

**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:	2023/62/90359/W
Site Address:	51, Woodside Road, Beaumont Park, Huddersfield, HD4 5JF
Description:	Erection of two storey rear and side extensions including rear balcony and raised terrace, rear dormer extension and new roof with living accommodation in roof space
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 27-Mar-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90359>

Site Description

51 Woodside View is a two storey detached property located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and rosemary tiled roof. To the front of the property is a garden area and large area of hardstanding which provides access into the existing single storey attached garage. To the rear of the property is a raised terrace where a conservatory is located. There is also a large lawned garden area which provides amenity space for the property which slopes gently downwards towards the rear boundary. Due to topography the garden area is set at a lower ground level than the finished floor level of the property with the application site being set on a higher ground level than the adjacent property at No. 49 to the north-east and on a lower ground level than No. 53 to the south-west.

Surrounding properties are predominantly residential comprised of large, detached dwellings set within modest curtilages.

Description of Proposal

The application is for the erection of a two-storey rear and side extension, including rear balcony and raised terrace, rear dormer extension and a new roof.

Two storey side and rear extension

It is proposed that a first-floor side extension is proposed over the existing garage and would have an eaves height to match the existing with a pitched roof gable created to the front elevation. The roof form would be incorporated into the proposed new roof of the dwelling.

In terms of the rear extension, the measurements of the proposal are as follows:

- 6m in projection at ground floor, 4.5 metres at first floor
- Full width of rear elevation
- Eaves height to match existing with roof height to tie in with new proposed roof form

The proposed extension would be built from materials to match the host property using coursed stone with a red concrete tiled roof.

Rear balcony and raised terrace

It is proposed that a first floor balcony would be created with a 1.5m projection above the ground floor 6m projecting extension and to the rear of the first-floor element of the extension. It is proposed that the balcony would be screened with walling and 0.5m high glass balustrade above and with privacy screening to a height of 1.8 metres to each side elevation.

There is a 3m projecting terrace at ground floor level which would be a total height of 1.7m which is approximately 0.5 metres higher than the existing terrace due to land levels. The plans indicate that the terrace would be constructed from coursed stone.

Rear dormer extension

It is proposed that a dormer extension would be located within the rear elevation roof slope. The dormer would be a height of 2.6 metres, width of 3 metres with a projection of 3.2 metres. It is proposed that the dormer would be tile hung.

New roof

The proposed new roof would raise the ridge height of the dwelling from 8.5 metres to 9 metres. It is proposed that the shape of the roof would change from being fully hipped to part hipped and part flat roof. The roof would be constructed from red concrete roof tiles and would contain a number of roof lights within the front and both side elevation roof slopes.

History of negotiations/amendments received

No negotiations have taken place as it was considered that any amendment would be significant and there would not be a design solution that would provide the applicants with the level of accommodation applied for.

Relevant Planning History

None

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 17th March 2023

Parish/ Town Council – not applicable

As a result of the public consultation period 2 representations have been received with the summary of comments set out below:

- Increase width and height of property and bring overall footprint closer to neighbours to rear
 - Direct overlooking from the balcony would be intrusive
 - Triple dormer windows would also create overlooking
 - Changes to roof height and width would also impact natural sight in a harmful way and the expansion would bring all the concerns even closer to properties to the rear
 - Developments within the area have seemed to be in keeping with the existing housing stock but these proposals seem neither in keeping or proportionate
 - To allow such an enlargement on such a plot in such an area would severely compromise the existing rights of privacy of several neighbouring properties
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- Rights to privacy, lights and site lines would be compromised and seems like an overbearing proposal that restricts into neighbouring home and garden spaces
 - Raised terrace provides clear line of sight into neighbouring garden with the height feeling invasive and dominating
 - Double storey extension restricts light and is overbearing and due to being on higher level would tower over neighbour and reduction of light would not allow natural warmth to light and heat house
 - Double storey extension reduces natural line of view
 - Double storey extension and terrace extends beyond building line of adjacent conservatory which would be overbearing and reduce light especially to windows in flat roof of conservatory
 - Gap between boundary line is too close compared to open space there is now

Consultation Responses

None 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).

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety

- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity

Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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 – 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.”

With specific regard to the House Extensions and Alterations SPD the other key designs principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage

With specific regard to the proposed development the SPD states that in terms of the proposed works the SPD states the following:

2- storey side extensions

In Section 5.19 of the SPD refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- 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.

5.21 includes first-floor side extension which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

2- storey rear extensions

In section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Being set behind the original building, and not projecting beyond the sides; and
- Maintaining external access to the rear garden.
- respect the original house and garden in terms of its size and scale;
- use appropriate materials which match or are similar in appearance to the original house; and
- not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.8 goes onto refers to two-storey rear extensions will be considered based on the extent of overshadowing, loss of privacy and outlook. Generally, 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; and

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

Dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extension SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

Balconies

Paragraph 5.28 of the SPD states that balconies and roof terraces should not negatively affect neighbouring properties or alter the local character of the area. They should be:

- positioned, and screened if required, so that they do not overlook neighbouring homes or gardens
- sited away from locations that are sensitive to additional noise levels or disruption

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

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:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraph 4.5 of the SPD relates to the impact that a scheme would have specifically on the original house. It explains that proposals should normally be smaller in scale than the original property and set back from the existing

building line. It goes on to explain that two storey extensions should be set down from the ridge and generally smaller in footprint. It is noted that the proposed first floor side extension would be set back slightly from the existing front elevation of the property however due to the proposed increase in height of the property and the proposed projection which, when including the proposed terrace, would approximately double the size of the property. As such, due to the overall projections both in terms of footprint and increased height, the overall size, scale and massing of the proposed works would not be considered to be subservient to the original property and therefore contrary to Key Design Principle 2 of the SPD.

When assessing the proposed side extension against the SPD, the extension would not take up all the space to the side of the property, maintains a 1 metre gap to the side boundary and is set back from the front elevation of the property by 0.2 metres which whilst not wholly complying with the SPD, would broadly comply.

In terms of the rear extension, it is not considered that the proposal would comply with sub-paragraph 5.8 of the SPD. The proposed extensions and terrace would not be proportionate to the size of the original property and whilst there would be sufficient garden space remaining, the proposed works far exceeds the parameters of the SPD which states that extensions should not exceed more than 4 metres on detached properties. The extension itself would project 6 metres at two storey height and 9 metres including the terrace which would not comply with the SPD and would be visually disproportionate, visually intrusive and out of character with the host and surrounding development. Cumulatively the extensions, including the proposed terrace, balcony and dormer extension alongside the increased height of the dwelling would not present and subordinate addition, presenting an undue level of bulk and massing to the side and rear of the property. In addition, in terms of the visual impact in the neighbouring dwellings, the extensions would be unsympathetic, dominant and oppressive.

The proposed construction materials would match the host property and therefore are considered to comply with Key Design Principle 9 of the SPD and Policy LP24 of the Kirklees Local Plan.

In terms of the proposed balcony and terrace, whilst terraced areas are common within the street scene due to the difference in levels, it is considered reasonable that some form of terrace could be supported. However, given that it would attach to the 6m projecting extension, it is considered that this addition would be visually intrusive when viewed cumulatively. The proposed balcony would introduce an uncommon feature within the street scene which would be visually imposing due to the overall scale and massing of the works.

With regards to the proposed dormer extension, this would appear cramped within the rear elevation roof slope. In terms of the SPD, whilst the dormer would be constructed from hung tiles, it would dominate the rear elevation roof slope due to the roof design, as such, would be contrary to sub-paragraph 5.27 of the SPD.

It is therefore considered that the proposal would not be a subservient addition to the host property and by virtue of its design, scale and massing would cause detrimental harm to the visual amenities of the host property and wider locality. The proposed development is therefore not considered to comply with policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3 – Impact on residential amenity:

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.

In terms of the impact on neighbouring dwellings, the works would be located to the south-west of No. 49 and to the north-east of No. 53. With regards to the impact on these properties, the application site is on a higher ground level to the No. 49 neighbour and therefore to bring the overall scale and massing closer to this property is considered to be detrimental in terms of being an oppressive feature which would tower over the single storey rear extension to this neighbour and would it is noted it would reduce the natural light to the side elevation windows and roof areas of this property where openings are located.

Given the projection / massing of the proposal located close to the shared boundary it is considered that the works would result in an oppressive development that would be overbearing and dominant when viewed from neighbouring properties including with their amenity spaces.

Whilst the openings are limited within the side elevation facing this property overlooking would occur from the proposed terrace and balcony area. In terms of the impact on No. 53, again the development would be oppressive to this property with a stark blank elevation facing this neighbour.

Key design principle 5 of the SPD recommends that, in relation to overshadowing, the 45-degree rule should be treated as a starting point in assessing impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45 degrees should preferably not intersect the extension. In this case, in terms of the two storey side and rear extension in isolation, the 45 degrees required would be met.

With regards to the impact of the scheme on the properties to the rear, the separation distances recommended within Key Design Principle 3 (21 metres) would be met and therefore the works are considered to be acceptable.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this

instance, due to the extent of curtilage and as demonstrated on the submitted block plan, the works are not considered to result in an overdevelopment of the site as a usable garden space would remain.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity and would be to the detriment of the living conditions associated with Nos. 49 and 53 Woodside Road. The scheme therefore fails to comply with Policy LP24(b) of the Kirklees Local Plan, Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the whilst the proposal would significantly increase the size of the dwellinghouse, it would not directly increase its domestic function. The proposed works would increase the bedroom provision of the property from 3 bedrooms to 3 whereby the SPD recommends that 3 no. parking spaces should be provided. The existing garage provision would be lost as it is proposed that this would be converted to a garage. Notwithstanding this, there is sufficient space to the front of the property to provide 3 no. off street parking spaces.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

It is proposed that the extension and terrace would be constructed from coursed stone which would be locally sourced and wholly recyclable.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees 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 application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the application could not be supported by Officers.

6 – Representations:

Two representations have been received with the following being a summary of comments and LPA response:

- Increase width and height of property and bring overall footprint closer to neighbours to rear

Response: This has been addressed within the above assessment

- Direct overlooking from the balcony would be intrusive

Response: This has been addressed within the above assessment

- Triple dormer windows would also create overlooking

Response: This has been addressed within the above assessment

- Changes to roof height and width would also impact natural sight in a harmful way and the expansion would bring all the concerns even closer to properties to the rear

Response: This has been addressed within the above assessment

- Developments within the area have seemed to be in keeping with the existing housing stock but these proposals seem neither in keeping or proportionate

Response: Noted

- To allow such an enlargement on such a plot in such an area would severely compromise the existing rights of privacy of several neighbouring properties

Response: This has been addressed within the above assessment

- Rights to privacy, lights and site lines would be compromised and seems like an overbearing proposal that restricts into neighbouring home and garden spaces

Response: This has been addressed within the above assessment

- Raised terrace provides clear line of sight into neighbouring garden with the height feeling invasive and dominating

Response: This has been addressed within the above assessment

- Double storey extension restricts light and is overbearing and due to being on higher level would tower over neighbour and reduction of light would not allow natural warmth to light and heat house

Response: This has been addressed within the above assessment

- Double storey extension reduces natural line of view

Response: Noted

- Double storey extension and terrace extends beyond building line of adjacent conservatory which would be overbearing and reduce light especially to windows in flat roof of conservatory

Response: This has been addressed within the above assessment

- Gap between boundary line is too close compared to open space there is now

Response: This has been addressed within the above assessment

7 – Conclusion:

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. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSAL

Decision Authorisation - Delegated Powers

Application Number: 2023/90359

Officer Recommendation: Refuse

1. The proposed extension by reason of its design, scale and massing would not be of a subservient design and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the wider street scene. The proposal is therefore be contrary to Policy LP24(a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.
2. The proposed extension, by virtue of its scale, design and siting in relation to shared boundaries, would have a detrimental impact to neighbouring occupiers forming an overly overbearing and oppressive impact and would result in overlooking to the occupiers of No.'s 49 and 53 Woodside Road. Therefore, the proposal would fail to retain a high standard of amenity for the occupiers of these neighbouring dwellings contrary to Policy LP24(b) of the Kirklees Local Plan, Design Principles 3, 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policy within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, elevations and floor plans	22-082-01		2 nd February 2023
Proposed site plan, elevations and floor plans	22-082-05		2 nd February 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.

No negotiations have taken place as it was considered that any amendment would be significant and there would not be a design solution that would provide the applicants with the level of accommodation applied for.

Report Dated: 24th March 2023

Coal –none