

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:	2023/62/90302/E
Site Address:	123, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Demolition of existing side extension and erection of two storey side extension
Recommending Officer:	Jennifer Booth

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.

Julia Steadman

AUTHORISED OFFICER

Date: 27-Mar-2023

OFFICER REPORT

Site Description

123 Marsh Lane is a stone fronted, semi-detached dwelling with an existing single storey extension, set back to the side. The property has an enclosed garden to the front with a separated drive to the side and an enclosed garden to the rear.

The property backs onto fields with other residential properties of varying ages to the sides and front.

Description of Proposal

The applicant is seeking permission for the demolition of the existing side extension and erection of a two storey side extension with canopy to the front and single storey element to the rear.

The extension would be set back 1m from the front wall of the dwelling with a projection of 5.5m extending 2.2m beyond the rear wall with a small wrap around section 1.5m across the rear of the house. The roof over the two storey extension would be pitched with an asymmetrical rear roof plane. The single storey element would have a glazed lean to roof. The canopy to the front would be timber framed with a projection of 1m and a width of 2.2m.

The front wall of the extension would be constructed using stone with blockwork and render for the side and rear walls. The roof would be covered with slate.

Relevant Planning History

None

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 scale of the extension together with the design are unacceptable. The alterations required to form an acceptable scheme are too significant within the scope of this application and as such, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 15/03/2023

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council has been consulted and responded with no comment.

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 & Alterations 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 & Alterations 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 & Alterations SPD goes on to 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.

As this proposal is for a side and rear extension, the following paragraphs of the House Extension & Alterations SPD are of relevance. Paragraphs 5.15 & 5.17 with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. Paragraphs 5.1, 5.2 & 5.6 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.

It is noted that the extension is set back from the front of the dwelling and includes a set down. However, the substantial width would not form a subservient addition to the dwelling. Furthermore, the roof slope proposed to the rear elements of the extension would result in an awkward and

incongruous slope which would be out of character with the host property and surrounding development. It is noted that the materials include the use of stone for the frontage with render to the sides and rear with tiles for the roof covering which would normally form an acceptable relationship with the host property. However, with the design, width and substantial overall size of the extension, the proposals would result in an incongruous form of development which is not subservient to the main house and would not therefore be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would cause 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 in keeping with the existing building, KDP 1 & 2 of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on 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 House Extension & Alterations 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 of the site which could be affected by the works proposed.

Impact on 121 Marsh Lane

The side element of the extension would be located on the opposite side of the dwelling to the adjoining property and as such would have no effect on the amenities of the occupiers of the adjoining dwelling. The rear element would project beyond the rear wall. However, this would be set almost the full width of the dwelling from the shared boundary with the adjoining property. Given this relationship, there would be no overshadowing, overbearing or overlooking.

With regards to the impact on the adjoining 121 Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations 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 125a Marsh Lane

The extension would bring the first floor of the host property closer to the side elevation of the adjacent dwelling. It is noted that there is a first floor window in the side elevation of the neighbouring dwelling. However, it seems likely given the position and size of the opening that this serves a non-habitable space. The scale of the development together with the spatial relationship between the host property and the adjacent neighbour would not result in any significant overlooking, overbearing or overshadowing.

With regards to the impact on the adjacent 125a Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations 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 106 Marsh Lane

The neighbouring property opposite occupies a position some 27m from the host property with its own garden, the road and the applicants garden between the properties. Given this relationship, the proposed side extension would not result in any overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 106 Marsh Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations 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 & 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. However, the parking area 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 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 & Alterations 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:

None

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed side/rear extension, by reason of the design and scale, would not form a subservient feature and would result in an incongruous form of development in the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension & Alteration 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:** 2023/90302**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed side/rear extensions, by reason of the design and scale, would not result in a subservient addition to the original building and would create an incongruous form of development in the wider street scene. To permit the proposals, which would be harmful to visual amenity of both the original dwelling and the wider street scene, would be contrary to Policy LP24 of the Kirklees Local Plan, Principle KDP1 and KDP2 of the House Extension & Alteration Supplementary Planning Document and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	640764	00/00/2019
Existing plans	-	640772	00/00/2019
Proposed plans	-	640771	00/00/2019

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 scale of the extensions, together with the design, are unacceptable. The alterations required to form an acceptable scheme would be too significant to secure within the scope of this application and as such, amended plans have not been sought in this instance.

Report Dated

23/03/2023