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:	**2022/62/91362/E**
Site Address:	34, Ullswater Road, Dewsbury, WF12 7PR
Description:	Erection of two storey side and single storey rear extensions demolition of existing garage and dropped kerb
Recommending Officer:	Elenya Jackson

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Jun-2022

Site Description

34, Ullswater Road, Dewsbury, WF12 7PR a two storey semi-detached dwelling which currently benefits from a private garden to the rear and a driveway. The property previously featured a garage to the side however this has been cleared as the applicant has recently acquired the property and started renovation works.

The site is located within an established residential area of two storey and single storey dwellings.

Description of Proposal

The applicant is seeking permission for a two-storey side extension and a single storey rear extension. This application has been received after a previous pre-application enquiry.

The proposal would extend 2.7m beyond the side elevation of the existing dwelling and have a depth of 6.7m. This would feature a hipped roof with a maximum height of 7.5m and an eaves height of 5.3m.

The single storey rear element of the proposal would feature a lean-to roof, extend 3m beyond the rear elevation of the existing dwelling, have a maximum height of 3.6m and an eaves height of 2.5m

The proposal would be constructed with external facing materials matching the existing dwelling.

Relevant Planning History

There are no previous planning applications relating to the property.

Representations

The application was initially advertised by neighbour notification letters, which expired on 9/06/2022.

No comments were received.

Consultation Responses

KC Highways DM: No conditions necessary

KC Environmental Health: No objections however a condition relating to hours of construction is deemed necessary

KC Ecology: No objections

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

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

National Policies and Guidance:

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

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

- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

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

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The proposal would be visible from the street scene as it relates to the side elevation of the dwelling.

Key design principle 1 of the Kirklees House Extensions and Alterations SPD requires extensions to be in keeping with local context and character and Key design principle 2 of the Kirklees House Extensions and Alterations SPD refers to the impact of the proposal to the original dwelling.

Section 5.19 and 5.20 of the guide refers to two storey side extensions and states:

- Proposals should take up all or most of the space to the side of a house
- Proposals should maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property

- Proposals should be set back at least 500mm from the front wall of the house

The proposal has been set down and back from the principal elevation of the dwelling by 31cm and 15cm from the ridge height of the dwelling and would be constructed on the shared boundary between the property and no.36.

The existing dwelling has a footprint of 45m^2 and the proposal would have a footprint of approximately 44m^2 at ground floor level.

It is considered that the increase in foot print of the dwelling coupled with its limited set down and set back would prevent the proposal from appearing as subservient to the original dwelling.

There are other examples of extensions within the street scene; however, these have been granted under a different policy context and are not within close proximity to the dwelling. The immediate street scene and building group remains predominantly unaltered. It is considered that the scale of the extension in the context of the existing dwelling and its relationship with no.36 would result in the extension appearing overly prominent within the street scene and fail to integrate with the prevailing character of the area.

The introduction of a two storey extension on the boundary next to a bungalow would interrupt spacing in the street scene, impact the openness and appear as an unsympathetic later addition.

In summary, the proposed extension, by virtue of its scale, design and location, would result in the creation of an uncharacteristic feature within the street scene and detract from the character of the surrounding area and the original dwelling.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

No.36 Ullswater Road : adjoins the application property to the west. The garage of the application property previously separated the two dwellings; however, this has been removed during the course of this application. The property has two side facing windows which serve a bedroom and a utility type room.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The proposal would be situated to the east of no.36. It is acknowledged there was previously a single storey garage on the boundary between the two dwellings; however, it is considered that the introduction of a two storey blank elevation directly across from a window serving a bedroom at no.36 would have a significant impact to outlook and light to this room.

Overbearing: The proposal would introduce a two storey blank elevation parallel to a single aspect ground floor bedroom at no.36. It is considered that this would have an unacceptable impact on the living conditions of current and future occupiers of this property.

No.32 Ullswater Road: is attached to the application property as a semi-deatched pair

Overlooking: the proposal would not feature any side facing windows facing the boundary with No.32.

Overshadowing/loss of light: The proposal would be situated to the west of no.32. No.32 currently benefits from a single storey rear extension which is multiple aspect. Therefore, no significant issues would arise regarding overshadowing/loss of light

Overbearing: The proposal would be single storey next to the shared boundary between the dwellings and therefore no significant issues regarding overbearing would arise.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use. KC Highways DM have been consulted on the above application and have not raised any concerns.

Therefore the proposal would comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD .

5– Other matters:

Carbon Budget

The proposal is a 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.

Ecology

The site is within a Bat Alert Area as identified on the Council's mapping system.
The LPA's ecology officer has raised no concerns to the proposal.
As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

No representations were received

7 – Negotiations:

No amendments were requested in relation to the application after submission as significant amendments would be required which would not be possible under the scope of this application.

8 – Proposed conditions

None as the application is being recommended for refusal.

9 – Conclusion:

This application to erect a two storey side extension and single storey rear extension has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the design and harm in terms of visual amenity, the proposed extension is considered unacceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations.

Recommendation **REFUSE**

Decision Authorisation - Delegated Powers
Application Number: 2022/91362
Officer Recommendation: Refuse
Reason for refusal

1. The proposed extension, by virtue of its scale, massing, design and location adjacent to a common boundary would result in the creation of an uncharacteristic and unsympathetic addition which would detract from the appearance of the existing dwelling and the street scene and fail to respect the character of the area. To permit this development would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

2. The proposed extension, by virtue of its scale, massing and close proximity to a shared boundary, would result in the creation of an overbearing and overshadowing feature to a side facing bedroom window at no.36 Ullswater Road. In turn this would have a significant impact on the residential amenity of current and future occupiers of this property. To permit this development would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Proposed First Floor	2022 / 368 / 03	26.04.2022
Proposed Ground Floor	2022 / 368 / 02	26.04.2022
Proposed Side Elevation	2022 / 368 / 07	26.04.2022
Proposed Site Section	2022 / 368 / 08	26.04.2022
Proposed Front Elevation	2022 / 368 / 05	26.04.2022
Proposed Rear Elevation	2022 / 368 / 06	26.04.2022
Site Location Plan		26.04.2022
Existing Floor Plan	2022 / 368 / 02	26.04.2022
Proposed Elevations	2022 / 368 / 01	26.04.2022

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.

No amendments were requested in relation to the application after submission as significant amendments would be required which would not be possible within the scope of this application.