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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2022/91630 Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ

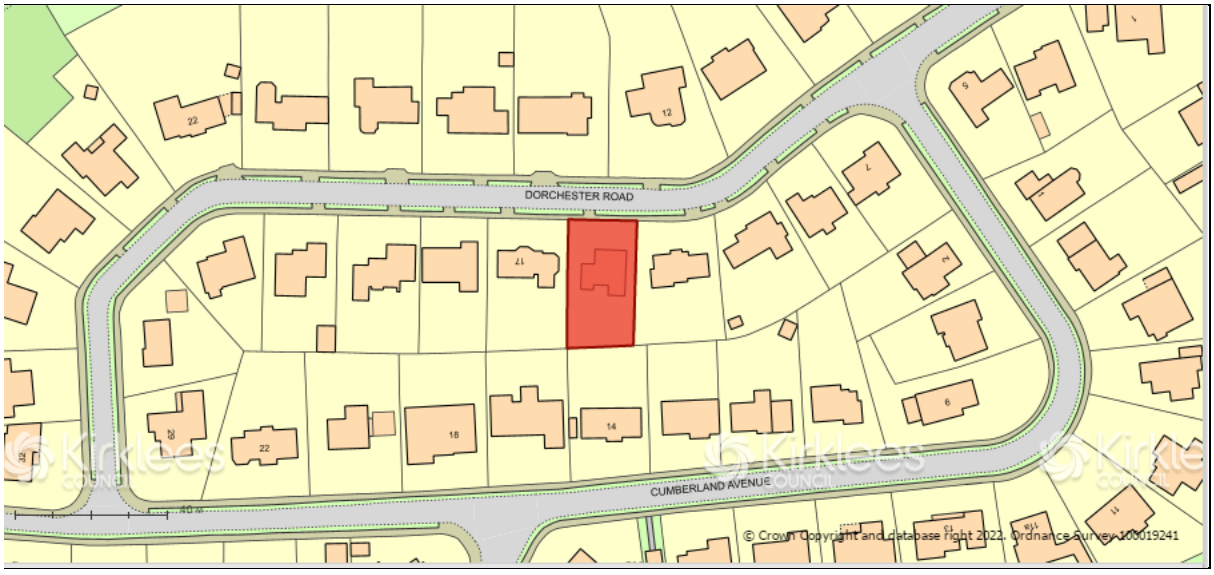
APPLICANT
Tony Sandhu

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
11-May-2022	06-Jul-2022	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed two storey side extension combined with the single storey rear extension, by reason of their size, scale and design would appear discordant and incongruous within the application site and in the street scene. The extensions would not be subservient to or respect the host dwelling's original built form. The proposed scheme would be an unsympathetic form of development and would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Government Policy contained within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Amanda Pinnock who has provided the following reason:

"I do not believe the development will have a visual impact on the area and in my view the size requested is reasonable."

1.2 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to 15 Dorchester Road, Fixby, a two-storey detached dwelling designed within a distinctive mock-Tudor frontage. The building benefits from a dual pitched gable at first floor over a large bay window at ground floor, and these project from the main body of the dwelling. Materials consists of stone, brickwork and render. To the front, the property benefits from a landscaped area and a driveway, along with private amenity space to the rear. To the west side is an attached garage with a flat roof. Pedestrian and vehicular access can be taken from the northern boundary onto Dorchester Road. Boundary treatment predominantly consists of timber fencing, hedging and stone walling with railings above.

2.2 The site is situated within a wider residential area, whereby the neighbouring properties are detached, relatively large in size and scale and vary in design and form. The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

3.1 This seeks the erection of a two-storey side extension with an adjoining single storey rear extension. The measurements of the side extension element would be 6.3m in overall width, 8.7m in overall depth with an overall height of 8.5m. This side extension would have a hipped roof, but would also include a small flat roofed element to the front that would be flush with the front wall of the dwelling. The rear extension would be a maximum of 5.5m in projection, 9.4m in overall width and 3.7m in overall height. This element would have a lean-to roof, with a wide gable protruding beyond this.

3.2 The attached garage would be demolished as part of this proposal.

3.3 The extensions would be faced in a mixture of stone and render to match the materials used on the host property, with a tiled roof. The additional windows and doors would also be constructed from white UPVC frames to match the existing. The resultant extension would provide 3no. bedrooms, bringing the total number of bedrooms in the dwelling to six. On the ground floor a small self-contained spice kitchen would be formed together with an open plan family living/dining kitchen space. The latter would be a single open plan room of approximately 78 sq metres.

3.4 On-site parking would be retained on the driveway to the front of the dwelling.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site

4.1 2021/90775 – Erection of two storey side and single storey rear extensions and front and rear dormers – Refused on 29th July 2021 and appeal dismissed on 21st January 2022.

Neighbouring properties

4.2 No recent planning permission at any nearby properties.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The Officer contacted the agent to outline the significant concerns in relation to the size and scale of the extensions proposed. A reduced scheme was proposed following this. However, the amended plans only removed the front and rear dormers, and this did not overcome the concerns of Officers and the application is recommended for refusal. These plans were received on 13th July 2022.

6.0 PLANNING POLICY:

6.1 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.

6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP34** – Conserving and enhancing the water environment
- **LP51** – Protection and Improvement of Local Air Quality

6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations SPD
- Highways Design Guide SPD

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 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 which expired on 23rd June 2022, whereby 4 representations have been received, all objecting to the application. A summary of the concerns raised are as follows:

Visual amenity:

- The revised design shows the dormer window to be even higher than the previous application.
- The dormer will cause a visual intrusion.
- The second floor extension is very large and inappropriately scaled for this area, as it would not be in keeping with the general design and character of the houses in this residential area.
- There are no other dormers on the second floor of any houses in the vicinity.
- This dormer will be very displeasing to the eye.

Residential amenity:

- Objections raised in terms of overlooking/loss of privacy from the dormer proposed on the 2nd floor.

General concerns:

- This application is an amended version and all previous objections remain valid.
- Fail to understand why the applicant is applying for planning permission again when a similar proposal was refused by Kirklees Council and dismissed at appeal (ref: APP/Z4718/D/3283629).
- Potential impact on the value of neighbouring properties.

7.2 The application was not re-advertised on receipt of the amended plans due to the minor amendments proposed which reduced the scheme by removing the front and rear dormers.

8.0 CONSULTATION RESPONSES:

None necessary.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and urban design issues
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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 National Planning Policy Framework.

10.2 Policy LP1 of the Kirklees Local Plan goes on further to state that: *"The Council will always work proactively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area".*

10.3 In this case, it has been considered that the principle of development could be acceptable subject to the assessment of impacts on visual and residential amenity and highway safety, as well as other material considerations relevant to this case. This will be discussed below.

Background

10.4 The previous application at the site (ref: 2021/90775) which included the erection of two storey side and single storey rear extensions and front and rear dormers is a material consideration and will be afforded weight as part of assessing this application. This application was refused by the Council for the following reason:

> *"The proposed two storey side extension, by reason of its size, scale and design would appear discordant and incongruous in the street scene and would not be subservient thereby failing to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, paragraph 4.5 of the Council's Supplementary Planning Document on House Extensions and Alterations and advice within the National Planning Policy Framework."*

10.5 The decision to refuse the application was subsequently appealed and the appeal was dismissed. The Inspector in their decision letter stated the following:

> *"Its scale and size would subsume the existing property resulting in it appearing overly large within the street scene. This dominance would be further exacerbated by the size and quantum of the proposed dormer windows, which would result in a proposed extension which would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property.*
>
> *The appellant has drawn my attention to local examples of planning approvals for extensions, however I consider that these are not directly comparable, principally in terms of the scale of the development proposed. I therefore attribute minimal weight to these examples in the consideration of this appeal.*
>
> *For the reasons given, the proposed development would not accord with Parts (a) and (c) of Policy LP24 of the Kirklees Local Plan (KLP) (adopted February 2019), which seek to ensure good design with regards to the form, scale and layout of all development, so that it respects and enhances the character of the townscape, and that extensions are subservient to the original building, are in keeping with existing buildings in terms of scale, materials and details and minimise impact on the residential amenity of future and neighbouring occupiers. For the same reasons the proposed extension would not accord with Paragraph 4.5 of the Council's House Extensions and Alterations Supplementary Planning Document (the SPD) (adopted June 2021), which advises that extensions should normally be smaller in scale than the original property and set back from the existing building line, that two-storey extensions should be set down from the ridge line and generally smaller in footprint and that the materials, design, roof pitch and detailing should normally match the existing house detailing.*

It would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework), which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. At paragraph 134, the Framework advises that development that is not well designed should be refused.

I therefore consider that the proposed development would have an unacceptable effect on the character and appearance of the area, with particular regard to the street scene and would therefore conflict with Parts (a) and (c) of Policy LP24 of the KLP (2019) and the Council's SPD (2021), details of which I have outlined above. It would also conflict with relevant paragraphs of the Framework as stated."

10.6 In this instance, Officers do not consider the above concerns have been fully addressed as part of the new application.

Visual amenity and urban design issues

10.7 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be 'subservient to the original building' and 'in keeping with the existing building in terms of scale, materials and details.'

10.8 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *"the creation of high-quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character. including the surrounding built environment.

10.9 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – 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 – 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."*

10.10 Section 5 of the House Extensions and Alterations SPD also provides guidance for specific types of extensions and alterations which will be referred to in this assessment.

10.11 In this case, it has been noted that the existing attached garage will be demolished and replaced with the two-storey side extension. To the rear, a 5.5m single storey extension has been proposed, which will adjoin an existing rear extending element.

Two storey side extension

10.12 Section 5.3 of the House Extensions and Alterations SPD relates to side extensions, with paragraph 5.19 of this SPD stating that: *"Two-storey side extensions can have a significant effect on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area''.*

10.13 Paragraph 5.20 of the SPD goes onto state that: *"Two storey side extensions should:*

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house."*

10.14 In this case, whilst the side extension would be set down from the ridge on the main property, it would be of a significant size and scale and therefore would not appear subservient to the host property, contrary to Principle 2 of the House Extensions and Alterations SPD. Of note, the side extending element would almost be a similar width to the main body of the dwelling. Officers also consider the character and form of the original dwelling would be lost as a result of the works proposed. The Planning Inspector held such concerns in relation to the refused scheme at the site for a side extension of a relatively similar scale, and this is considered to be a material consideration of significant weight when assessing this current application. Of note, the decision letter by the Planning Inspector states that the extension's *'scale and size would subsume the existing property resulting in it appearing overly large within the street scene.'* The Planning Inspector's decision letter goes on to note that this extension '*would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property.'* The side extension, whilst maintaining a 1m gap to the boundary, would take up most of the space to the side of the house and result in a plot coverage that would be at odds with the more verdant character of the surrounding dwellings.

10.15 In addition to the above, the flat roof element to the front of the side extension would fail to sympathetically relate to the roof form of the dwelling and would contribute to complicating the design of the dwelling as well as add to the overall bulk of the side extension.

10.16 Notwithstanding the above, it has been noted that the wider street scene is dominated by large, detached dwellings and there is space to the side of the main body of the dwelling. Therefore, it is considered that the principle of extending the property is acceptable, subject to the size, scale and form of the extension proposed. However, Officers consider that the design and scale of the side extension proposed under this application is unacceptable.

Single storey rear extension

10.17 Section 5.1 of the House Extensions and Alterations SPD provides guidance for rear extensions. Paragraphs 5.1 and 5.2 within this section of the SPD state that:

> *"Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. This should include consideration of the following:*
>
> - *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.*
>
> *As a general rule, a rear extension should:*
>
> - *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."*

10.18 Paragraph 5.5 of the SPD goes on to state that: *"Single storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours."*

10.19 Paragraph 5.6 of the SPD further states that single storey rear extensions 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.

10.20 In this instance, it has been noted that the rear extension would not be in keeping with the style of the existing house, with the dual pitch roof adding a further element of a complex and incongruous design. The projection of the extension would be 5.5m and therefore greater than the scheme previously refused (by approximately 2m). However, in this case, due to the slight inset from the side wall, the extension would retain a separation distance of 1m to the side boundary. Nonetheless, having taken into account all points raised

above, it has been considered that the rear extension would fail to accord with the guidance provided within paragraph 5.6 of the House Extensions and Alterations SPD.

10.21 Further to this, as noted above Officers consider that the side extension in isolation would appear dominant and incongruous against the existing property and the street scene, not rendering it to be subservient to the host property. Thus, Officers are of the view that the sizeable single storey extension would only exacerbate the issue of the proposed development dominating the existing dwelling. The discordant design of the various extensions serve to increase the visual disruption they would cause to the host property.

10.22 Whilst it is accepted there are examples of planning approvals for extensions in the locality, Officers consider these are not directly comparable to this case, principally in terms of the scale of the development proposed.

10.23 In terms of materials, the extensions would be faced in stone and render with tiled roofs to match the host property. Such materials are considered acceptable, in general, by Officers but this does not overcome the visual harm the design and appearance of the extensions would cause.

10.24 With regards to fenestration, the windows proposed would also somewhat be in keeping with those that currently exist. To the rear large bi-folding doors are proposed. This will create a flexible space for the occupants and aid passive solar gain. Lastly, two small roof lights to the front roof slope and one to the rear have been proposed. These are adequately sized and would be located up from the eaves and down from the ridge. As such, no concern is raised in this respect.

10.25 Notwithstanding the above, it has been considered that the proposed side and rear extensions would result in a dominant, unsympathetic and incongruous extension to the host building, which would not be subservient to the dwelling, thereby detrimentally harming the character and appearance of the dwelling in the wider area. The proposal would therefore be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 within the Council's adopted House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Residential amenity

10.26 Section B and C of LP24 states that alterations to existing buildings should:

> *"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

10.27 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.

10.28 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity. These include:

- Principle 3 - that *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*
- Principle 4 - 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."*
- Principle 5 - that *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."*
- Principle 6 - that *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*
- Principle 7 - that *"extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."*

10.29 The impact of the development on each of the surrounding properties most likely to be impacted by the proposal will be assessed in turn.

17 Dorchester Road

10.30 17 Dorchester Road is the neighbouring property to the west side of the application site. It has been noted that these neighbours would likely be the most impacted by the works proposed. Nonetheless, it appears that the main bulk and massing contained within the side extension would be adjacent to these neighbour's somewhat blank elevation, other than the existing curved windows. However, it appears that these are likely to be secondary to the existing front and rear openings. Therefore, it has been considered that on balance, any overbearing and overshadowing, as well as impact on light and outlook, would not be undue. The submitted plans also show only one additional window to be inserted into the side elevation at first floor level, which would serve an en-suite. It is noted that this would be obscurely glazed, therefore helping to prevent clear views from this window over No.17 and should permission be granted it could be conditioned that this window is to be obscurely glazed and fixed shut apart from any top opening element.

10.31 In terms of the rear extension, this would be at single storey height, but would benefit from a complex roof form. A separation distance of 4.5m would be retained to these neighbours nearest side and rear elevations, however, principle 5 seeks to ensure that extensions do not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

10.32 As such, paragraph 4.17 of the House Extensions and Alterations SPD states that when assessing the impact of overshadowing on neighbouring properties, the Council will, as a starting point, have regard to the horizontal 45 degree guidelines. That is, a line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45 degree, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost to the neighbouring property.

10.33 In this case, a line has been drawn from the nearest window at ground floor, where by an angle of 42 degrees would be retained. Whilst this is marginally less than the 45 degrees previously outlined, Officers have noted that there would be sufficient boundary treatment in place which would already have some impact upon this opening. Therefore, it is considered that any additional bulk and massing would not have a detrimental impact. Lastly, the submitted plans show no new openings to be inserted into the western facing side elevation of the rear extension, which would help mitigate overlooking. In the case of an approval, permitted development rights for new openings could be removed.

10.34 Overall, given the above, it has is considered that the proposal would not have a detrimental impact upon the amenity of No.17.

13 Dorchester Road

10.35 13 Dorchester Road is the neighbouring property to the east side off the application site. It has been assessed that there would be some impact upon these neighbour's amenity as a result of the additional built form proposed. However, in this instance it has been acknowledged that the two storey extension would be to the opposite side of the host property and would not exceed the existing ridge roof line. As such, any overbearing, overshadowing and overlooking from the proposed two storey side extension would not be much greater than the existing situation.

10.36 With regards to the rear extension, this would be single storey in height and would be situated to the opposite side of an existing rear projecting element and decked area. In addition, a separation distance in excess of 10m would be retained to these neighbours nearest side elevation along with 7.4m to the shared boundary. As such, Officers are satisfied that there would be no undue overbearing, overshadowing or overlooking to No.13 as a result of the development proposed.

Other neighbouring properties

10.37 14 Cumberland Avenue is the neighbouring property to the rear of the application site. A separation distance of at least 25m would be retained and therefore, any overbearing, overshadowing or overlooking from the additional bulk, massing and openings contained within the extensions would not have a detrimental impact upon these neighbour's amenity. The submission of amended plans deleting the proposed dormer windows has overcome previous concerns raised as to overlooking/loss of privacy to residents along Cumberland Avenue.

10.38 12 and 14 Dorchester Road are the neighbouring properties to the north of the application site. There would also be a separation distance of approximately 28m retained between these neighbours, including a highway. As such, undue harm to these properties in terms of overbearing, overshadowing or overlooking would be prevented.

10.39 In relation Principle 7 of the House Extensions and Alterations SPD, the property would benefit from a good area of garden should the extensions be developed, therefore the proposal is considered to comply with Principle 7 of this SPD

10.40 In summary, the proposal would have an acceptable impact on residential amenity and would be compliant with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF in respect of residential amenity, as well as Principles 3-7 of the House Extensions and Alterations SPD.

Highway safety

10.41 Principle 15 of the House Extensions and Alterations SPD states that: *"Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking."*

10.42 The existing attached garage to the west of the application site would be demolished as part of this permission. In this instance, no compensatory parking has been provided, nor has it been identified on a plan. It is considered that should the extensions be developed, the existing driveway would only be able to accommodate 1 car. The Kirklees Highways Design Guide SPD and the House Extensions and Alterations SPD set out that 4+ dwellings should be served by 3 off-street parking spaces. In this case the resultant dwelling would have 6 bedrooms.

10.43 Consideration could be given to extending the driveway. However, Paragraph 4.43 of the House Extensions and Alterations SPD outlines that: *"Where alternate parking areas are required in the property boundary, careful consideration should be taken to retain as much of the garden boundary and soft landscaping as possible. Proposals should not result in street scenes dominated by large areas of hard surfaces and parked cars. Where parking surfaces are in the curtilage of the dwelling these should be permeable and preferably finished with a natural material."*

10.44 Nonetheless, the application site benefits from a generous front garden and Officers consider that only a relatively small area of it would have to be converted into hardstanding in order to provide a sufficient level of on site parking. In this instance, a 6 bedroom property would require 3 on site parking spaces. Further details of this could be conditioned should permission be granted.

10.45 Therefore, having taken into account the above, it is likely that an acceptable level of parking could be achieved on site without dominating the front of the property, in the case of an approval. Subject to a condition, it is considered that the proposal would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, Principle 15 of the House Extensions and Alterations SPD and the guidance within of the Council's Highways Design Guide SPD.

Other matters

Climate change

10.46 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.

10.47 Principles 8-11 of the House Extensions and Alterations SPD relate to planning for climate change. Of note:

- Principle 8 (Energy Efficiency) states: *"Extensions and alterations should, where practicable, maximise energy efficiency."*
- Principle 9 (Construction Materials) states: *"Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible."*
- Principle 10 (Renewable Energy) states: *"Extensions and alterations should consider the use of renewable energy."*
- Principle 11 (Water Retention) states: *"Extensions and alterations should consider designing water retention into the proposals."*

10.48 In this case, due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extensions would be partly finished in stonework, which is a high quality natural material. The extensions would also aid passive solar gain and would be constructed to modern specifications to ensure thermal efficiency. More specifically, in the case of an approval, a condition could be attached to the decision notice to state that any new hardstanding required to facilitate the development would need to be laid in a permeable surface. This is to accord with Policies LP28 and LP34 of the Kirklees Local Plan and the aims of Chapter 14 of the NPPF, as well as Principles 14 and 15 of the House Extensions and Alterations SPD.

Biodiversity

10.49 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.50 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *"Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity."*

10.51 In this instance, careful attention has been paid to look for evidence of bat roost potential during the site visit. In this instance, the property appeared well-sealed around the eaves and roof area. The agent submitted a self-certification statement to conclude there was no opportunity for bats to roost on site. The garage to be demolished is also single storey with a flat roof and therefore unlikely to support roosting bats. In terms of net gains, should permission be granted the installation of a bat box could be conditioned. Therefore, the development is considered to comply with the aforementioned policies.

Waste storage and collection

10.52 Principle 16 of the SPD states that extensions and alterations should maintain appropriate storage arrangements for waste. It is considered that the existing arrangements would not significantly alter as a result of the proposal.

Representations

10.53 As a result of the above publicity, 4 representations have been received, all objecting to the application. A summary of the concerns raised along with officer correspondence are as follows:

Visual amenity:

- The revised design shows the dormer window to be even higher than the previous application.
- The dormer will cause a visual intrusion.
- The second floor extension is very large and inappropriately scaled for this area, as it would not be in keeping with the general design and character of the houses in this residential area.
- There are no other dormers on the second floor of any houses in this vicinity.
- This dormer will be very displeasing to the eye.

Officer Comment: These concerns have been noted and assessed in detail within the assessment above. The dormer windows have been deleted from the proposal and the accommodation in the roof is now lit by roof lights.

Residential amenity:

- Objections raised in terms of overlooking/loss of privacy from the dormer proposed on the 2nd floor.

Officer Comment: Both the front and rear dormers have been removed from the scheme.

General concerns:

- This application is an amended version and the objections remain valid.
  Officer Comment: This has been noted.

- Fail to understand why the applicant is applying for planning permission again when a similar proposal was refused by Kirklees Council and dismissed at Appeal (ref: APP/Z4718/D/3283629).
  Officer Comment: This has been noted.

- Potential impact on the value of neighbouring properties.
  Officer Comment: This is not a material planning consideration and therefore, cannot be afforded weight.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other materials considerations. In this instance, the development does not accord with Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Policies within Chapter 12 of the NPPF. The application of policies in the NPPF that protect visual amenity are of particular importance and provide a clear reason for refusing the development proposed.

Background Papers:

Application and history files.
Link to application
Link to application details
Planning application details | Kirklees Council

Link to previously refused application along with the appeal decision (2021/90775)
Link to application details
Planning application details | Kirklees Council

Certificate of Ownership – Certificate A signed.