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:	**2022/62/93213/E**
Site Address:	2, Squirrel Hall Drive, Dewsbury, WF13 4AH
Description:	Erection of two storey rear and side extension and single storey front extension
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 24-Nov-2022

OFFICER REPORT

Site Description

2 Squirrel Hall Drive is a detached brick built bungalow built on the corner of Squirrel Hall Drive, Cullingworth Street and Fox View. There is a patio area to the front and side of the dwelling with a drive and former garage base to the rear.

There are similar dwellings to the front and north west side with two storey dwellings to the rear. The hospital is located opposite the south east side.

Description of Proposal

The applicant is seeking permission for a single storey front extension and a two storey side/rear extension.

The single storey front extension is proposed to project 1.5m with a width of 3.6m and would have a hipped roof form.

The two storey extension is proposed to project 4.2m from the original rear wall of the dwelling, extending across the width of the property and 3.5m beyond the side wall of the property. The roof form would be pitched with a link between the existing hipped roof of the dwelling.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

Relevant Planning History

2018/93293 - erection of single storey front and rear extensions and dormer - refused

2019/90397 - erection of front and rear single storey extension and dormers to side - approved

History of negotiations

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. There are a number of significant concerns regarding the development proposals. As such, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 10/11/2022.

As a result of the above publicity, two representations have been received referencing the House Extension SPD, which expressed the following concerns which are material considerations: -

- The rear extension would be out of character with the surrounding bungalows, in a very prominent position.
- Overlooking.
- Overbearing
- Overshadowing.
- Lack of parking and highway safety concerns.

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

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its

policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced 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

Assessment

Principle of development:

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

Impact on visual amenity:

The property is located on the corner of an estate of similar properties in terms of age and style. Some of these properties have been extended and altered. 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) does state 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.

Single storey front extension

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

In this instance, given the single storey nature of the front extension together with the limited projection of 1.5m and the modest width, the proposed front extension is considered to be acceptable in terms of its scale. The materials proposed would utilise red brick and tiles similar to the main house and the detailing would form an appropriate relationship with the host property. As such, the proposed front extension is considered to be acceptable in terms of visual amenity.

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.

The proposal is for a two storey rear extension attached to a bungalow. The extension would not be subservient and would represent a very poor design given the simple and modest nature of the host property. The use of matching materials is not considered to mitigate any of the overall visual impact of the proposal. Furthermore, the corner position of the dwelling is such that the extension would be exceedingly prominent, and the extension would be highly prominent. The two storey rear extension is unacceptable in terms of visual amenity.

Having taken the above into account, the proposed front extension could be supported in terms of visual amenity. However, the two storey rear extension would result in a significantly incongruous addition to the property with no subservience. The proposals would result in very significant harm to the visual amenity of both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property nor would it be 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.

<u>Impact on residential amenity</u>:

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 south east side of the dwelling which could be affected by the works proposed.

Impact on 4 Squirrel Hall Drive

Given the limited projection of the front extension and its set back from the adjacent neighbour, there would be no overlooking, overshadowing or overbearing impact.

The projection of the rear extension would be 4m and its two storey nature would have a significant overbearing and oppressive impact on the adjacent neighbour. Furthermore, with the position of the extension to the south east, there would be significant overshadowing in the morning. Although there would be no windows which could overlook the neighbouring property

With regards to the impact on the adjacent 4 Squirrel Hall Drive, 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 1 Squirrel Close

The neighbouring property on the opposite corner of the road occupies a position some 22m from the host property. Given the separation, the proposed front extension with its limited scale would have no significant impact on the neighbour opposite with regards to overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 1 Squirrel Close, 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 acceptable.

Impact on 100 Cullingworth Street

The neighbouring property to the rear has a blank side elevation facing the rear of the host property with their drive between and significant screening. Given the relationship, the proposed rear extension would not have a

significant impact on the amenities of the occupiers of the neighbouring property with regards to overbearing, overlooking or overshadowing.

With regards to the impact on the neighbouring 100 Cullingworth 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 acceptable.

Having considered the above factors, the proposals would result in significant harm to the amenities of the occupiers of the adjacent 4 Squirrel Hall Drive with regards to overbearing and overshadowing 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 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in a significant intensification of the domestic use increasing from a 2 bedroom bungalow to a 6 bedroom house. The plans do indicate a single parking space to be formed at the front of the property. However, this is a significant shortfall for a such a large property with no on street parking potential. As such the scheme would represent significant harm in terms of highway safety and as such fails to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extension SPD.

Other matters:

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:

Two representations have been received referencing the House Extension SPD, which expressed the following concerns which are material considerations: -

- The rear extension would be out of character with the surrounding bungalows, in a very prominent position.
- Overlooking.

- Overbearing
- Overshadowing.
- Lack of parking and highway safety concerns.

The matter raised in the representations form material considerations and have been addressed within the relevant sections of this report.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey front extension and a two storey rear extension for 2 Squirrel Hall Drive 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 proposed rear extension, by reason of its poor design, very significant scale, bulk and massing together with the exceedingly prominent position on the corner of Squirrel Hall Drive and Cullingworth Street would not form a subservient addition to the dwelling and would form an incongruous feature in the street scene. To permit the two storey rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed rear extension, by reason of the scale, bulk and massing, would result in a significantly overbearing and oppressive impact together with substantial overshadowing on the rear elevation and amenity space of the adjacent 4 Squirrel Hall Drive in the morning. To permit the two storey rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed extensions and alterations, by reason of the provision of four more bedrooms, would generate a requirement for off road parking which cannot be provided within this site due to the position of the dwelling and the relationship with the road. There is no existing on street parking which could offset the requirements for the host property. To permit the development would result in hazardous conditions in terms of highway safety and would be contrary to policy LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extension SPD and advice within the National Planning Policy Framework.

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: 2022/93213
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed rear extension, by reason of its poor design, very significant scale, bulk and massing together with the prominent position on the corner of Squirrel Hall Drive and Cullingworth Street would not appear as a subservient addition to the dwelling and would result in an incongruous feature detrimental to the host building, street scene and character of the areas. To permit the two storey rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, by reason of the scale, bulk and massing, would result in a significantly overbearing and oppressive impact together with substantial overshadowing on the rear elevation and amenity space of the adjacent 4 Squirrel Hall Drive to the detriment of the occupants. To permit the two storey rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

3. The proposed extensions and alterations, by reason of the provision of four more bedrooms, would generate a requirement for off road parking which cannot be provided within this site due to the position of the dwelling and the relationship with the road. There is no existing on street parking which could offset the requirements for the host property. To permit the development would result in hazardous conditions in terms of highway safety and would be contrary to policy LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extension SPD and advice within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & existing plans	1	954352	29/09/2022
Proposed floor plans	2	954351	29/09/2022
Proposed side elevations	3	954350	29/09/2022
Proposed elevations	4	954342	29/09/2022

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.

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. There are a number of significant issues with the proposal. As such, amended plans have not been sought.

Report Dated 14/11/2022