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:	**2022/62/91116/W**
Site Address:	4, Grimscar Avenue, Birkby, Huddersfield, HD2 2TU
Description:	Erection of single storey rear and side extension (within a Conservation Area)
Recommending Officer:	Sam Jackman

DECISION - Refusal

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.

Stuart Howden

AUTHORISED OFFICER

Date: 31-May-2022

SITE DESCRIPTION – 2020/91116

4 Grimscar Avenue is a brick semi-detached property with a blue slate roof located on the corner with Bleasdale Avenue and within Birkby Conservation Area.

The property is located on a sloping site resulting in the rear elevation providing access to the basement. Along with the properties to the east being at a lower level and at right angles to the host property. These properties on Bleasdale Avenue are in line with the south gable elevation of host property, with the property therefore, having two road frontages (but the principal elevation facing Grimscar Avenue).

The property benefits from a detached garage and hardstanding to the rear with some amenity space to the rear and side. Along the Bleasdale Avenue boundary is a high fence with large inward opening gates.

DESCRIPTION OF PROPOSAL

The proposal is a modified scheme to a refused application which included a 2-storey side and rear extension along with a large rear dormer.

The revised scheme as amended is for a single storey rear extension which would project past the side facing gable of the host property. The extension would project ~4.5m to the rear wall and would have a total width of by a total of ~9.7, resulting in the extension projecting ~4.5m from the south facing gable. The eaves height would be ~3.5m and an overall height of ~4.55m, resulting in a very shallow pitched roof at ~13 degrees. The extension would sit ~0.65m from the rear boundary. As the site tappers, this extension would be ~0.8m at the pinch point from the side boundary, and this would increase to 1.20m at the back corner.

The extension would create a dining room, WC, store and kitchen extension.

Access to the kitchen extension is via 6 steps from the rear, however, it is unclear how this entrance will be used, given the existing boundary gates open inwards and there is a high fence on the boundary.

The extension would be built from materials to match the host property using brick with blue slate.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F91116

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being considered unacceptable, with no obvious solution to overcome concerns given the amount of accommodation required. However,

the applicant's agent was informed that the application was to be recommend for refusal.

RELEVANT HISTORY

2021/92000 – 2-storey side and rear extension along with one rear dormer – refused on 12/07/2021 for the following reasons:

1. *"The proposed extensions, by reason of their design, scale, bulk and massing would represent an incongruous feature to the host property and within the street scene. The extension would not be subservient to the host property and would be harmful to the character of the host property, the street scene of Grimscar Avenue and Bleasdale Avenue and the wider Birkby Conservation Area. To permit the extensions would be contrary to Policies LP24 a & c & LP35 of the Kirklees Local Plan and advice within Chapters 12 and 16 of the National Planning Policy Framework.*

2. *The cumulative impact of the varying extensions, given the modest curtilage of the host dwelling would result an overdevelopment of the site with insufficient amenity space remaining for the future occupiers. To permit the proposals would be contrary to Policy LP24 c of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.*

3. *The proposed extensions, by reason of the significant bulk and massing, would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 30 Bleasdale Avenue, with regards to being overbearing, overshadowing and overlooking at close quarters. To permit the proposals would be contrary to Policy LP24 b of the Kirklees Local Plan and the National Planning Policy Framework.*

4. *The proposed development would lead to the reduction in available space for off street parking at the application site and would materially increase the number of bedrooms at the site without providing additional off street parking. The proposal would therefore lead to potential further on-street parking where spaces can already be oversubscribed to the detriment of Highway safety. To permit the development would be contrary to Policies LP21 and LP22 f of the Kirklees Local Plan and the aims of the National Planning Policy Framework paragraph 109."*

The application can be viewed through the following link:
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92000

PUBLIC/MEMBERS RESPONSE

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, site notice & press advert which expired on the 13th May 2022, whereby one letter of representation has been received objecting to this application, where they state their previous comments still stand in relation to 2021/92000.

A summary of the previous comments received are set out below (with full comments being displayed on the Council's planning webpage):

- Loss of light
- Overdevelopment
- Overbearing impact and inappropriate design
- Overlooking
- Loss of parking
- Loss of view
- Disruption when being built

CONSULTATION RESPONSES

None

POLICY

The site is unallocated on the Kirklees Local Plan, but the property falls within an area with a known presence of bats and is within Birkby Conservation Area.

The property also falls within an area at low risk of ground movement from former mining activity as identified by the Coal Authority.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of local air quality

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 NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Supplementary Planning Documents

- Kirklees Highways Design Guide (2019)
- Kirklees House Extensions and Alterations Supplementary Planning Guidance (SPD) (2021)

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

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).

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in Policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

The site is designated within Birkby Conservation Area. Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP24 of the Kirklees Local Plan requires that the form, scale, layout and details of all development *"respects and enhances the character of the townscape, heritage assets and landscape…"*

Paragraph 199 of the NPPF states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".* Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

With regards to the House Extensions and Alterations Supplementary Planning Document (SPD), Key Design Principles 1 and 2 are considered to be of particular relevance along with principles 3, 4, 5, 6, 7, 8, 9, 10, 15 & 16 in this case. Of note:

- 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."*

- 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."*

- Principles 3-6 – refer to the matter of the amenity of neighbouring properties, including privacy, outlook, light overshadowing and overbearing

- Principle 7 – requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

- Principle 15 – Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking

- Principle 16 – Extensions and alterations should maintain appropriate storage arrangements for waste.

In Section 5.1, followed by 5.2 of the Supplementary Planning Document, it refers to the general guidance, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

In Section 5.6 of the Supplementary Planning Document, it specifically refers to single storey rear extensions and notes these 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 for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

In Section 5.23 of the SPD, which refers to corner plots, it states that side extensions should be considered as being both side and front extensions and as such will relate to both street frontages. Therefore, both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by:

- *Facing in both directions to create two frontages, each with windows overlooking the street;*
- *Being set back from the existing building line on both streets; and*
- *following the boundary treatment along both streets, in relation to its position, height and materials.*

Finally The SPD refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and

- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

In this case, it is considered that there may be potential to extend the property, but this would depend on its scale and impact on the Birkby Conservation Area, visual and residential amenity and all other material planning considerations. These will be considered below.

Impact on visual amenity and Birkby Conservation Area:

The property is a brick 1930's semi-detached located within Birkby Conservation Area, surrounded by mixed style properties which are both stone terraced properties and brick semi-detached. The property is located on a prominent corner plot at the junction with Bleasdale Avenue and Grimscar Avenue.

The property currently has a detached garage and small single storey rear extension where both will be removed as a result of the proposal to build a single storey rear extension along the rear elevation and then projecting beyond the side facing gable to create a new kitchen, WC and dining room.

As the site is within a conservation area the impact of the development will need also to be assessed against national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *"in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Impact on the Conservation Area and wider street scene

It is accepted that the extension has been reduced in size since the previous application, removing the rear dormer and first-floor extension however, Officers hold the view that the proposed single storey extension has not addressed all of the previous concerns.

The proposed rear extension, with a shallow dual pitched roof will change the characteristics of this simple house by adding a roof pitch which is out of character with the form of the surrounding buildings and the host building itself, furthermore it is unlikely that a roof pitch of ~13 degrees would accommodate blue slates so that they do not lift or allow water ingress.

With regards the rear extension projecting past the gable and the property having two road frontages, the Supplementary Planning Document notes that this part of the extension should also be considered as a front extension, as

the extension would extend beyond the building line of the terrace along Bleasdale Avenue. It is considered that this extension would be dominant feature from within the streetscene, especially given how far it would protrude beyond the side gable, causing harm to the rhythm of the street pattern which is a characteristic feature of the repetitive terraced streets in this conservation area and contributes to its significance. The front extension would also be only set back a max. of 1.2m which reduces to 0.8 due to the tapering nature of the boundary. Therefore, the front extension would not be small in scale and would dominate the street scene in this location, detrimental to the visual amenities of the locality.

Further to this, the proposed extension would essentially erode most the amenity space to the rear of the property, and it is considered that this would give the proposed development a cramped contrived appearance.

Officers hold the view that both the proposed front and rear extension will lead to less than substantial harm to the significance of the conservation area by increasing the size of the property to an extent that would be out of character with the existing house by adding a dominant and overly large element to the street-scene on this prominent corner. Paragraph 200 of the NPPF requires clear and convincing justification to be provided for harm to the significance of a conservation area, and Paragraph 202 requires public benefits to be submitted to outweigh such harm.

In addition, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset, in this case the Birkby Conservation Area, to preserve or enhance the significance of the asset.

The proposed extension does not preserve or enhance the character of the conservation area as it introduces a dominant extension and with a shallow pitched roof. The scale of the extension does not respect the surrounding character or street scene and is considered overbearing.

The heritage statement submitted with the application states that the side extension will continue the existing flow of the street scape as it is an end terraced house (where the property is a semi-detached), however, no consideration has been given to how this extension will impact on to the adjacent terrace on Bleasdale Avenue where it will interrupt the flow.

Impact on the host property

Policy LP24 of the Kirklees Local Plan requires the form, scale, layout and details of all development to respect and enhance the character of the townscape, heritage assets and landscape. It also notes that extensions should be subservient to the original building and in keeping with the existing buildings in terms of scale, materials and details.

The proposal would be built of matching materials using brick with blue slate which are considered to be acceptable materials. The principal elevation window proportions would reflect the host property, in that it is centrally

located with similar height and width, however, is seen to dominate this elevation however, but this window could be conditioned to made slightly small to reflect the proportions of this elevation to make it acceptable (should permission be granted).

With regards to the form and siting of the of the extension, an addition to the side of the dwelling could potentially be acceptable, but given the depth of the projection to the front/side and rear, concerns remain. As the projection to the rear with the very shallow roof would be nearly be double the width of the existing dwelling, it is considered it would poorly relate to the overall form and appearance of the existing dwelling.

It is noted that there are other side protruding extensions in the area, such as at 1 Lyndale Avenue opposite. Although both extensions are to the side on a corner plot, 1 Lyndale Avenue has been designed with a hipped roof, set in from the front elevation along with the side boundary and would sit within the confines of the front and rear elevation (thereby more in-keeping with the form of the dwelling). Furthermore, it is considered to be at an acceptable distance from its neighbour and was approved in 2007, before the NPPF was published, and the adoption of the Kirklees Local Plan and the Supplementary Planning Document for householder Extensions and Alterations.

However, as noted above, it is considered that the proposed extension at No 4 Grimscar Avenue would be an overly prominent feature within the street scene given the sloping site, the overall scale of the extension and its proximity from the boundary, thereby causing detrimental harm to the visual amenities of the locality. Furthermore, it is considered by virtue of its overall scale (notably width) and its very shallow roof, it would appear as an incompatible feature with the existing dwelling.

Therefore, it is considered that the proposed extension would not respect the character of the immediate area. Its form, siting, scale and external appearance would not harmonise with the host property and would create a discordant structure, which will have a detrimental impact to the visual amenity and cause less than substantial harm to the significance of the Birkby Conservation Area.

Furthermore, and as alluded to above, the host property and its associated curtilage are of a very modest in size and, given the level of extension proposed and its position, the property would have limited meaningful amenity space remaining to the rear. As such, the scale is considered not to be acceptable and would result in a contrived and cramped form of development, which would constitute an incongruous feature in the locality.

Having taken the above into account, the proposed extension would cause significant harm in terms of visual amenity for both the host dwelling and would cause less than substantial harm to the significance of the Birkby Conservation Area. The application, therefore, fails to comply with Policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property in keeping

with the existing building, Policy LP35 of the KLP and Chapters 12 and 16 of the NPPF. No public benefits have been demonstrated to outweigh such harm to the Birkby Conservation Area.

Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extension would be built almost to the side boundary along Bleasdale Avenue with only a max distance to the boundary of ~1.2m which tapers down to 0.8m at the pinch point with the side boundary. To the rear of the extension would be ~0.65m away from the rear boundary on the proposed block plan, where previously it was ~5.3m, and according to the Council's mapping system the extension may extend outside the applicant's boundary. In essence, the proposal would end up resulting in extremely limited amenity space remaining for the property to the rear with only the small front /side garden remaining untouched. It should be stressed that Principle 7 of the Householders Extensions and alterations SPD states that extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. It goes on to states that normally at least half the garden area should be retained as part of the proposals

Along the rear boundary there is an existing path serving the rear gardens of 12 properties along Bleasdale Avenue & Grisedale Avenue. Due to the proximity of the rear elevation to the rear boundary it is considered that the extension would have an overbearing effect on the users of this path creating a narrow and oppressive access to the rear gardens.

The properties to the rear are in the form of a row of terraces located at a right-angle to the host property with the gable facing the rear elevation, where

there are no windows in this neighbour's (No.30) gable, therefore no undue loss of privacy in this case would occur. The South facing window would face the road and properties opposite, but would be partially screened by a fence and is therefore considered acceptable, especially when considering the separation distance.

With regards to overbearing or overshadowing it is accepted that the extension has been reduced in size by removing the first-floor element, however, the proposal still extends to the side boundary and now closer to the rear boundary than the previously refused application. Given the sloping nature of the site, the overall scale of the extension and its proximity from neighbours along Bleasdale Avenue, it is considered that the overall extension would still create an undue overbearing impact on its neighbours.

The attached property No 6 Grimscar Avenue is located due north of the application site. It is accepted that the extension is now single storey however it would project ~4.5m almost to the rear boundary and with an eaves height at ~3.7m. It is considered that it would have some impact with regards overshadowing of this neighbour's small private amenity space and loss of light on the nearby rear window which appears to serve a dining room when viewing plans for an application at No.6 (2021/92571). Of note, this would clearly breach the horizontal 45 degree line from this rear facing window, contrary to advice in Principle 5 of the Kirklees Householder Extensions and Alterations SPD. It is also unclear if their garden is level or slightly lower, where if lower would increase the impact on this neighbour. Albeit in some case one storey rear extensions are acceptable on the boundary, in this case given the overall depth, height and small rear garden at No.6, it would have an undue overshadowing effect on this neighbour and would cause an unacceptable loss of light to the nearest rear facing window which serves a habitable room. It should be noted that the existing rear elevation shows the ground level lower in part, to allow access to the basement, resulting in the rear extension having some under build, therefore it is not fully clear how this would affect the proposed rear elevations.

Having reviewed the above, the proposals would have a significantly adverse impact upon the amenities of the occupiers of the adjacent No. 6 Grimscar Avenue in terms of overbearing, loss of light and overshadowing and No.30 Bleasdale Avenue in terms of overbearing impact and overshadowing. Therefore, the proposal fails to comply with Policy LP24(b) of the KLP in terms of the amenities of neighbouring properties, Chapter 12 of the NPPF and Principles 5 and 6 of the Kirklees House Extensions and Alterations SPD.

Given that limited amenity space would be provided to the rear too, it is considered that the proposal would provide a poor standard of amenity for existing and future occupiers of No.4, contrary to Policy LP24(b) of the Kirklees Local Plan, Chapter 12 of the NPPF and Principle 7 of the Kirklees House Extensions and Alterations SPD.

Impact on highway safety:

Policy LP22 of the Kirklees Local Plan also relates to parking and the supporting text to this policy states that: *"The council will use car parking standards to support government objectives to reduce carbon emissions and congestion, to encourage use of sustainable transport modes and to ensure efficient use of roads."*

In terms of highway safety, the existing garage and off-street parking spaces will be lost, with no replacement proposed. For a 3 bedroom dwelling (proposed here), 2 parking spaces would be expected (as outlined in the Highways Design Guide). Given the above, on street parking would be highly likely. On street parking in the local area can be oversubscribed and there is concern that the proposal would have a detrimental impact on highway safety contrary to Policy LP21 of the Kirklees Local Plan. Of note, a similar concern was raised in relation to a planning application at 1 Grimscar Avenue (2021/90242), and subsequently dismissed at appeal on the grounds of highway safety given no parking provision at this property (as well as others). Of note, the inspector stated:

"I observed that Grimscar Avenue was a well-used highway with a relatively steady flow of vehicles. Furthermore, the adjacent roads had limited available parking spaces due to the majority of dwellings not benefiting from off-street parking…

…it is likely that the scheme would result in vehicles parking on Grimscar Avenue which would increase the likelihood of conflict between highway users due to the nearby junctions, bus stops and frequency of vehicles on Grimscar Avenue.

For these reasons, it has not been demonstrated that the proposal would not have an unacceptable impact on highway safety, having regard to parking provision. Consequently, the scheme would conflict with Policies LP21 and LP22 of the LP which seek, amongst other matters, to ensure the safe and efficient flow of traffic within the development and on the surrounding highway network. It would also not comply with chapter 9 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."

In addition, given the proximity of the extension to the side boundary and the proposed entrance to the kitchen via several steps. It is unclear how the occupiers would use this entrance given the limited space for any inward opening gate of Bleasdale Avenue.

It is unclear where any bins will be stored or feasibly accessed from the kitchen, however, if the proposal was considered to be acceptable these details could be conditioned or further amended plans provide by the architect.

Overall, it is considered that the proposal is likely to result in an increase in on-street parking on well-used highways, thereby increasing the likelihood of conflict between highway users. The proposal would therefore result in a

detriment to the safety and convenience of highway users including pedestrians, contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the Householder Extensions and Alterations SPD and Chapter 9 of the NPPF.

Other matters:

Climate Change - 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 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact that the extension would have no impact on the existing roof structure it is considered that the proposal would be unlikely to cause undue harm to protected species.

As such the development would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that one representation has been received as a result of site publicity, objecting to the application.

A summary of the comments received is set out below:

- Loss of light
  Response – addressed in the report

- Overdevelopment
- **Response** – The application has been reduced, but as noted above, it is considered that the proposed extension would be a contrived and

cramped form of development, which has a number of implications as discussed above (visual amenity, residential amenity and highways safety).

- Overbearing impact and inappropriate design.
- **Response** – addressed in the report

- Overlooking
- **Response** – addressed in the report

- Loss of parking
- **Response** – addressed in the report

- Loss of private view
- **Response** – this is not a material planning consideration

- Disruption when being built
- **Response** – it is accepted that most developments would have an impact on immediate neighbours during construction, however if this is unreasonable with regards to noise or blocking of footpaths both environmental Health and highways would be involved.

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.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2022/91116

Officer Recommendation: REFUSE

Reasons for Refusal

1. The proposed extension, by reason of its siting, form and large scale, bulk and massing would represent a cramped form of development and incongruous addition to the host property and wider the street scene. The extension would not be subservient or compatible to the host property and would be a dominant incongruous feature in the locality, detrimentally harmful to the character of the host property and the visual amenities of the locality. The proposal would also cause less than substantial harm to the significance of the Birkby Conservation Area. The proposal would therefore be contrary to Policies LP24 (a) and (c) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed extension, by reason of its position, overall scale and proximity to neighbouring properties, would result in an unacceptable degree of harm to the amenities of the occupiers of the adjacent No. 6 Grimscar Avenue in terms of overbearing, loss of light and overshadowing and No.30 Bleasdale Avenue in terms of overbearing and overshadowing. Given that limited amenity space would be provided to the rear too, the proposal would provide a poor standard of amenity for existing and future occupiers of No.4 Grimscar Avenue. The proposal therefore fails to comply with Policy LP24(b) of the Kirklees Local Plans, Chapter 12 of the NPPF and Principles 5, 6 and 7 of the Kirklees House Extensions and Alterations Supplementary Planning Document.

3. The proposed development would lead to the reduction in available space for off street parking at the application site, and would likely lead to on-street parking where spaces can already be oversubscribed, thereby increasing the likelihood of conflict between highway users (including pedestrians). The proposal would therefore result in a detriment to the safety and convenience of highway users including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations	2116/01		31.3.22
Proposed layout & elevations	2116/02	E	7.4.22
Application Form	-	-	31.3.22
Heritage Statement			6.4.22

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 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. No negotiations have taken place with the applicant/agent due to the application being un- acceptable with no obvious solution to overcome concerns given the amount of accommodation required. However, Officers informed the applicant's agent that they would look to refuse the application.

Report Dated: 26.5.22

Coal – low risk