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:	**2022/62/92655/E**
Site Address:	154-158, Bromley Street, Hanging Heaton, Batley, WF17 6LB
Description:	Erection of two storey side and rear extension with car port to side
Recommending Officer:	Jennifer Booth

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: 03-Oct-2022

OFFICER REPORT

Site Description

154 & 158 Bromley Street is a stone built, attached property. Formerly two back to back dwellings with the front door opening onto the back of the pavement, a small drive area to the side and an enclosed yard area at the rear.

The property has a mosque adjacent to the south west, similar dwelling to the north east, a wooded area to the rear and an open grassed area opposite the front.

Description of Proposal

The applicant is seeking permission for a two storey side and rear extension with car port to the side.

The side extension is proposed to project 2.8m from the original side wall of the properties, lying flush with the front elevation of the dwelling and extending the full depth of the property. This would continue 5.8m beyond the rear wall of the property and wrap around 2.4m across the rear elevation. The roof at the side would be pitched to match the main house and the rear extension would have a perpendicular pitched roof form.

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

Relevant Planning History

None

History of negotiations

The submitted plans raised significant concerns in terms of design, scale, bulk and massing of the side and rear extension with respect to the lack of subservience and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Furthermore, the 5.8m projection of the two storey rear extension would have substantial overbearing and oppressive impact on the amenities of both the applicant's property and the adjoining neighbour. 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. The changes required to form an

acceptable scheme would be too significant for this application. As such, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 04/10/2022

As a result of the above publicity, three representations have been received. The material considerations raised are summarised as follows:

- The design and appearance would be out of character with the area.
- Harm to the amenities of the neighbours in terms of overbearing.
- Loss of light to the other properties in the row.
- Loss of privacy.
- Overshadowing of the adjoining property.

Although other matters may have been raised, only the material matters can be considered.

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

The site is Green Belt on the Kirklees Local Plan Proposals Map

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the property is sited within the Northfields Conservation Area

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 30** – Biodiversity

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

<u>Principle of development</u>:

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 visual amenity:

The property is located towards the end of a residential street with properties of a similar age and style. 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) 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. 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.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension is shown on plan with no set back or set down and would be constructed up to the property boundary. The extension proposed would not be subservient in relation to the host dwelling. Despite the use of matching materials, the impact on the host property and wider street scene is not considered to be acceptable.

Two storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

Whilst it is acknowledged that the rear extension would be set in from the shared boundary with the adjoining dwelling, the 5.8m projection along with the lower land level to the rear would result in the extension forming a substantial structure in terms of its bulk and massing, which would cover a significant area of the garden and form an unsympathetic addition to the dwelling. There are no other rear extensions within the row and therefore the proposed two storey rear extension would form an incongruous feature in the wider area. Despite the use of matching materials, the impact on the host property and wider street scene is not considered to be acceptable.

Having taken the above into account, the proposed extensions to the side and rear would cause significant harm to visual amenity in relation to both the host dwelling and the wider area. Therefore, the proposals fail to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form subservient additions to the property 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.

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 and Key Design Principle 6 on preventing overbearing impact.

There are no properties to the front, south west side or to the rear which could be affected by the works proposed.

Impact on 156 Bromley Street

The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would not have any impact on the amenities of the occupiers of the adjoining property.

The rear extension, despite the set back from the shared boundary would result in a significant overbearing and oppressive impact on the amenity space and windows of the adjoining dwelling, (which according to the Council's Address Gazetteer, is a back to back property and therefore has only one main elevation) given the 5.8m projection proposed and the land level difference to the rear of the dwellings which exaggerates the overall height of the extension. Furthermore, there would be overshadowing throughout the afternoon. It is noted that there are no windows proposed which could result in overlooking.

With regards to the impact on the adjoining 156 Bromley Street, 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 unacceptable.

Impact on the host property

Given the very substantial projection and the overall height of the rear extension, there would be a significant overbearing and oppressive impact on the dining room window on the ground floor and the first floor bedroom

window as well as overshadowing throughout the afternoon. The House Extensions and Alterations SPD and Policy LP24 do afford a measure of protection in terms of residential amenity for the inhabitants as well as further occupiers and neighbours. The scheme therefore fails to comply with residential amenity policies in terms of the impact on the inhabitants of the host property.

Having considered the above factors, the proposals would result in significant harm to the inhabitants of the host property and the adjoining neighbour at 156 Bromley Street thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the plans do show parking provision within the car port for three vehicles 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

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:

Three representations have been received. The material considerations raised are summarised as follows:

- The design and appearance would be out of character with the area.

- Harm to the amenities of the neighbours in terms of overbearing.
- Loss of light to the other properties in the row.
- Loss of privacy.
- Overshadowing of the adjoining property.

The matters above include both visual and residential amenity concerns which have been fully addressed within the relevant sections of this report.

Although other matters may have been raised, only the material matters can be considered.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect two storey extensions to the side and rear of 154-158 Bromley Street 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 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: 2022/92655
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed side extension, by reason of the design and scale, would not form a subservient addition to the host property and would result in an incongruous feature in the wider area. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions and Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The cumulative impact of the proposed side and rear extensions given the size, scale, bulk and massing would not form subservient additions, would result in overdevelopment of the host property and would be out of character with the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions and Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

3. The proposed rear extension, by reason of its projection, scale, bulk and massing would have an overbearing and oppressive impact and result in overshadowing in the afternoon to the occupants of the host property. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extensions and Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

4. The proposed rear extension, by reason of its projection and scale would have an overbearing and oppressive impact and result in overshadowing throughout the afternoon to the habitable room windows and amenity space of the adjoining 156 Bromley Street. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 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	Web ID	Date Received
Existing plans	S01	946698	08/08/2022
Proposed plans	S02B	946696	08/08/2022
Specifications	S03	946697	08/08/2022
Design & access statement	-	946699	08/08/2022

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 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, scale, bulk and massing of the side and rear extension with respect to the lack of subservience and the harm to the character of the host property and the wider area, given the incongruous appearance of the resultant house. Furthermore, the 5.8m projection of the two storey rear extension would have substantial overbearing and oppressive impact on the amenities of both the applicant's property and the adjoining neighbour. 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. The changes required to form an acceptable scheme would be too significant for this application. As such, amended plans have not been sought.

Report Dated 29/09/2022