

**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:	2022/62/93401/W
Site Address:	16, Bromley Road, Birkby, Huddersfield, HD2 2XR
Description:	Erection of two storey side extension, removal of 2 chimney stacks and alterations to rear window
Recommending Officer:	Laura Eddey

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.

John Holmes

AUTHORISED OFFICER

Date: 08-Feb-2023

OFFICER REPORT

Application Reference Number: 2022/93401

Site Address: 16, Bromley Road, Birkby, Huddersfield, HD2 2XR

SITE

The site is a two-storey, mid-C20th semi-detached dwellinghouse in west Huddersfield. It has been extended previously and permitted development rights were removed. Bromley Road is a mix of terraced and semi-detached houses with properties being of a similar type, age, style and design.

PROPOSAL

The proposal is for the erection of a two-storey side extension, single-storey extension to the front, the installation of a rear roof light, and alterations to a rear window of the property. Two chimneys at the side of the house will also be removed.

The proposed two-storey extension projects 2.3 m from the west (side) elevation of the host dwelling. It is set back 0.6 m on the first storey and flush with the existing single-storey front extension, which protrudes 1.4m forward of the original front elevation.

The proposal is proposed to be up to the western boundary. The roof of the extension is a gabled-ended pitched roof in matching tile. Extending from the rear of the proposed gable-ended roof is a flat roof that extends 3.3 m and is 2.3 m wide, meeting with the eaves of the roof of the existing rear extension. The height of the proposed side extension is 7.5 m to the roof ridge and 5.4 m to the eaves. The roof line of the extension is set down by 0.1 m.

To the front an extension of the existing front single-storey extension is proposed. The roof of the proposed single-storey front extension will be in matching tile and have a height of 3.8 m to the ridge where it meets the front elevation of the proposed side extension and is 2.7 m to the eaves.

The proposed rear elevation will measure 5.4 m to the flat roof. A matching uPVC first floor window is proposed with a matching ground floor glazed patio door.

The extension will add a study room, utility room, and relocate the kitchen to the ground floor. On the first floor, the proposal covers the expansion of Bedroom 1, an ensuite for Bedroom 2 with walk in dress room. Bedroom 2 will be used as a study room, reducing the number of bedrooms to three.

PLANNING HISTORY

2012/92200 – Erection of two storey rear and single storey front extensions – **Approved**

Condition no.4 of this permission restricts the insertion of openings in the side elevations of the extensions. This permission has been implemented and completed.

NEGOTIATIONS

The initial proposed plans provided incorrectly showed the roof as being a hipped roof design when the property has a gable-ended roof and plans for the proposed elevations were mislabelled as 'existing.' Within the interior of the property, the proposed floor plan showed an internal room with no window labelled as Bedroom 2.

New proposed plans were provided which set back the first floor front elevation and which were correctly annotated. Notwithstanding the error identified upon the existing plans, it was not considered necessary for further updated existing plans to be requested in this case and the information available to the LPA was suitable to enable a decision to be made.

PUBLICITY & REPRESENTATIONS

The application was publicised by means of neighbour notification letters in accordance with Table 1 of the Council's Development Management Charter.

The period of publicity expired on 25th November 2022.

Two neighbours made representation against the proposal. The objections raised are summarised as follows:-

- Overshadowing to neighbouring garden spaces
- Visual impact of the proposal would not be in keeping with the locality
- Loss of view between no.16 and no.18 would be detrimental to outlook of occupiers of dwellings opposite the site

CONSULTATIONS

None

POLICIES

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 in the Local Plan and falls within an area at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity

Supplementary Planning Documents:

- KC House Extensions and Alterations Supplementary Planning Document (SPD) adopted 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 NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed places
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact upon highways safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is unallocated in the Local Plan.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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 chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 130 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

In addition, the KC House Extensions and Alterations Supplementary Planning Document (SPD) Key Design Principles 1 and 2 provide guidance on the impact of development on residential amenity.

- Principle 1 of the Kirklees House Extensions and Alterations 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.
- Principle 2 of this SPD 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.

Section 5 of the House Extensions and Alterations SPD also provides guidance on specific types of extensions and alteration. In this case the following is relevant:-

paragraph 5.8 of the House Extensions and Alterations SPD sets out that generally two storey rear extensions should meet the following:-

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

Paragraph 5.13 relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

Paragraphs 5.19 – 5.22 relate to two storey side extensions, and recommends a 1m gap to the side boundary, set back of 0.5m and identifies that Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses.

The proposal would see a substantially extended property further extended, with the extension coming immediately adjacent to the boundary of the site, and with a further protrusion to the front of an already substantial addition to the front of the host property. There would be a mix of roof type and design, the marginal set down of the gable roof of the extension would lead to the development reading as part of the original roof and would not be subservient in its design.

The proximity of the proposal to the boundary would see the closing up of a small gap within the street which could see this completely closed, there are few visual breaks within the street which contribute to the character of the street and prevent an enclosed character developing. It is considered the proximity of the proposal to the boundary would have a harmful impact visually in relation to the host property and wider street scene.

The mix of roof types would see the development overall reading as an incongruous design which is not in keeping with neighbouring properties. When read in conjunction with the existing extension to this property the proposal would not be subservient with the only part of the original dwelling being visible being a small section of the first floor elevation to the front.

The property has been substantially extended previously and further extension is considered to lead to development of the site which is not subservient and has a harmful impact upon the character of the host property and wider locality. The proposal is highly prominent from both the front and rear of the dwelling given there is a rear access which provides access for vehicles and pedestrians.

The front extension element of the scheme is considered to be substantially sized and whilst the existing front extension is not sympathetic to the host property, it is considered this would be significantly worsened by the proposed front extension with a large single storey element to the front of the dwelling dominating the host property and wider street scene which is not characterised by such additions or design of the dwellings within the street.

The design is not considered to be in accordance with nation or local policy. Based on the impact of the proposal on visual amenity, the proposal is not in accordance with NPPF Paragraph 11 and Policy LP24 of the Kirklees Local Plan. The proposal would therefore have a harmful impact upon the character and appearance of the host property and wider area contrary to principles 1 and 2 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

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

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 goes requires that proposals maintain appropriate storage arrangements for waste.

The proposed extension would not bring openings further beyond the rear or front elevations of the host property. As such it is considered that there would be no significant increase in overlooking impact as a result of the proposal and the development is considered to be acceptable in this regard.

In regard to overshadowing, the House Extensions and Alterations SPD sets out that a 45 degree line when taken from the centre of the cill of the nearest neighbouring window should not be cut. The proposal would not cut a 45 degree line when taken from the centre of the nearest window serving no.18, it is noted that this line is cut when measured from the rear corner of no.18. Notwithstanding this, it is considered that the proposal is acceptable with regard to overshadowing and would not lead to an increase which is so substantial as to warrant refusal.

The proposal is 2.4m from the side of no.18, the projection of the proposal to the rear is 3m, and would be immediately adjacent to the boundary with no.18. Whilst there would be an increase in bulk and massing immediately adjacent to no.18 it is considered that there would not be an impact to no.18 in terms of the addition being overbearing / oppressive which is of such

significance as to warrant refusal in this case. It is therefore concluded the proposal is acceptable in this regard.

Access can be taken to both the front and rear by vehicle / pedestrian access, as such it is considered there would be no significant alteration to bin storage arrangements resulting from the proposal. Whilst the proposal would reduce amenity space provision there is a large rear amenity space which would remain. As such it is considered that the proposal would have an acceptable impact upon occupiers of the host property.

The proposal is therefore concluded to be in accordance with the aforementioned policies.

4 – Impact upon Highways Safety:

Principle 15 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should maintain appropriate access and off-street ‘in curtilage’ parking.”*

The application will remove one driving space at the side of the house. The applicant property has space at the rear for three parking spaces accessed by a back road. This would be adequate parking for a three-bedroom house. It is therefore considered that the proposal is likely to have a neutral impact upon the safe and efficient operation of the highway network.

Principle 16 of the House Extensions and Alterations SPD relates to the storage and collection of bins, but these arrangements are unlikely to be altered by this development.

Given the above the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 15 and 16 of the House Extensions and Alterations SPD.

5 – Other Matters:

Biodiversity:

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

Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP echo the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Further to this, Principle 12 of the House Extensions and Alterations SPD states that: *“Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity”*

The site is within the bat alert layer designated for the purposes of biological conservation. In these circumstances, and since the proposal is for a two-storey side extension and there is living space in the existing roof, it is considered that the proposal would unlikely cause harm to protected species. Given this and the small scale of the proposal, it is considered that it would not be reasonable or proportionate to seek to achieve biodiversity net gain in this instance

Climate Change:

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 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. KDP 8-11 of the SPD set out a series of issues that might be applicable to certain applications. In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a two-storey extension within an urban area it is considered that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in these circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above and set out in NPPF Chapter 14.

6 – Representations:

Insofar as the objections raised within the representations received for this application are not addressed within sections 2 and 3 of this report, they are addressed as follows:

The impact upon a view from a property is a consideration to which it is considered little weight can be afforded in this case.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken 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. It is considered that the development would not constitute sustainable development and is recommended for refusal.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reason set out in section 2 of this report, refusal is therefore recommended.

Recommendation: Refuse Permission
Application Number: 2022/93401

Officer Recommendation: Refuse Permission.

Reason

1. By virtue of its size, scale, design, prominence, and the cumulative impact in conjunction with existing extensions to the property, the proposed development would constitute an incongruous addition which is out of character with the host property and wider street scene having a harmful visual impact. The development is contrary to Policies LP2 and LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site and location plan	HD-M-405	-	17/10/2022
Existing elevations	HD-M-405	-	17/10/2022
Existing floorplan	HD-M-405-001		17/10/2022
Proposed elevations	HD-M-405-001	-	26/01/2023
Proposed floor plan	HD-M-405		26/1/2023

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.

Report Dated: 5th February