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:	**2023/62/90137/E**
Site Address:	7, Lodge Drive, Mirfield, WF14 9JS
Description:	Erection of two storey rear extension and rear dormer with associated external and internal works.
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: 06-Mar-2023

OFFICER REPORT

Site Description

7 Lodge Drive is a brick built, two storey dwelling with an existing two storey side extension and a conservatory to the rear. The dwelling has open gardens and a drive to the front with a larger enclosed garden to the rear.

The property is located on a cul de sac of similar, brick-built dwellings and backs onto the junction of Church Lane and Huddersfield Road to the rear.

Description of Proposal

The applicant is seeking permission for external alterations, single and two storey rear extension and rear dormer.

The submitted plans show the front elevation altered to include a bay feature on the ground floor with a flat roofed canopy over with timber cladding and a green roof, alterations to the first floor fenestration to include a central glazed feature and rendering of the main house.

The rear extension is proposed to project 3.6m on the ground floor with a width of 8.2m reducing to 5.6m at first floor. The single storey element would have a flat green roof. The first floor element would also include a flat green roof. The rear extension is proposed to be clad with timber boarding.

The rear dormer is proposed to have a width of 8.2m with a height of 2.3m. The dormer would have a flat roof form and would be clad with timber boarding.

The side and rear walls of the main house would also be finished with a render over the existing brick.

Relevant Planning History

1991/03660 - erection of two storey extension - approved

2002/93665 - erection of two storey extension - refused

2003/90173 - erection of two storey extension - 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. The design of the extension, with its flat roof and timber cladding together with the wholesale change to the property with the use of render and cladding on the original house would be wholly out of character with the properties on Lodge Drive. There are no changes which could be made to this application to overcome the concerns.

Representations

The application was advertised by site notices and neighbour letters, which expired on 02/03/2023

As a result of the above publicity, one representation has been received. The concerns raised relate to the appearance of the dwelling with regards to the changes proposed to the front elevation.

Mirfield Town Council has been consulted although no comments have been received.

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
- **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.

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

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 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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 & Alteration 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:

Key Design Principle 1 of the House Extension & Alteration 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 House Extension & Alteration SPD 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 three distinct elements which shall be addressed below.

Change to materials.

Paragraph 4.3 of the House Extension & Alterations SPD requires extensions to be in keeping with the local character of an area with regards to materials to be in line with KDP1 and paragraph 4.5 also states that for extensions, the materials should match the main house in order to comply with KDP2.

The properties on Lodge Drive are brick-built dwellings of a similar age and style. As such, the wholesale alteration to the external appearance of the house with a combination of render and timber cladding would be wholly inappropriate in terms of visual amenity, being out of character with the both the host property and the street scene. Furthermore, the installation of large, glazed openings in a random fashion in and amongst the traditional/existing openings, would exacerbate the odd appearance of the front elevation in such a traditional setting. The alteration for materials is therefore considered to be unacceptable in terms of visual amenity.

Single & two storey rear extension.

Paragraphs 5.1 and 5.2 of the House Extension & Alteration SPD 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.

As a detached property, the proposed footprint of the extension could be considered to be acceptable. However, the flat roofs proposed do not represent good design nor would they result in an appropriate appearance for this property given the traditional stylings of the host property and the other dwellings on Lodge Drive. Furthermore, the use of timber cladding and render on the elevations aggravates the otherness and awkward appearance of the proposed rear extension. This proposal is wholly out of character with the host

property and the surrounding street scene and cannot therefore be considered to be acceptable in terms of visual amenity.

Rear dormer.

In point 5.25 of the House Extension & Alteration SPD, it does suggest that rear dormers can be appropriate dependent upon design and size.

The rear dormer proposed would be a box like structure built out of the roof plane with significant glazing and timber cladding. This does not appear organic in terms of the appearance of the dwelling and would be out of character with the traditional properties within Lodge Drive. The rear dormer is therefore not considered to be acceptable in terms of visual amenity.

For the reasons outlined above, the proposals for 7 Lodge Drive do not comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extension & Alteration SPD and the aims of chapter 12 of the National Planning Policy Framework.

Whilst it is recognised there are opportunities for introducing contemporary design for the reasons outlined it is considered that the design approach would detract rather than enhance the area. Paragraph 4.4 of the SPD states: *Contemporary designs and high-quality modern interpretations of distinctive and significant local characteristics will be welcomed where they are demonstrably appropriate to the site context and make a positive contribution to the wider environment. In some cases, applicants may wish to develop proposals which do not conform to the existing character and street scene of an area. The council will assess these schemes on merit, and where an innovative architectural approach is proposed, a rationale for the approach and a clear justification as to why the scheme would enhance rather than detract from the character and street scene of the area should be submitted for consideration.*

The scale, design and materials of the extension and alterations fails to respond well to local context nor would it have a positive impact on the environment contrary to the House Extension & Alteration SPD 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 House Extension & Alteration 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 directly to the rear which could be affected by the works proposed.

Impact on 6 Lodge Drive

The adjacent neighbour to the west occupies an angled position relative to the host property. Given the spatial relationship, the proposed works to the host property would not result in any overlooking, overshadowing or overbearing impact on the amenities of the occupiers of the adjacent dwelling.

With regards to the impact on the adjacent 6 Lodge Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alteration SPD, 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 8 Lodge Drive

The adjacent neighbour to the north east occupies a position some 5m from the host property and has their own single storey rear extension. Given the spatial relationship, the proposed extension and dormer would not result in any overshadowing or overbearing impact on the amenities of the occupiers of the adjacent dwelling. Furthermore, there are no windows proposed in the side elevations which could result in any loss of privacy.

With regards to the impact on the adjacent 8 Lodge Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alteration SPD, 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 2 Huddersfield Road

The neighbouring property to south west is a single storey dwelling some 8m from the host property. Given the angling between the properties, the proposed rear extension and dormer would be unlikely to have any significant impact in terms of overbearing or overshadowing. The windows proposed would offer no further opportunity for overlooking than exists at present.

With regards to the impact on the neighbouring 2 Huddersfield Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alteration SPD, 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 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 & Alteration 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 parking area to the front and side of the property would not be affected by the proposed extension and 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 & Alteration 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:

One representation has been received. The concerns raised relate to the appearance of the dwelling with regards to the changes proposed to the front elevation.

This is a material consideration as it relates to visual amenity. This matter has been fully considered within the visual amenity section of this report.

Proposed conditions:

None as the recommendation is for refusal.

Conclusion:

This application for alterations to the materials along with erection of a single and two storey rear extension and a rear dormer for 7 Lodge Drive has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & Alteration SPD, the National Planning Policy Framework and other material considerations.

The proposed alteration for the materials and fenestration would form an incongruous feature, being out of character with the host property and the dwellings on Lodge Drive. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed rear extension, with the flat roof design together with the use of render and timber cladding would result in a visually unacceptable relationship with the host property and the dwellings on Lodge Drive forming an incongruous feature. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed rear dormer, by reasons of its design and use of timber cladding would form an incongruous feature at odds with the character of the host property and the dwellings on Lodge Drive. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of 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: 2023/90137
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed alteration for materials and fenestration would form incongruous features, appearing out of character with the host property and the dwellings on Lodge Drive to the detriment of visual amenity detracting from the character of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, with the flat roof design together with the use of render and timber cladding would result in a visually unacceptable relationship with the host property and the dwellings on Lodge Drive forming an incongruous feature to the detriment of visual amenity detracting from the character of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

3. The proposed rear dormer, by reasons of its design and use of timber cladding would form an incongruous feature at odds with the character of the host property and the dwellings on Lodge Drive to the detriment of visual amenity detracting from the character of the area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	(EX)002	971739	16/01/2023
Block Plan	(20)002	971741	16/01/2023
Existing plans	(EX)001	971740	16/01/2023
Proposed plans	(20)001	971742	16/01/2023

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 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. The design of the extension, with its flat roof and timber

cladding together with the wholesale change to the property with the use of render and cladding on the original house would be wholly out of character with the properties on Lodge Drive. There are no changes which could be made to this application to overcome the concerns.

Report Dated 03/03/2023