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:	**2022/62/92463/E**
Site Address:	64, Spen Valley Road, Ravensthorpe, Dewsbury, WF13 3EZ
Description:	Erection of single and two storey rear and single storey front extensions
Recommending Officer:	Alice Downham

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Dec-2022

Officer Report

Site Description

64 Spen Valley Road is a two-storey end-terrace dwelling located in Ravensthorpe. It is faced in buff-coloured brick, with an area of cladding to the front elevation. The roof is a dual-pitched form finished in concrete tiles. The dwelling benefits from amenity space to the front, side, and rear. There is a small brick outbuilding and a concrete garage in the rear garden.

The property is located on a residential cul-de-sac. The neighbouring properties are similar in terms of age, style, size and construction materials. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application is seeking planning permission for the erection of single- and two-storey rear and single-storey front extensions.

The proposed rear extension would run the full width of the host dwelling. The single-storey element would project 5.0m and the two-storey element would project 3.0m. The single-storey element is proposed to have a lean-to roof form with an overall height of approximately 3.9m and an eaves height of 2.8m, and the two-storey element would have a dual-pitched roof form flush with the ridgeline of the host dwelling.

The proposed single-storey front extension would project 1.5m from the front elevation of the host dwelling and would run the full width of the host dwelling. It would have a lean-to roof form with a feature gable over the front door, with an overall height of 3.8m and an eaves height of 2.8m.

The proposed extensions would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing.

It is noted that windows would be added to the side elevation of the host dwelling; one at ground floor level serving the dining/kitchen, and one at first-floor level serving a bedroom.

History of negotiations/amendments received

The submitted plans raised significant concerns in terms of the proximity between the proposed window and the neighbouring 66 Spen Valley Road and the resulting severely restricted natural light and outlook for future occupiers. Although the 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, this is only within the scope of the application under consideration. The applicant was made aware of officers' concerns and offered two opportunities to submit amended plans; however, none were forthcoming.

Relevant Planning History

At the application site:

2022/92319 – Prior notification for single storey rear extension. Not required.

At neighbouring properties:

87/03678 – Two-storey extension to form kitchen and bedroom. Granted conditionally. (90 Spen Valley Road).

88/00752 – Erection of dining room extension. Granted conditionally. (90 Spen Valley Road).

2008/91771 – Erection of single and two storey extensions. Refused. (88 Spen Valley Road).

2008/93960 – Erection of single and two storey extensions. Conditional full permission. (88 Spen Valley Road).

2012/90269 – Erection of single and two storey extensions and formation of off street parking. Invalid. (66 Spen Valley Road).

2012/91163 – Erection of single and two storey extensions and formation of off street parking. Conditional full permission. (66 Spen Valley Road).

2015/90028 - Prior notification for single storey rear extension. Not required. (66 Spen Valley Road).

2015/93254 - Erection of single storey front and side extensions and first floor rear extension. Conditional full permission. (66 Spen Valley Road).

2020/91131 – Erection of second floor and single storey front extension. Refused. (62 Spen Valley Road).

Publicity and Representations

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 20th September 2022.

As a result of the above publicity, no representations have been received.

No parish/town council comments are required in this instance.

Consultation Responses

None were considered necessary in this instance.

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. However, it is located within the Strategic Green Infrastructure Network.

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. The National Planning Policy Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning

Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **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

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) Conditions
7) Conclusion

1 – Principle of development:

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 Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

The application site is located within the Strategic Green Infrastructure Network on the Kirklees Local Plan. Consequently, the proposal also needs to be considered against the requirements of Policy LP31 which seeks to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions that they provide. It is considered that this proposal, which is for the erection of extensions to an existing dwelling, would reasonably meet the requirements of this policy.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the House Extensions and Alterations SPD, suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

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:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out that proposals should promote good design by ensuring *"the form, scale, layout and details of all development respects and enhances the character of the townscape"*; and LP24 (c), which sets out that proposals should promote good design by ensuring *"extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details"*.

With regard to the Council's House Extensions and Alterations SPD, Key Design 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."* Key Design 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."*

Paragraphs 5.1 and 5.2 of the Council's House Extensions and Alterations SPD state that rear extensions should:

- *"[be] set behind the original building, and not projecting beyond the sides;*
- *… 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"*

Paragraph 5.6 states that single-storey rear extensions should:

- *“be in keeping with the scale and style of the original house;*
- *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;”*

Paragraph 5.8 states that two-storey rear extensions should:

- *“be proportionate to the size of the original house and garden;*
- *not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);*
- *not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;”*

Paragraph 5.14 of the Council’s House Extensions and Alterations SPD states that: *“Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted 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;”*

Single and two storey rear extension

It is noted that the 5.0m projection of the single-storey element on the shared boundary with no.62 has already been agreed through a larger home extension prior approval application (2022/92319). This application seeks to add a first-floor element (3.0m projection).

In terms of design, the proposed rear extension would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing. The rear extensions would not project past the side elevation of the host dwelling. The proposed extension would be located to the rear of the property where it would be least visible within the street scene. Furthermore, it is noted that other dwellings in the area have erected similar rear extensions of a similar design, including the adjacent no.66. Therefore, the erection of a two-storey rear extension at 64 Spen Valley Road would be in keeping with the local character. In summary, the design, materials, and detailing are in keeping with the host dwelling and are therefore considered acceptable from a visual amenity perspective.

Regarding scale, given the previously granted larger homes extension (2022/92319), it is considered that this has established such a scale of extension at the house as being acceptable. The 3.0m projection of the first-floor element is also considered acceptable. The proposed extension would increase the footprint of the building and would also increase the bulk and massing. However, the size of the footprint is considered acceptable given the fall-back position provided by the previous application (2022/92319).

Furthermore, the host property and its associated curtilage is of a scale which would support the proposed extension without amounting to overdevelopment or appearing incongruous. The proposed rear extension would occupy less than 50% of the total area of land around the original house. In summary, and taking into account the established fall-back position, the scale of the proposal is considered in keeping with the existing building and the local character and is therefore acceptable from a visual amenity perspective.

Single-storey front extension

The proposed front extension would be small in scale and subservient to the host dwelling as it would be single-storey. The design and materials of the proposed front extension would match the existing features of the original house. It would be set back from the pavement by approximately 4.8m, and at a lower elevation. Therefore, it is considered that the proposed front extension would not cause harm to the visual amenity of the host dwelling or the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

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 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."* Key Design Principle 4 states 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."* Key Design Principle 5 states that *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."* Key Design Principle 6 states that *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."* Key Design Principle 7 states 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."*

Paragraphs 5.1 and 5.2 of the Council's House Extensions and Alterations SPD state that rear extensions should:

- *"[preserve] a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *[maintain] external access to the rear garden*
- *not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties."*

Paragraph 5.6 states that single-storey rear extensions should:

- *"not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge."*

Paragraph 5.8 states that two-storey rear extensions should:

- *"be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;*
- *not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;*
- *not adversely affect habitable room windows where they adjoin a neighbour's boundary."*

Paragraph 5.14 of the Council's House Extensions and Alterations SPD states that *"Single storey extensions on the front of a house and two-storey or first floor front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*

- *The extension would not unreasonably affect the neighbouring properties."*

Given the nature and location of the proposed extensions, officers consider that the only neighbouring dwellings that could be materially impacted are 62 Spen Valley Road to the northeast, 66 Spen Valley Road to the southwest, and 88 & 90 Spen Valley Road to the northwest (rear).

Impact on 62 Spen Valley Road

This is the adjoining property to the northeast of the application site. The submitted plans show no windows to be inserted into the north-eastern side elevation of the proposed extensions. To protect the privacy of the current and future occupiers of 62 Spen Valley Road, it is recommended that a condition be added to the decision notice removing permitted development rights for the creation of openings in the north-eastern side elevation of the extensions (should planning permission be granted). Therefore, there would be no additional overlooking impact on no.62 as a result of the proposed development. It is acknowledged that the proposed single-storey element to the rear would introduce a significant amount of additional built development along the shared boundary with this neighbour. However, the impact of the single-storey element on no.62 has already been established via the granted larger homes extension application 2022/92319. Whilst the 5.0m projection would lead to some overbearing impact on no.62, given the 2022/92319 approval, it

would be unreasonable to refuse the application on this basis. There appear to be habitable room windows to the rear of no.62 close to the shared boundary. It is considered that there would be some overshadowing and overbearing impact as a result of the proposed two-storey element to the rear, given its proximity to the shared boundary and these habitable room windows. The projection of the two-storey element would be limited to 3.0m. Any overshadowing impact would be limited to the afternoon, with a less detrimental impact in summertime, and there would be unaffected amenity space at this neighbouring dwelling. It is noted that other dwellings in the area have erected similar 3.0m projection two-storey rear extensions. Taking the above into account, it is considered that the overshadowing and overbearing impact from the two-storey rear extension would not be so significant as to justify refusal in this instance. The proposed single-storey front extension would have a limited projection and would therefore have no significant impacts on the amenities of this neighbour. Officers are satisfied that there would be no impacts on the amenities of 62 Spen Valley Road that would be so significant as to justify refusal.

Impact on 66 Spen Valley Road

This is the adjacent property to the southwest of the application site. This property benefits from a single-storey front and side extension and a single- and two-storey rear extension. There are a number of windows in the side elevation of the host dwelling, which appear to serve a kitchen/living/dining area on the ground-floor level and a bathroom and landing on the first-floor level. There are no windows in the side elevation of the rear extensions. Given that the proposed rear extension would be of similar design and scale to that approved and constructed at no.66, it is considered that this element would have no significant overshadowing or overbearing impacts on this neighbour. The proposed single-storey front extension would have a limited projection and would therefore have no significant overshadowing or overbearing impacts on this neighbour. The submitted plans show no windows to be inserted into the north-eastern side elevation of the proposed extensions. It is noted that windows would be added to the side elevation of the host dwelling; one at ground floor level serving the dining/kitchen, and one at first-floor level serving a bedroom. The proposed ground-floor window could have some overlooking impact on no.66; however, the ground floor window in the side elevation of no.66 appears to be a secondary window. Furthermore, the proposed ground-floor window could be installed under permitted development. The proposed first-floor window would have no significant overlooking impact as the windows on the first-floor level of no.66 serve non-habitable spaces. Officers consider that there would be no significant impacts on the amenities of 66 Spen Valley Road as a result of the proposed development.

Impact on 88 & 90 Spen Valley Road

These are the neighbouring properties to the rear (northwest) of the application site. The proposed single-storey extension would be located to the opposite side of the applicant property and would therefore have no impacts on these neighbours. There would be no significant overbearing or overshadowing

impacts on the amenities of 88 & 90 Spen Valley Road as a result of the proposed rear extension, given the separation distance that would be maintained by the rear gardens of the dwellings (approximately 19m to the proposed two-storey extension). Furthermore, the existing windows in the rear elevation already look towards these neighbours. Therefore, the new windows to the rear elevation would have no significant additional overlooking impact over and above the existing arrangements on site. Officers consider that there would be no significant impacts on the amenities of 88 & 90 Spen Valley Road as a result of the proposed development.

Impact on inhabitants and future occupiers

As previously mentioned, there would be a window inserted to the side elevation of the host dwelling at first-floor level serving a bedroom (habitable space). Officers are concerned that this proposed window would have a close relationship to no.66, looking onto a blank wall at a distance of approximately 3.2m. Officers consider that this separation distance is insufficient. As a result, this bedroom (habitable room) would experience restricted natural light and outlook. The proposed development would therefore fail to provide a high standard of amenity for future occupants and would be contrary to LP24 of the Kirklees Local Plan, Key Design Principle 6 of the Council's House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

As a result of the proposal, an appropriately sized and useable area of private outdoor space would be retained. There would be no impact on the access to the rear garden.

After assessing the above factors, officers consider that this proposal would not provide an acceptable standard of living for future occupants. The proposal, therefore, fails to comply with LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

According to paragraph 5.4 of the Council's Highways Design Guide SPD, 2-to-3-bedroom dwellings should provide a minimum of two off-street car parking spaces. The proposed extensions would increase the number of bedrooms at the property from 2 to 3. It is noted that there is currently no off-street parking at the applicant property, and none is proposed. It is considered that the proposal would not represent a significant increase in the demand for parking. The current parking arrangements are considered sufficient.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Flood Risk

The application site is identified within the Environment Agency's Flood Zone 2 on the Council's internal GIS. As part of the information accompanying the application, the applicant/agent has completed the Environment Agency's pro-forma entitled "Flood Risk Assessments for Householder and other minor extensions in Flood Zones 2 and 3". The information submitted with the application is considered satisfactory for this nature of development and would address the aims of Policy LP27 of the Kirklees Local Plan, Key Design Principle 14 of the Council's House Extensions and Alterations SPD, and Chapter 14 of the National Planning Policy Framework.

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 would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

None as the recommendation is for refusal.

8 – Conclusion:

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2022/92463
Officer Recommendation: Refuse
Conditions and Reasons

1. The proposed bedroom window in the side elevation of the host dwelling at first-floor level, by reason of the proximity between the proposed window and the neighbouring 66 Spen Valley Road, would experience severely restricted natural light and outlook. The proposed development would therefore fail to provide a high standard of amenity for future occupants. To permit the proposed development would be contrary to LP24 of the Kirklees Local Plan, Key Design Principle 6 of the Council's House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	Location Plan and Block Plan	961514	16/11/2022
Grouped Plans and Elevations	1- Existing Floor Plans and Elevations	944371	11/08/2022
Grouped Plans and Elevations	2 – Proposed Floor Plans and Elevations	961515	16/11/2022
Flood Risk Assessment	-	946724	11/08/2022

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 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 the proximity between the proposed window and the neighbouring 66 Spen Valley Road and the resulting severely restricted natural light and outlook for future occupiers. Although the 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, this is only within the scope of the application under consideration. The applicant was made aware of officers' concerns and offered two opportunities to submit amended plans; however, none were forthcoming.

Report Dated: 05/12/2022