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:	**2022/62/91349/E**
Site Address:	2, Wayne Close, Batley, WF17 0EU
Description:	Erection of front porch and raising of roof height to create first floor with two storey side extension and external alterations
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Jun-2022

OFFICER REPORT

Site Description

2 Wayne Close, Batley, is a detached dormer bungalow with a road facing dormer. The property is stone fronted with an open garden to the front, an overgrown area of land to the side and an enclosed garden to the rear of the property.

The property is surrounded by other dwellings with some diversity in terms of design, age and style.

Description of Proposal

The applicant is seeking permission for the erection of a front porch, two storey side extension and formation of a first floor.

The porch would project 1.3m from the original front wall adjacent to the bay window with a width of 2.5m. The roof form would be pitched.

The side extension is proposed to project 4m from the original side wall of the property and would extend the depth of the dwelling.

The eaves height would be increased from 2.4m to 5.4m with the overall height altering from 7.05m to 8m. The angle of the roof would alter to form a two storey dwelling.

The walls would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2017/93061 - erection of detached garage- refused

2017/93792 - erection of detached garage - approved

History of negotiations

The submitted plans raised significant concerns in terms of design, the cumulative impact of the varying elements of the scheme and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, this is only within the scope of the application under consideration. The alterations and reductions required to

form an acceptable scheme would not fall within the scope of this application. As such, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 03/06/2022

As a result of the above publicity, one representation has been received. The material concerns raised are summarised as follows:

- The extensions would be out of character with the area,
- Noise and disruption during construction.

Although other comments have been made including reference to the ongoing issues with the property opposite and a request for Planning to monitor the build if the application is approved. However, these comments cannot be taken into consideration.

Denby Dale Parish Council has been consulted although no comments have been received.

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 35** - Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on the Upper Batley Conservation Area:

Policy LP35 of the Kirklees Local Plan states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant

planning permission for development which affects a Heritage Asset or its setting, the local planning authority shall have special regard to the desirability of preserving the asset or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires that 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.

Paragraph 199 of the NPPF (July 2021) requires that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is noted that the property does face onto the Conservation Area and as such, whilst the agent has not submitted a heritage assessment, the LPA considers that the works proposed would have the potential to impact on the appearance and character of the Conservation area. The character of the conservation area includes a mixed and open character on the edge of Batley Town with large, stone built Victorian villas in mature grounds alongside older cottage. It is quite clear from the site visit that the properties on Wayne Close are modern, brick built properties with no features in common with the more traditional dwellings of the Upper Batley Conservation Area. That being said, as the host property is the first dwelling seen on entering Wayne Close alongside the older stone properties opposite, the increase in height, bulk and massing would take focus away from the Conservation Area, which cannot be considered to either preserve or enhance the character of the Conservation Area and would result in substantial harm.

The proposals therefore fail to comply with policy LP35 of the KLP and advice within chapter 16 of the NPPF.

<u>Impact on visual amenity</u>:

The properties on Wayne Close are modern, brick built bungalows and dormer bungalows. Although it is noted that the opposite side of the initial section of Wayne Close forms part of the Upper Batley Conservation Area. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.
The modest porch would form an acceptable relationship with the main house and surrounding properties given the limited scale and appropriate use of materials.

The character of the modern properties on Wayne Close are for detached and semi-detached, dormer bungalows. The proposals would see the host property, which is the first dwelling on Wayne Close significantly increase in terms of the width and the height to form a very large two storey property, which would be out of character with both the existing house and the neighbouring dwellings on Wayne Close as well as an incongruous feature. The extension proposed would leave the original house unrecognisable and could not in any way be considered to be subservient additions to the property. It is appreciated that the scheme does propose the use of brick for the walling and tiles for the roof covering. However, the overall scale, bulk and massing of the extensions proposed both above the original house and to the side would not be acceptable in terms of visual amenity.

Having taken the above into account, the significant extensions proposed to the side and to increase the height of the dwelling would not form a subservient addition to the dwelling by reason of the size, bulk and massing, forming an incongruous feature and would cause significant harm in terms of visual amenity for both the host dwelling and the wider street scene. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property or be in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

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

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties directly to the rear which could be affected by the works proposed.

Impact on 19 Batley Field Hill

The neighbouring property to the west of the host dwelling is situated at significantly lower level some 20m from the site. The proposals would bring the host property 4m closer and significantly higher than the existing garage. However, the separation is considered to limit the potential for any significant overshadowing or overbearing impact. As there are no windows proposed in the side elevation, there would be no loss of privacy.

With regards to the impact on the adjacent 19 Batley Field Hill, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 4 Wayne Close

The proposal would see the height of the dwelling increase near the shared boundary with the adjacent 4 Wayne Close. However, the host property and the neighbouring dwelling almost align in terms of the side elevations and the neighbouring property occupies a slightly elevated position relative to eh host property with their drive providing some separation. The impacts in terms of overshadowing and overbearing would be limited given the spatial relationship between the dwellings. Furthermore, there are no openings proposed in the side elevation which would limit the potential for any loss of privacy.

With regards to the impact on the adjacent 4 Wayne Close, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 3, 4 and 5 Osborne Terrace

The properties on the opposite side of the road are elevated from the host property with a separation of approx. 34m. Given the topography and substantial separation, there would be no significant impact in terms of the amenities of the properties opposite in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 3, 4 & 5 Osborne Terrace, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design

Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in a substantial intensification of the domestic use ging from a 2 bed dormer bungalow to a four bedroom property. However, there would be parking for at least three vehicles off road which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other matters:

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

One representation has been received. The materials concerns raised are summarised as follows:

- The extensions would be out of character with the area,
- Noise and disruption during construction.

Consideration of the character of the area is a material consideration and has been addressed within the appropriate section of this report. Although noise is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not therefore form a reason for refusal. A note would be added to any subsequent approval reminding the applicant of the appropriate hours of work in line with Environmental Legislation.

Although other comments have been made including reference to the ongoing issues with the property opposite and a request for Planning to monitor the build if the application is approved. However, these comments cannot be taken into consideration.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to extend upwards and to the side of 2 Wayne Close has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

The proposed extensions to the side and upwards would result in a significantly sized property which would have a negative impact on the character of the adjacent conservation area, resulting in substantial harm to the character of the Upper Batley Conservation Area. To permit the proposals would be contrary to policy LP35 of the Kirklees Local Plan and advice within chapter 16 of the National Planning Policy Framework.

The proposed extensions to the side and upwards, by reason of the scale, bulk and massing of the resultant dwelling would not form subservient additions to the property and would form an incongruous feature within the street scene. To permit the proposals would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2022/91349
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed extensions, due to their design and scale, would result in a dwelling that would appear at odds within the street scene detrimentally impacting on the character of the adjacent conservation area leading to substantial harm to the character of the Upper Batley Conservation Area for which substantial public benefit has not been demonstrated to outweigh the harm. To permit the proposals would be contrary to policy LP35 of the Kirklees Local Plan and advice within chapter 16 of the National Planning Policy Framework.

2. The proposed extensions to the side and upwards, by reason of the scale, bulk and massing of the resultant dwelling would not form subservient additions to the host property and would form an incongruous feature within the street scene. To permit the proposals would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location and site plan	-	928114	19/04/2022
Proposed & existing plans	1	928117	19/04/2022
Proposed & existing plans	2	928116	19/04/2022
Proposed & existing plans	3	928115	19/04/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The submitted plans raised significant concerns in terms of design, the cumulative impact of the varying elements of the scheme and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, this is only within the scope of the application under consideration. The alterations and reductions required to form an acceptable scheme would not fall within the scope of this application. As such, amended plans have not been sought.

Report Dated 06/06/2022