

PLANNING APPEAL STATEMENT

APPEAL AGAINST THE REFUSAL OF KIRKLEES METROPOLITAN COUNCIL TO GRANT PLANNING FOR "ERRECTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS, ASSOCIATED INTERNAL AND EXTERNAL WORKS" AT 100 PRIORY WAY, MIRFIELD WF14 9EF
REF 2022/93054.

Date: DECEMBER 2022

Project REF: ODS 21/431

1.0 INTRODUCTION

1.1 This appeal statement has been prepared on behalf of Mr & Mrs Knibbs following the refusal of planning permission by Kirklees Metropolitan Council for a two storey side and single storey rear extensions, associated internal and external works at 100 Priory Way Mirfield WF14 9EF.

1.2 The appeal property is a detached chalet style house circa 1967 on a corner plot fronting Priory Way and Farrar Drive in a well established residential area. The property benefits from off street parking and has very generous amenity space to the front, side and rear. The principal elevation fronts Priory Way and the west elevation fronts Farrar Drive. To the east is the neighbouring detached property of the same design as the host fronting Priory Way and to the north/ rear is a semi detached perpendicular to the host, fronting Farrar Drive, some 22m away.



2.0 APPLICATION SITE THE SUBJECT OF THIS APPEAL

2.1. The application, the subject of this appeal was validated by the council on 14th Sept 2022 and included plans and elevation of the existing and proposed development.

2.2. The proposal sought to extend the existing property to provide high quality spaces and design fit for family life providing sustainable and long term use for the application site as a home that is much better suited to modern family life and introducing architecture which is contemporary and of its time enhancing the street scene.

2.3. Several attempts were made to contact the planning officer which went unanswered during the application period, resulting in no opportunity to discuss the proposal, nor address any issues arising with the proposal in the planners opinion.

The client and agent were willing to engage in conversation with planning and prepared to amend the appearance and massing, should it be necessary, in order to achieve a design that both parties found acceptable for this site.

2.4. Many surrounding properties have been extended in a number of ways including side and rear single storey and two storey extensions and dormers front, rear and side. Furthermore no objections were raised about the proposed extensions from any of the neighbours.

2.5. We set out below the existing and proposed development.



2.6. Following consideration by the council, the application was refused on the 9th of November 2022 for the following reasons :

1) Due to the scale, design and location, the side extension would not appear subservient to the host and would extend forward of Farrar Drives building line, resulting in an obtrusive addition detrimental to the appearance of the host building and wider street scene.

To permit the side extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions SPD and Chapter 12 of the National Planning Policy Framework.

3.0 RELEVANT PLANNING HISTORY

3.1 None

4.0 PLANNING POLICY

4.1. Given in the reasons for refusal, Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions SPD and Chapter 12 of the National Planning Policy Framework are relevant to the consideration of the appeal.

This is set in full below followed with justification of the scheme relevant to the planning policies.

POLICY LP24 DESIGN

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of a pre application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer, schemes will be submitted for design review.

Proposals should promote good design by ensuring :

- a. *The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*

- c. *extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.*

HOUSE EXTENSIONS SPD. 4 GENERAL DESIGN PRINCIPLES

4.1. The council will encourage proposals for house extensions and alterations to implement the key design principles relating to development context, character and the relationship with the built environment. Proposals should aim to achieve a balance between these principals to create sustainable, well designed extensions which will have a positive impact on the quality of life of both occupiers and neighbours.

HOUSE EXTENSIONS SPD KDP1

4.3. extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and street scene.

HOUSE EXTENSIONS SPD KDP2

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.

SPD 5.15

Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch, materials and detailing.

SPD 5.19

Two storey side extensions can have a significant effect on the character of the original house and street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area.

SPD 5.23

On corner plots, side extensions should be considered as both side and front extensions and as such will relate to both street frontages. Therefore both elevations should be designed as street frontages. On corner plots, side extensions should contribute to the local character by;

facing in both directions to create two frontages, each with windows overlooking the street

being set back from the building line on both streets,

following the boundary treatment along both streets, in relation to its position, height and materials.

NPPF 12.

Achieving well designed spaces

The guidance and additional details on Local Plan policies set out in the SPD are produced on the principle of "comply or justify"

The council expects proposals for new house extensions to comply with the guidance and key design principles.

Proposals which depart from the guidance set out in the SPD will need to provide full justification. The council will be flexible where innovative and contemporary designs which enhance the appearance and character of an area are proposed.

5.0 COMMENTS IN SUPPORT OF THE APPEAL

5.1. No objections were raised at all during the application process, particularly by the adjacent neighbours who were most likely to be affected, indeed the applicant actively discussed the proposal with the occupants in the adjacent properties, who were happy that the proposal had no effect whatsoever on their enjoyment of their property. There is no overlooking, overbearing or overshadowing. The Officers report confirmed that " Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key design Principles 3, 5, 6 & 7 of the House Extension SPD and paragraph 130(f) of the National Planning Policy Framework."

5.2. Given the reasons for refusal, the main issues in this appeal are firstly, the lack of subservience to the host building and secondly, the impingement on the building line of Farrar Drive.

5.3. The property falls within an established residential area that has been developed in different phases over the past 55 years. Of the 188 dwellings on the original development, which the host falls in the heart of, 91 have been extended to some degree, whether side or rear, single and two storey extensions or dormers, including both street scenes on which the host faces.

The street scene on Priory way on both sides of the road consists of a collective mix of house styles, including detached, semi detached and bungalows all mixed up in the street scene. Construction materials, colours and details vary greatly and many properties have been extended.

Again the street scene on Farrar Drive on both sides has a varied mix of house types and styles, together with numerous types and colours of cladding and many enlarged with dormers and extensions under previous permissions.

The curtilage of 100 Priory Way is one of the largest plots on the estate by some margin but is one of the few that has not been developed other than a modest, flat roof 10m² projection.

5.4. As previously stated in 1.2 the host dwelling is a chalet style detached house with a duo pitched roof whose gable is on the principle elevation facing Priory Way. There are 68 other original houses of this same type throughout the development. Of these, 19 have been extended to the side with two storey extensions with similar massing and footprint to the proposal. Of these 19 extended chalet style detached, 5 are directly adjacent or opposite the host site i.e. 67, 69, 96, 98 Priory Way and 26 Farrar Drive. A further 3 are on the same street as the host's west elevation i.e. 1, 2, 4 Farrar Drive. All have their extension ridges the same height as the respective hosts and none have any set back from the front elevation. There is a mix of styles on these similar neighbouring side extensions as above reflecting the architecture of the time when these extensions were constructed and therefore resulting in a mix of eaves heights, roof pitches, dormer types, window arrangement etc of these as built extensions as shown in the accompanying photographs below in 5.11.

The proposed extension introduces an architectural style which is contemporary and of its time which has design merit and visual interest which contributes to the street scene.

A very similar contemporary design by the same architect as the proposal whereby the host chalet style detached was extended to the side was approved by the same planning dept ref 2018/93265. at 6 Lady Heton Drive in the adjacent street off Farrar Drive.

Thereby demonstrating that this is an acceptable architectural design philosophy within the context of the surrounding street scenes.

Like the proposal, this had the extensions ridge at the same height as the host but set back 500mm and incorporated a gable frontage with ridge subservient to the main structure and having roof pitches and details similar to the host structure but also being subordinate to the host structure.

The proposal has been designed taking into consideration the context of the site resulting in a scheme that is sympathetic to the property and as built neighbouring properties.

5.5. The subject of this appeal has a two storey side extension that is set back from the principal elevation by 500mm and is only approximately half the width of the original host dwelling and with a footprint increase of only 55% which is clearly subservient to the original dwelling.

The ridge height of the extension is set at the same level as the host, however this reflects the five neighbouring properties that have similar proportioned side extensions mentioned in 5.4 with ridges the same height as their host as is the case with the other fourteen two storey extensions throughout the estate, also mentioned.

This is balanced out by the fact that the front gable style of the extension on the principal elevation has its ridge set lower than the main ridges, thus providing additional subservience to that given by the set back and modest footprint increase.

The front gable style of the extension has been designed to echo and compliment that of the existing front gable of the host, having the same materials used and pitch, eaves and verge details but being subordinate in width, ridge height and setback.

The rear elevation of the extension is similar to, but has far less massing than that of the similarly extended No 67 Priory Way which occupies a corner plot directly opposite on the south side of Priory Way (see photograph in sec 5.11.)

The pitched roof on the extensions rear elevation has been left plain to keep additional massing to the minimum.

5.6. The side extension has been carefully proportioned to mirror the side extension of 98 Priory Way (granted permission 2001/91273) on the opposite corner plot of the junction of Priory Way and Farrar Drive. This gives the same 4m wide offset from the highway boundary of Farrar Drive as No 98, maintaining a balanced continuity of the street scene (see [diag 1A](#)) and ensures that substantial space is retained around the building and to the opposite dwelling No 98 thus still maintaining the open vista at the junction.

5.7. The proposed increases in footprint in relation to the curtilage are of a modest scale i.e. 8%.

Currently the buildings within the curtilage only occupy 18% of the available area

footprint of existing buildings	86m ²	
area of curtilage	486m ²	18%

The increased footprint of the refused proposal would have occupied an additional 38m²

footprint of extended building	124m ²	
area of curtilage	486m ²	26%

Therefore 74% of the plot remains undeveloped and therefore would not be overdeveloped or overly dominant or incongruous with the street scene.

This modest increase is not unproportionate to the host dwelling or other surrounding extended properties and still retains the following open spaces around the dwelling :

front south	6.5m	as original
side east	2.9m	as original
rear north	10.20m	as original
side west	4m	(same as 98 Priory Way on opposite corner plot)

5.8. The "General Design Principles" call for a balanced view to be taken when designing a scheme to comply with the various principles laid out in the adopted planning policies.

The proposed scheme specifically enhances the quality of the property for both current and future occupants whilst also considering the character of the property and its surroundings resulting in a proposal that only acts to strengthen the local vernacular.

LP24.a - KDP1 - SPD 5.15 & 5.19

As demonstrated by the attached existing and proposed plans together with photographs of surrounding properties, the extension echoes the scale and massing of the numerous extended properties in the immediate neighbourhood and is therefore in keeping with the local character of the area.

The original chalet style gables of the original host remain unaltered and kept prominently forward like all the other buildings, extended or otherwise, on the streetscenes and thus the appearance and local character of the townscape is not adversely affected.

The main feature on the principle elevation is a contemporary gable design complimenting the original design character of the host with regard to pitch and eaves details and matches the contemporary look of the latest approved extension.

The side extension has been proportioned and positioned to preserve more than adequate space around the building and between neighbouring buildings

LP24.c - KDP2

The size of the extension is subservient to the host building as it is set back 500mm, the width is approximately half that of the host and the additional increase in footprint and volume are also of a scale that is considerably subordinate to the mass of the original host. whilst the ridge height of main element of the extension matches that of the host this is balanced out by the fact that :

a. all the other neighbouring 2 storey extensions as previously identified have their respective roof heights equal and therefore the proposal would not appear incongruous or out of character with its surroundings.

b. the additional complimenting front gable main feature on the extension is lower than the original roof and its width is narrower than and set back from the front gable of the host providing the subordination required by the policies.

With the proposed use of matching materials accepted by the planning officer together with matching eaves, verge and barge board details the extensions will be in keeping with the original building.

SPD 4.3 - SPD 5.23

5.9. Turning our attention to the Farrar Drive street scene and the reason for refusal ie encroachment over the building line.

Great consideration has been given at the design stage to address the building line issue.

A thorough review of the surroundings was carried out pursuant to the SPD Clause 3 " SITE APPRAISAL" particularly 3.2 " The surroundings" general characteristics street scene

" The guidance of the local plan policies set out in the SPD are produced on the principle of comply or justify"

Para 4.3 of the SPD states:

Where a street has a clearly defined building line this should be retained. Extending forward from the streets building line will only be appropriate in certain circumstances and will be assessed on the merits of the application.

The merits of this case can be compared favourably to a similar situation submitted under the auspices of the current SPD guideline ref 2022/90383. This was for a two storey side extension on a corner plot which impinged on the building line but approved earlier this year. The departure from the SPD guideline 5.23 was justified in the officers report stating :

"It is noted that the property occupies a corner position with the properties to the rear forming their own building line. Para 5.23 of the SPD covers side extensions of corner plots requiring consideration in terms of building lines. The proposed extension would extend beyond the building line of 5 Moor View. However in this instance, given the clearly differing styles of property between the host property and the neighbours at the rear together with the significant separation of approx 19m the extension would not harm the visual continuity of the street and therefore can be considered acceptable in terms of Para 5.23 of the SPD."

Also of relevance is the fact that there is no curvature of the road, no level difference between properties, no screening and no other extensions on the street scene impinging building lines and the building lines on these two streets bounding the corner plot are clearly defined, unlike the scenario in this appeals case.

5.10. Therefore in relation to the Farrar Drive street scene the following should be taken account with reference to the attached **DIAG 1 B** "Farrar Drive Street Scene" 100 Priory Way is the last of 18 dwellings on the east side at the extreme south end of Farrar Drive. Sixteen of the dwellings prior to the host sit on a general building line parallel with the straight section of the road.

However, number 1 Farrar Drive which sits on the corresponding corner plot at the top end of the street in relation to the host has been extended in stages over the years and now impinges the original building line of the other 16 houses by approximately 3m and which is still on the straight section of road.

At the south end of the straight section of Farrar Drive the road curves around to the right looking south, adjacent No 35 Farrar Drive, the last house whose principal elevation faces the street. The road then straightens to meet Priory Way. It is on this subsequent straight section of road that the west elevation of 100 Priory Way lies adjacent and parallel to.

There is a significant separation distance of 22m between 100 Priory Way and the last property on Farrar Drive (No 35) around the curve.

Properties to the north side of the host have fronts facing onto the east side of Farrar Drive. They are of a distinctly different style to the host dwelling with the first three dwelling blocks being semi detached, some with dormers, some without and with a myriad of differing cladding styles and colours. These are followed by a mix of detached and semi detached dwellings exhibiting the same mix of added dormers and cladding.

In addition there is a significant level difference in ridge heights in the region of 3m between the host and the next dwelling block encountered (Nos 33 & 35) some 22m away. Also there is a fenced off electricity substation separating the properties and an established trees and bushes up to 5m high on the hosts curtilage running along the rear boundary of the host plot to the highway edge which is to be retained, providing a distinct visual break to the street scene adjacent to the curve in the road.

These existing conditions are clearly less impactful than those deemed to be considered acceptable in terms of Para 5.23 of the SPD on application 2022/90383 as highlighted above in 5.9.

Further to No 1 Farrar Drive considerably impinging the original building line by approx 3m on the same street on the corresponding corner plot, there is No 27 Farrar Ave which has a similar two storey side extension to a chalet style detached house on the corner plot of Farrar Ave and Lady Heton Ave, one street away on the same development.

As previously mentioned, the massing and positioning of the side extension has been carefully designed to reflect that of No 98 Priory Way on the opposite corner plot, mirroring the same 4m offset to the highway boundary thus giving balance to the dwelling layout when looking at the street view across the junction (see [DIAG 1A](#)). Thus maintaining considerable separation and an open aspect.

We highlight these situations to demonstrate that the proposal does in fact comply with KDP1 in that the proposed extensions and alterations are in keeping with the appearance, scale, design and local character of the area and street scene and not be incongruous to the appearance of the wider street scene as stated by the planning officer.

As such there is a remote relationship with the house and the Farrar Drive street scene.

This is highlighted by the differing property types, level differences, screening, considerable separation distances, road curvature and other impinging extensions all resulting in a lack of a clearly defined building line.

This together with the proposal mirroring No 98 Priory Way, on the opposite corner plot, in regard to massing and clear and equal offset to the highway giving a balanced and yet still open building relationship to the two respective street scenes.

We feel that the extension would not harm the visual continuity of, or be an obtrusive addition to the street scene. As such the proposal is not in conflict with paragraphs 4.3, 5.15, 5.19 or 5.23 of the SPD nor LP24.a of the Kirklees Local Plan.

5.11. Below are a series of photographs of surrounding houses in the immediate vicinity that have been developed over the years with 2 storey side extensions on chalet style detached houses in a similar way to our proposal.



2 Farrar Drive



1 Farrar Drive



4 Farrar Drive



6 Lady Heton Drive



67 & 69 Priory Way



67 Priory Way



96 Priory Way



98 Priory Way



16 Lady Heton Drive



18 Lady Heton Drive



9 Lady Heton Drive



8 Lady Heton Drive



29 Farrar Avenue



27 Farrar Avenue



26 Farrar Drive



24 Lady Heton Drive

5.12. The above images show specifically A frame style detached houses built like the proposal host in the first phase of the estate development that have received 2 storey side extensions which neighbour or are close by the proposal (as identified in para 5.4).

As can be seen:

The footprints and massing of many are equivalent to or even larger than the rejected proposal.

The ridge heights of the extensions are not lower than their respective host buildings and most have no set back from the hosts principal elevation.

There are a very varied mix of architectural styles and features that compose the upper storey element of the side extensions including Varied eaves heights and roof pitches to the various elements of the final as built structure, full width flat roof dormers, cottage like pitched roof dormers, stone fronted dormers and stone fronted gables.

Varied window styles, positioning and detailing including some with garage doors

Yet all retain the host buildings original A frame gable front unaltered, identical to that of the refused proposal.

Our proposal simply reflects the diverse styles of the as built local area that surrounds the host with a more contemporary architectural design philosophy that follows on from, timeline wise the latest approved contemporary extension built this year at 6 Lady Heton Drive, the inspiration for our proposal. (see photo above)

5.13. We would also encourage the Inspector to travel the surrounding streets to view the number of different prominent extensions that have been built along the street scenes that form the varied character and appearance of the area.

6.0. RECOMMENDATIONS FOR DESIGN CHANGES

As stated in 2.3 no opportunity was given to make design changes to the scheme

The client and agent were willing to engage in conversation with planning and prepared to amend the appearance and massing, should it be necessary, in order to achieve a design that both parties found acceptable for this site.

7.0 CONCLUSION

7.1. For the above reasons the inspector is respectfully requested to allow the appeal.

