

**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:	<b>2023/62/90339/E</b>
Site Address:	28, Fir Parade, Ravensthorpe, Dewsbury, WF13 3BH
Description:	Erection of single and two storey side and rear 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: 18-Apr-2023**

## **Officer Report**

### **Site Description**

28 Fir Parade is a two-storey, semi-detached property in the area of Ravensthorpe. The property is constructed with brick exterior walls and features which are accompanied by white Upvc window frames. The roof of the property is a shared hipped style roof, which is clad with grey concrete roof tiles. Properties on the street are similar in age, size and style. Fir Parade has a residential setting with properties placed in a linear fashion, of which all properties host front and rear gardens of a similar size.

Fir Parade is characterised by residential dwellings that form the aesthetic of the street. The uniformity of the dwellings in parallel rows with open garden space and the spatial pattern of the dwellings forms the street's design. Each dwellinghouse has access to the rear through the side driveway separating the housing sites. Several of the properties on the street have been extended.

28 Fir Parade is not situated within a conservation, or within close proximity to a listed building.

Permission for a HHPD has been granted for the erection of a single-storey rear extension projecting 6.0m from the rear elevation (2023/90311).

### **Proposal Description**

The applicant is seeking permission to erect a two-storey side extension and a first-floor rear extension onto a prior approved ground floor rear extension.

The side extension is proposed to project 3.0m from the existing side of the house, meeting the existing eaves of the property. The extension will be set in and down from the principal elevation of the host dwelling.

The rear of the extension is proposed to project 6.0m on the ground-floor and 3.0m on the first-floor.

The side extension is to feature glazed openings on the front and rear elevation. On the rear extension triple windows are proposed on the first-floor, a double patio door and single door is proposed on the ground floor.

Materials are proposed to be in keeping with the materials of the host dwelling.

### **Relevant Planning History**

2023/90311 - Prior notification for single storey rear extension – NANR not required.

## **History of negotiations**

Correspondence has been sent to the registered applicant as there is no planning agent involved with the case. An initial email was sent on the 27 Mar 2023 seeking justification for the development as it did not comply with the House Extensions & Alterations SPD. Since then, the planning officer has sent an email on 03 April 2023 and had a phone call with the applicant on 05 April 2023. There has been no emailed response to these requests for a justification or an amendment to the design.

## **Representations**

The application was advertised by neighbour letters, which expired on 23 Mar 2023. As a result of the above publicity, no representations have been received.

## **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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
- **LP22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 Alterations and Extensions 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:

This extension is formed of a single storey side extension and a two-storey rear extension that will be assessed separately, as well as accumulatively. Extensions should relate to existing buildings in terms of size, scale and form, appearing as natural enhancements to the streetscape. Considering the additional massing of the building, care should be taken as to not appear dominating to other buildings.

Policy complying with designed is entrenched within the English planning system. National guidelines, found within the National Planning Policy Framework (2021), forms policy regarding design. Chapter 12, Achieving well-designed places, ensures planning decisions take into consideration how development will add to the overall quality of the area, provide a visual attractiveness and is sympathetic to development's current surroundings.

Additionally, local policy, directed through the Kirklees Development Plan (2019), reinforces the weight given to design. Policy LP 24 states 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, heritage assets and landscape;
- C) extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

#### *Side Extension*

The House Extension & Alteration Supplementary Planning Document goes further by outlining what is considered acceptable for two storey side extension in paragraph 5.20;

- Not take up all or most of the space to the side of a house;
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- Be set back at least 500mm from the front wall of the house.

These guidelines have not been met as a 1 metre gap to the side boundary has not been retained. Thus the development would appear cramped within the plot, creating the present for a terracing effect within the street. As per paragraph 1.9 - 1.11 of the House Extensions & Alterations SPD, a justification for development has been sought, as the development does not comply. After contacting the applicant there has been no justification or amendment complying with the House Extensions & Alterations SPD.

#### *Rear Extension*

Paragraph 5.6 of the House Extensions and Alterations SPD states that two-storey rear extensions should:

- 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;
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

In terms of scale, a footprint of 9.4m (W) x 6.0m (L) is not subservient to the host dwelling and covers an area that is over half of the original house. In this instance, prior approval has been granted for a 6.4m x 6.0m single storey rear extension at this property under application 2023/90311 which can be afforded weight in the decision-making process. The two-storey extension matches the eaves of the existing building, given this and application 2023/90311 the scale is deemed acceptable. A 1.5-meter boundary between the extension and property boundary will not be kept. The position of the ground floor rear extension has been granted prior approval under 2023/90311 and in this instance can be afforded weight in the decision-making process making the proximity to the boundary acceptable. In terms of the first-floor, the extension spans the entirety of the existing dwelling, as such, the structure would obtrude to the property line which therefore does not leave a gap of at least 1.5m. The effect of this, in relation to the habitable room/window of the adjoining property will be dealt with in the residential amenity section below.

Having considered the above factors, the proposals are considered to result in a significant, adverse impact upon the visual amenity of the streetscape by none retention of a 1.0m gap to the property boundary and does not comply with Policy LP24 of the Kirklees Local Plan (a) & (c) as well as guidance set out in the Extensions & Alterations SPD and Paragraph 130 (f) 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 Extensions and Alterations Supplementary Policy Document (HEASPD) goes into further detail with respect to outlining principles.

- HEASPD - Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'.

- HEASPD - Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.*'

#### *Impact on 26 Fir Parade*

No. 26 is situated to the east of the application and is the adjoining semi-detached property. In terms of privacy, there are no additional openings facing No. 26. Furthermore, the extension could overbear No. 26 impacting a 45° outlook of habitable windows and leading to a loss of light / sunlight to the neighbouring property, as the rear extension extends to the property boundary. As per paragraph 1.9 - 1.11 of the House Extensions & Alterations SPD, a justification for development has been sought, as the development does not comply. After contacting the applicant there has been no justification or amendment complying with the House Extensions & Alterations SPD.

#### *Impact to 30 Fir Parade*

No. 30 is situated to the west of the application and is the adjacent dwelling. In terms of privacy, there are no additional openings facing No. 30. Furthermore, the extension could overbear the neighbouring property at No.26, however the general scale and height of the development in being located along the entire boundary is not conducive to quality of accommodation for the occupant's amenity space due to appearing overbearing and therefore contrary to policy.

#### *Impact on 19, 21 & 23 Fir Parade*

These dwellings are to the south-west of the application site on the adjacent road on Fir Parade. In terms of these dwellings, the outlook from the application site will be consistent with existing vistas. Given the distance is estimated to exceed ~21m it has been assessed there will not be a significant impact to privacy levels. There will not be an overbearing effect.

#### *Impact on 114, 116 & 118 The Crescent*

These dwellings are to the north of the application. In terms of these dwellings, the outlook from the application site will be consistent with existing vistas. Given the distance is estimated to exceed ~21m it has been assessed there will not be a significant impact to privacy levels. There will not be an overbearing effect.

There are no additional properties to consider.

#### Impact on highway safety:

The proposal is to add additional living space to the rear of the property, altering the property from a three-bed house to a six-bed house. Currently, there are two parking spaces that on the driveway of the property, of which, one would be removed for the proposed development. Such an increase in bedroom living

space could have a detrimental impact to the parking arrangements of the street. However, there is free and unrestricted parking on the roadside by the property which could provide sufficient space for vehicles. Bin storage for the dwelling is to the rear of the house, the proposed will mean bin storage is to be at the front of the property, in the front garden plot.

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 two-storey side and a two-storey rear extension which will affect the main roof of the existing dwelling. The site is situated in an area that is known to include bat habitats, as such, if signs of bat habitats were found during construction, 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.

### Conclusion:

This application to erect a two-storey side and a two-storey rear extension at 28 Fir Parade has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations SPD, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual and residential 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 refusal.

**Recommendation**

**Refusal**

## Reasons for Refusal

1. The two-storey side extension by way of projection, height and proximity to the property boundary, would appear cramped within the plot and would precipitate a terracing effect in the street scene, detrimental to visual amenity and character of the area and be contrary to policy in the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. Due to the height and location along the boundaries, the extension would result in an overbearing impact on neighbouring occupants thereby detrimental to private amenity and be contrary to policy in the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

## Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	A	1	07/02/2023
Grouped Plans and Elevations	B	1	07/02/2023
Location Plan	LP	1	07/02/2023

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 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. Amendments have been sought by the planning officer in order to resolve design aspects that did not confirm to the House Extensions and Alterations Supplementary Planning Document. No further communication has been received, as such original plans were assessed.