

**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:	2023/62/90464/E
Site Address:	126, Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ
Description:	Erection of extensions to form two-storey dwelling
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal (delete as appropriate) 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: 20-Apr-2023

OFFICER REPORT

Site Description

126 Gomersal Lane is a detached, brick built bungalow with dormers to the front and rear. The property has a hardstanding for parking to the front with some grass and a larger enclosed garden to the rear. The property does have a conservatory across the rear elevation.

The dwelling has fields adjacent to the west with older properties to the front and east side.

Description of Proposal

The applicant is seeking permission for extensions and alterations to form a two storey dwelling.

The works proposed include a single storey element to the front projecting 2.7m across part of the width of the dwelling (6.4m). The depth of the dwelling would be increased from 11.7m (including the sunroom) to 15.5m. The overall height of the dwelling would be increased from 5.8m to 7m with a single storey appearance from the front and two storey at the rear. The walls would be clad with stone.

The plans show the formation of a terrace on the ground level at the rear along with a recessed balcony at first floor with full enclosure on the boundary with the neighbouring dwelling.

Relevant Planning History

2009/92084 - erection of dormer - 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 overall scale and design of this proposal is unacceptable. The changes required to overcome these concerns are too significant under 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 06/04/2023

As a result of the above publicity, two representations have been received. The material considerations raised are summarised as follows:-

- Potential loss of privacy.
- Building not in keeping with the conservation area.
- Highway safety both during construction and with the front extension proposed.

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. However, the front boundary of the property is the boundary with the Little Gomersal Conservation Area.

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 35** - Historic Environment
- **LP 53** - Contaminated land

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
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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 & 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.

The relationship with the Conservation Area has been noted and the proposals have been advertised as affecting the setting of the Little Gomersal Conservation Area. As such, Policy LP35 of the KLP and chapter 16 of the NPPF are of relevance.

Impact on the character of the conservation area and 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.

The existing property is a modest, brick built bungalow with dormers, set in substantial grounds. The proposals would see a significant increase in the massing, extending forwards slightly and taking the height of the property upwards. Together with wholesale alterations to the fabric of the building replacing the brick exterior with stone and incorporating very modern fenestration with glazing features. It is noted that from the front of the property, the appearance is as a bungalow with a two storey appearance to the rear. Overall, the significant alteration to the property would not be subservient and the original house would no longer be recognisable.

Paragraph 4.2 of the House Extensions & Alterations SPD states the local context, character and identity of the area are a significant factor when considering the appropriate form and scale of house extensions. Gomersal Lane does not have a particular character beyond predominantly residential properties, there is a mixed palette and varying sizes. Although for the most part, the dwellings are traditional in terms of design with simple domestic roof forms and traditional window openings. As such, the proposals for the host property would not be in character with the wider area.

Paragraph 4.4 of the House Extensions & Alterations SPD does allow for some contemporary design. However, it would have to be demonstrably appropriate for the site context and make a positive contribution to the wider area. In this instance, given the prominence of the site together with the surrounding development, the works would be inappropriate and incongruous, particularly with respect to the significant shift in the character of the dwelling. As such, whilst this property could potentially be extended, the design would have to be altered, the scale reduced and the materials amended. The current scheme is considered to be unacceptable in terms of visual amenity.

The Little Gomersal Conservation Area is described as a small, closely knit textile settlement from the late 18th century which is characterised by narrow lanes and walls giving a strong sense of enclosure. The host property is set back from the boundary with the Conservation Area although there are strong connecting views when travelling along Gomersal Lane from the west. The proposed side elevation would have a significant bulk and massing which would neither preserve nor enhance the character of the conservation area. Policy LP35 of the Local Plan and Chapter 16 of the NPPF state that harm to heritage assets should not be allowed without a proportionate justification. The scheme would have a less than substantial harm in terms of impact on the heritage asset with no demonstrable public benefit and, as such, would not be considered to be acceptable in terms of the impact on the conservation area.

Having taken the above into account, the proposed extensions and alterations to 126 Gomersal Lane would not form subservient additions to the property, would result in an incongruous form of development in the street and would have a less than ideal impact on the conservation area, thereby failing to

comply with Policies LP24 & LP35 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form a subservient addition to the property nor would they be in keeping with the existing building, KDP 1 & 2 of the House Extension & Alterations SPD and the aims of chapters 12 & 16 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 to the west side or to the rear of the dwelling which could be affected by the works proposed.

Impact on 128 Gomersal Lane

Although the proposals would increase the height and massing of the dwelling, the space between the host property and the adjacent neighbour to the east would not be reduced. The increase is limited and the openings proposed in the side elevation would not serve any habitable spaces. The works to the dwelling would result in no overlooking, overshadowing or overbearing in respect of the adjacent neighbour. It is noted that the plans show a terrace at the rear of the host. Given the relationship with the neighbour's garden and as such host property sits much further back from the road than the adjacent neighbour, the terrace would result in no loss of privacy.

With regards to the impact on the adjacent 128 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within 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 87 Gomersal Lane

The neighbour on the opposite side of the road occupies a position some 27m from the host property. The plans do show a small front extension which would not significantly reduce the space between the dwellings and with both the respective front gardens and the road itself between the dwellings, the works proposed for 126 Gomersal Lane would not result in any overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 87 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within 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 dwelling even with the modest front extension proposed would still have space for at least 3 vehicles of road which 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:

Contaminated Land

The property is close to a potential source of contaminated land – Heys Chemicals Ltd. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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:

Two representations have been received. The material considerations raised are summarised as follows:-

- Potential loss of privacy – *This is a material consideration and has been fully addressed within the residential amenity section of this report.*
- Building not in keeping with the conservation area – *This is a material consideration in terms of visual amenity. The dwelling is not actually within the conservation area and the proposals would not bring the dwelling significantly closer to the boundary. The visual impact of the proposals has been fully assessed within the visual amenity section of this report.*
- Highway safety both during construction and with the front extension proposed.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application for extensions and alterations to 126 Gomersal Lane 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 extensions and alterations, by reason of the design, scale, bulk and massing along with the change of materials for the dwelling, would not form a sympathetic or subservient feature which would not be in keeping with the host property and would result in an incongruous form of development in the wider street scene and conservation area. To permit the proposals would be contrary to Policies LP24 & LP35 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension 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: 2023/90464

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extensions and alterations, by reason of the design, scale, bulk and massing in addition to the change of materials for the dwelling, would not appear sympathetic or subservient to the host property, resulting in an incongruous form of development detrimental to the wider street scene and harmful to the Little Gomersal Conservation Area. The harm is considered to be less than substantial for which no public benefit has been demonstrated to outweigh the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations SPD.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	23-004-03	975881	23/02/2023
Existing plans	23-004-01	975880	23/02/2023
Proposed site plan	23-004-05	977175	23/02/2023
Proposed street scene	23-004-04	977108	23/02/2023
Proposed plans	23-004-02	975882	23/02/2023
Climate change statement	-	977109	23/02/2023

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 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 overall scale and design of this proposal is unacceptable. The changes required to overcome these concerns are too significant under the scope of this application and as such amended plans have not been sought.

Report Dated

19/04/2023

