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:	**2022/62/93807/E**
Site Address:	55, Yew Tree Road, Shepley, Huddersfield, HD8 8DT
Description:	Erection of single storey side extension
Recommending Officer:	Edward Cheseldine

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: 17-Jan-2023

OFFICER REPORT

Site Description

55 Yew Tree Road is a two-storey, semi-detached house in the village of Shepley. The property is a yellow-art stone building, which features dark wood effect Upvc window frames and a gable end roof. Concrete roof tiles have been used to tile the roof. There is a modest front garden with a single driveway. There are currently no outbuildings within the property boundary. The property is not within a conservation area or near a Listed building.

Yew Tree Road is a residential road with a variety of stone-built properties on. These consist of post-war and pre-war buildings, in terms of age, which have different styles and character. 55 Yew Tree Road backs on to residential gardens.

Proposal Description

The applicant is seeking permission to erect a single storey side extension to an existing side extension.

The side extension is to project 2.8m, to a width of 7.8m which spans the side of the house including the front porch. The height of the extension is to be 2.1m to the eaves, reaching a maximum height including the canopy roof of 3.4m.

The side extension will include three roof skylights, and patio doors to the rear. The front of the extension will include a garage style door.

Materials of the extension are to be consistent with the materials of the existing property. Walls of the extension are to be made with matching yellow stone, with concrete tiles for the roof. Upvc windows are to be installed which should be in keeping with the existing windows. Part Upvc doors are to be installed on the rear, with a garage door on the front.

Relevant Planning History

2017/90242 - Erection of single storey rear extension and first floor side extension – Full permission granted

2021/91075 - Erection of single storey front extension – Full permission granted

History of negotiations

No amended plans have been considered nor requested due to concerns regarding the principle of further development within the site.

Representations

The application was advertised by neighbour letters, which expired on 09/01/2023. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council were also consulted over the proposed plans who did not have any objections to the proposal.

Consultation Responses

No consultation has been required.

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 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 HEASPD 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

1) Principle of development
2) Impact of visual amenity
3) Impact of residential amenity
4) Impact on highway safety
5) Other matters
6) Conclusion

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 Extensions & Alterations Supplementary Planning Document 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 proposal is to construct a single storey side extension onto an existing side extension, which will, therefore have a visual impact to the host dwelling and street scape.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (HEASPD) 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 HEASPD 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'*.

Because of the prominence of side extensions, special concern has been given to outlining when side extension alterations are acceptable with the HEASPD. Paragraph 5.17 of the HEASPD states single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The side extension is measured to project a further 2.8m from the side of the existing extension. This projection will be substantial when considered cumulatively with the existing development compared to the scale of the original dwelling house. The developments together will result in the total extension of the property projecting 5.5m from the original side wall. The original dwelling measures 4.8m in width. The scale increase would far exceed that considered acceptable more than doubling the width where a two third increase is generally acceptable. Further extending the property will result in a cramped appearance within the plot.

In terms of the development, this will be the third extension to a relatively modest sized building and plot. The scale of development would dominate the original building and overdevelop the space within the plot. The front elevation of the side extension will project forward of the principle elevation of the original building albeit, it is acknowledged there is a front extension already constructed that will mitigate the visual impact of this. The height of the extension will be less than 4.0m which goes some way to mitigating its impact.

The combination of extensions depletes the space within the plot and the cramped form appears detrimental to the visual character of the site and sense of space. Paragraph 5.21 of the HEASPD states *'Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained'.*

In terms of this, a guidance is set that a development should be 1.0m away from the property boundary. The rear of the side extension extends to the property boundary with the front leaving a 1.4m space, the rear of the extension leaves a space of 0.3m.

The extension proposed overdevelops the plot particularly when considered cumulatively with existing and given the extent to which the additions have been added to a modest plot. Little space would remain within the curtilage of the original dwelling which would appear harmful in an area characterised by reasonably spacious plots.

Existing extensions have been made to the front, side and rear of the original dwelling. The building line would also appear fragmented appearing detrimental within the street scene. The proposed extension would remove the remaining outdoor space to the side of the property. Some useable outdoor space will remain to the front.

Outdoor space is set out in policy Key Design Principle 7 of the HEASPD. '*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.'*

Given the amount of outdoor space taken up by previous extensions, over half of the outdoor space will have been removed as useable space if the proposed extension was to be constructed. Notwithstanding the proportions of the curtilage that have been developed and the workings set out within the submitted details, it is considered that due to the scale and form and layout of extensions these would appear cramped within the plot further eroding space around the original building to the detriment of the character of the host and area.

The materials for the side extension are to match the existing materials of the dwelling house which would be considered appropriate should the development be acceptable.

Taking into account the concerns set out above, it is considered that the development would not be acceptable in terms of visual amenity given overdevelopment of the site and cumulative impact when compared to the original building and associated outdoor space and would consequently be in disagreement with Key Design Principles 1, 2 & 7 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework. Policy LP24 of the Kirklees Local Plan and chapter 12 of the National Policy Framework.

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 HEASPD goes into further detail with respect to outlining principles.

Key Design Principle 3 of the House Extensions and Alterations SPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

Glazed double patio doors are to be placed on the rear of the extension. Whilst these doors would create new vistas from the rear of the property, the orientation would not cause a considerable impact to residential amenity as

they face onto neighbouring gardens which are separated through fencing. High level skylights will be placed on the side, the level of which will mitigate a negative impact to privacy levels.

The development is to be constructed close to the property boundary. Given the canopy roof design and size of the neighbouring garden, the impact of the extension is considered not to overbear properties to the west.

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, 4, 5, & 6 of the Extensions & 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 through extensions to the existing living space. However, the parking to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the front of the house and 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 Extensions & Alterations SPD.

Biodiversity

The proposal is for the construction of a single storey side extension which will not affect the roof of the existing dwelling. As the site is situated in an area that is known to include bat habitats, care should be taken if construction was to commence. As such, if signs of bat habitats were found, expert advice should be taken 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.

Conclusion:

This application to erect a single storey side extension, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the negative impact

due to an over development impact and harm in terms of visual amenity, the proposed extension is considered to be unacceptable.

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.

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 not constitute sustainable development and is therefore recommended for rejection.

Recommendation **Refusal**

Reasons for Refusal

1. The single storey side extension, by way of size, scale, positioning and when considered cumulatively with previous extensions would represent disproportionate additions to the original host building representing more than a two third increase to the side thereby significantly decreasing the space resulting in overdevelopment of the plot. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 1 and Key Design Principle 2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The single storey side extension, when considered cumulatively with existing extensions to the host building, will significantly reduce the remaining private outdoor space to the detriment of the amenity of the occupants and contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 7 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	(20)001	22/11/2022
Grouped Plans and Elevations	(20)002	22/11/2022

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 has, 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. As the principle of development, in terms of size and scale is not appropriate when considered against the current building plot size, no amendments have been sought, any further extension to the dwellinghouse will result in having a significant negative impact to visual amenity to the host dwelling.