleges that the extension, by reason of its height and position, would be harmful to residential amenity. The proposed extension is to be constructed along the boundary with no. 77 Imperial Road, where by matching materials can be used to help blend closely with both existing properties and help improve privacy & screening. The Council contends that the height of the outbuilding and its position would have an adverse impact on the outlook of no. 77 and create an undue sense of over shadowing, however, this is shown as not being the case as Appendices 13 & 14.

5.18 As already mentioned, it is the Appellant's view that what can be lawfully constructed under Permitted Development should be taken into consideration. The neighbouring extension would help provide additional privacy to both adjoining properties and it is the Appellant's view that the proposal would not be unduly harmful on the amenity of neighbouring occupiers. Indeed, the adjoining neighbour at no.77 has not objected to the proposals in any way.

5.19 The proposals are considered to be in accordance with the requirements of Council's Local Plan Design Policies (section 11) and Extensions SPD included in Appendix 15 in providing an extension of appropriate design, which respects the character of the local area and would not adversely affect residential amenity. The proposals are further considered to be in accordance with Local Plan Policy in providing an extension which would complement existing development in

terms of appearance and the materials to be used. The design and appearance of the proposed development is also considered to respect local character by using matching materials to the host building.

6.0 Conclusion

6.1 This statement has been written in relation to a Householder appeal against the decision of Kirklees Council Planning department to grant planning permission for a single storey rear extension. In summary, the application was refused on the basis that the extension would be out of character with the local area and over shadow adjoining property No 77 Imperial Road.

6.2 The application subject of this appeal is essentially what can be lawfully constructed under Permitted Development which should be taken into consideration.

6.3 Much larger extensions within the immediate locality have been granted planning consent as demonstrated within the Appendices 7, 8, 9 & 10.

6.4 The Appellant's statement has put forward reasoned arguments as to why planning permission should be granted. In summary, the Appellant considers that the appeal proposals have been carefully designed to respect the character and appearance of the original dwelling, bearing in mind the afore-mentioned technical constraints relating to a pitched roof design. The proposals would also respond positively to the surrounding context and street scene will remain unaffected as **the rear extension cannot be seen from the street scene**. The proposed extension is proportionate to the size of the existing dwelling and its plot in terms of *space about buildings*.

6.5 With regard to the impact of the outbuilding on the neighbouring property at no 77, the proposals have been specifically designed with a flat roof form to maintain outlook and no overshadowing would result from the proposed extension as demonstrated by sketch 3d modelling in Appendices 13 & 14.

6.6 Having regard to the arguments put forward within this appeal statement, it is the Appellant's view that the proposed extensions are fully compliant with the provisions of Local Plan Policies, Kirklees Council House Extensions & Alterations SPD Guidance and the relevant design section of the National Planning Policy Framework.

Appendices

Appendix 1 - On 5th December 2021 a full Planning Householder Application was submitted for the appeal proposal **Planning Portal Ref PP10453744v1**

Appendix 2 - On 9th Dec 2021 the Local Planning Authority advised this was the incorrect type of application confirming by email "*Upon review an officer has suggested due to the nature/scale of the extension it would be best to apply for a larger home extension application (HHPD) rather than a householder, it is unlikely to be supported under a householder application. I have attached a copy of a larger home extension application form, if you could please complete and return this at your next convenience. The fee for this application type is £96 so we will arrange for a partial refund once the form is received.*"

Appendix 3 - On 15th December 2021 following discussions with the immediate adjoining neighbouring property at No77 Imperial Road, who it is understood supported the Appellants' proposals a Prior Application for single storey rear extension was submitted under (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 SCHEDULE 2, PART 1, CLASS A.1 (g) **Planning App Ref 2021/HHPD/94549/W**

Appendix 4 - 18th Jan 2021 the Councils Refusal decision is respect of DELEGATED DECISION FOR DISCHARGE OF CONDITION A.4 - NOTIFICATION OF A PROPOSED ENLARGEMENT TO DWELLINGHOUSE **Planning App Ref 2021/HHPD/94549/W**

Appendix 5 - On 09th February 2022 a Householder Application for single storey rear extension was submitted under full householder application **Ref 2022/62/90514/W**

Appendix 6 - 01st July 2022 Kirklees Council Local Authority's Refusal decision notice was received in respect of **Planning Application Ref 2022/62/90514/W**

Appendix 7 - On 08th Sept 2022 a similar sized and styled rear single storey extension with flat roof and 2no. rooflights WITHIN CONSERVATION AREA is Approved 9, Imperial Road, Edgerton, Huddersfield, HD3 3AF. **Planning Ref: 2022/62/91086/W**

Appendix 8 - On 03rd March 2021 a Planning Application for the ERECTION OF TWO STOREY SIDE EXTENSION was approved at: 83, IMPERIAL ROAD, EDGERTON, HUDDERSFIELD, HD1 4PG. **Planning App Ref 2021/62/90033/W**

Appendix 9 - On 01st Aug 2019, a Planning Application for the ERECTION OF SINGLE STOREY EXTENSION TO REAR AND DEMOLITION OF EXISTING REAR EXTENSION was approved at: 68, IMPERIAL ROAD, EDGERTON, HUDDERSFIELD, HD1 4PG – **Planning Application Ref: 2019/62/91956/W**

Appendix 10 - On 08th Sept 2014 a Planning Application for the ERECTION OF TWO STOREY EXTENSION was approved at: 81, IMPERIAL ROAD, EDGERTON, HUDDERSFIELD, HD1 4PG – Planning Application Ref: **2014/62/92202/W**

Appendix 11 - Recommended roof pitch for slate is 27.5 degrees – BS 5534:2014: Notes from BS 5534:2014:

1. The Minimum Roof Pitch for Natural Slates is 20 degrees (BS 5534:2014 Page 45), depending on Size of Slate See Table Above (BS 5534:2014 Page 45, Table 9).
2. Slates 450mm Long or Less Should Not Be Used at Pitches Of 27.5 Degrees or Less (Moderate & Severe Exposure) (BS 5534:2014 Page 45).
3. Slates less than or equal to 460mm long or greater than 450mm long should not be used at pitches of 25 degrees or less in Severe Exposure (BS 5534:2014 Page 45).
4. Slates less than or equal to 500mm long or greater than 460mm long should not be used at pitches less than 25 degrees in Severe Exposure (BS 5534:2014 Page 45).

Appendix 12 - Sketch side elevation even for a 5m rear extension showing at 75 Imperial Road cannot achieve the recommended min 27.5 nor even a 20-degree pitch as it would leave an eaves height of only 1.45m which is unworkable. To enable a 2.5m eaves height the maximum realistic pitch achievable is only 5 degree which in technical terms constitutes a ‘flat roof’.

Appendix 13 - Google earth aerial view showing clearly that the adjacent property (at no.73) already casting an overbearing shadow to the rear of both no.77 (as well as no.75, the Appeal property) due to its orientation due south of appeal property.

Appendix 14 - Sketchup Basic 3d models taken throughout the day show the height, size, mass of any rear extension to no 77 would not cause any additional shadow to the adjacent property no 73 as it is this property that is creating the shadow due to its orientation in relation the appeal property.

Appendix 15 - Kirklees Council House Extensions & Alterations SPD June 2021 General Design Principles