

**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:	2023/62/90630/W
Site Address:	53, Greenhead Road, Huddersfield, HD1 4ER
Description:	Erection of two storey extension
Recommending Officer:	Tom Hunt

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: 21-Apr-2023

Officer Report

Site Description

2023/90630 – 53, Greenhead Road, Huddersfield, HD1 4ER

The application site relates to a mid terraced, two-storey dwellinghouse, faced with stone and pebble render and has a front amenity space given over to parking with gated access and an underpassage to the rear garden. It has a raised patio area adjacent to the rear elevation and mainly hard surfaced yard given over to parking with access from Park Grove. The rear elevation with its small flat roofed dormer is visible from Park Grove, partially screened by trees and shrubbery.

It borders Greenhead Park/New North Road Conservation Area to the north.

Description of Proposal

Erection of two storey extension

All figures are in metres and approximate.

Permission is sought for a two-storey rear extension with a solid backfilled understorey. The understorey would be 1.15m in height and 5.65m width.

The ground storey would project 4m from the rear and itself be 3m height with a lean-to roof against the first storey.

The first storey would be lean-to roofed overlapping the original host eaves to join to the rear dormer and would project 3m from the rear and would be ~7.4m height at eaves.

Both storeys would be a width of 5.65m retaining access to the underpassage with a set back of 1.25m to the shared northeast property boundary. This would be stone and render to match the host with tile to match.

It would have external steps and a platform raised ~1.15m from ground level projecting 1m from the new rear extension at ground floor. it appears that this is to have metal or similar railings.

Fenestration would be to the rear only with new patio doors to the platform and a window to ground floor and two windows to first floor. Plans indicated that they are plainly glazed with one pane and the application form states to match existing which would vary from the paned appearance of the host.

Officer Note: Existing elevation plans do not show the full extent of the gable end front feature and the proposed elevation does not definitively set out the proposed height of the rear raised area with steps.

This would serve a kitchen at ground floor and as a bedroom extension with ensuite to first storey. A bathroom would be installed to the attic within the front gable and served by the existing window.

History of negotiations/amendments received

The agent was contacted regarding plans which did not accurately set out the front elevation of the host building and had this in part corrected within submitted proposed plans. In relation to Officers concerns over the design and other considerations, the agent was not contacted during the course of the application as the scale of considered necessary would materially change the development applied for.

Relevant Planning History

None.

Representations

We are currently undertaking 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 which expired on 11/04/2023.

In relation to the Conservation Area setting, this was advertised via Site Notice expiring 06/04/2023 and Press expiring 14/04/2023. Amended plans were not readvertised due to being updated prior to letters or notices sent/advertised.

No representations had been received.

Consultation Responses

KC Trees – No objections.

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 borders Greenhead Park/New North Road Conservation Area on the Kirklees Local Plan and is otherwise unallocated for development.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 35 – Historic environment
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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, 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 and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on heritage amenity

- 3) Impact on visual amenity
- 4) Impact on residential amenity
- 5) Impact on highway safety
- 6) Other matters
- 7) Representations
- 8) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates those proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy LP 24 requires that the form, scale, layout and details of all development *“respects and enhances the character of the townscape, heritage assets and landscape...”*

The site closely borders Greenhead Park/New North Road Conservation Area. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.

Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In Chapter 16 of the NPPF, Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Greenhead Park/New North Road Conservation Area, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

With regards to the House Extensions and Alterations 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 design 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 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

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

Two-storey rear extension

Paragraphs 5.1-5.4 and 5.8-5.10 of the House Extension SPD relate to the provision of dormers. Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended. They 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) preserving a back garden of a reasonable size;
- not project out more than 3 metres from the rear wall of the original house;
- 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
- be set behind the original building, and not projecting beyond the sides; and
- maintain external access to the rear garden.

In addition, Policies within LP24 of the Local Plan and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design.

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 heritage amenity:

As the site closely borders Greenhead Park/New North Road Conservation Area, the impact of the development on the historic environment will need also to be assessed against LP35 of the Kirklees Local Plan, national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is supported by paragraph 202 of the NPPF.

The work proposed would be to the rear of the property visible from Park Grove and would have a low-quality design of a two-storey rear extension made more prominent with an additional understorey base protruding out in the middle of a three property terraced row. It would appear excessively scaled and of an awkward design with the tiered storeys and their two lean-to roofs competing with the original design and character of the host property's cross gabled roof and mainly obscuring original elevations. Its roof would abut the existing rear dormer adding an obtrusive and discordant alien feature, failing to sympathetically integrate with its host, the character of the streetscene and the Conservation Area.

This would use matching materials to the host with stone and render and matching tiles to roofs which would be considered to suitably harmonise with the host and be of neutral quality when considering the setting of the Conservation Area. The proposed changes to fenestration would appear of a residential nature and be suitably in keeping with its setting.

Overall, the design would appear to form a cramped building of significant massing and bulk within a constrained site and its small rear amenity space appearing to dominate its host and neighbours in a prominent setting easily viewed from Park Grove with the Conservation Area visible beyond when viewed from Park Road. It is considered the proposal would detract from the setting of the Conservation Area when viewed from this viewpoint given the design of the proposal and visual impact it is considered to have in relation to the host property / locality (discussed in more length in section 4 of this report).

As such, Officers consider that the proposal would not sympathetically integrate with its surrounding development bordering the Conservation Area, and would have less than substantial harm with no public benefits to outweigh the visual harm resulting from a low quality design. For these reasons, the proposal would not comply with LP24a) and LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the aims of preserving or enhancing Greenhead Park/New North Road Conservation Area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 – Impact on Visual Amenities

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

LP24 of the Kirklees Local Plan requires extensions to be *“subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

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.

Considering the impact on visual amenity that had not already been outlined in the above, the proposed dominant design of the tiered two-storey extension would fail to achieve a subservient or sympathetically integrated design to the original host. The proposal would project 4m from the rear at ground and then project 3m at first floor level with a solid understorey base increasing its bulk and massing. It would be closely set onto the southwest shared boundary and set 1.2m back from the northeast boundary with eaves far exceeding a height of 3m failing to offer a 1.5m property gap to boundary increasing its visual dominance and oppressive appearance. Neighbouring houses have not been extended similarly in order to reduce its effects and despite the presence of greenery to the shared boundary, the proposal would not be adequately screened by the greenery of insufficient height.

It would maintain external access to the rear garden however would fail to preserve a rear garden proportionate to the size of the host eroding the original character of the host's rear garden leaving it to be dominated by parking/hard surface to the rear.

The tiered design would appear as a cramped and dominant design within its tight plot unduly contrasting with its neighbours with its roofs appearing in pitch and form to be incongruous to the host, its neighbouring properties and others in the locality.

Cumulatively the proposed development would not present a subordinate addition. They would present an undue level of bulk and massing to the host obscuring the original design of the host and to have roofs failing to integrate with the scale and massing of the host's own roof. It would thus fail to respect the original design and character of the host property eroding the character and setting of its locality.

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.

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, LP2 and 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:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.

The closest properties to be affected by the development are No. 55 Greenhead Road (southwest), No. 2 Park Grove (southeast) and No. 51 Greenhead Road (northeast).

No. 55

This would be on the shared boundary to the neighbour and presently has some green vegetation acting as screening up to first floor height. No. 55 has a single-storey rear extension set away from the shared boundary which would have its ground storey side elevation screened by the vegetation for the proposal. No floor plans have been submitted indicating a 45° field of outlook to the neighbour at ground and first storey. The proposal would be close to the boundary and on assessment of its likely impact on outlook, using 45° as a guide, this would affect No. 55’s rear elevation windows

It is considered the proposal would have an unacceptable impact on loss of outlook from the windows of No. 55 closest to the proposal contributing to a strong impression of overbearing to this neighbour. The proposed design would also lead to reduced daylight and cause overshadowing to the nearest windows of no.55 in relation to the proposal. It would have no side elevation windows and would have a limited depth raised platform with existing green screening therefore it would not unduly impinge on privacy or contribute to overlooking.

No. 51

This neighbour has no rear extensions and would benefit from the set back design of the two-storey rear extension to the boundary to reduce loss of outlook or overbearing from their rear elevation windows. The proposal would restrict light to the adjacent rear windows as such it would lead to a further unacceptable erosion of this neighbour’s residential amenity due to loss of light and overshadowing to its large habitable window at first floor. It would

have no side elevation windows and would have a limited depth raised platform with existing green screening therefore it would not unduly impinge on privacy or contribute to overlooking.

No. 2 Park Grove

The proposal would be in part screened by the existing boundary trees and greenery and be adequately at a distance away to the north from the neighbour to avoid overbearing or overshadowing. From the proposed development, there would be one visible side elevation window to the first floor with the proposed design looking out to the neighbouring window separated by ~18m, while it is not known whether the window serves a non-habitable room, its obscure glazing, size and design suggests that it is a non-habitable window with no significant potential impact on overlooking or loss of privacy. The first floor window to the flank elevation of the main body of the host is closely adjacent to No. 2's two-storey side projection and would be screened by this and obliquely set away from the proposed ensuring that no undue overlooking or loss of privacy would occur.

There are no other residential properties that would be affected with Greenhead College to the north unaffected by the proposal's position behind the host.

Whilst the proposal would reduce the amenity space provision to the host property it is not considered to be a degree that would warrant refusal in this case and the proposal would accord with principle 7 of the House Extensions and Alterations SPD.

In conclusion, when considering the proposal's potential impacts on residential amenity, the proposal would have an unacceptable loss of outlook and overbearing impact to No. 55 Greenhead Road and would lead to an unacceptable overshadowing impact to No. 51 Greenhead Road. As such, it would not comply with the aims of Policy LP24b of the Kirklees Local Plan, KDPs 4-7 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and KDP 15 – 16 of the 'House Extensions and Alterations SPD' have been considered along with the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

The Highways Design Guide advises that proposals should have sufficient off-street parking spaces to meet need and to ensure on street parking impact is limited. For a 3 bedroom dwelling, it should have a minimum of 2 off street parking spaces which it appears to have from the assessment of the site plan.

While no bin arrangements have been set out, the site plan indicates that there is sufficient remaining space and external access to the garden to have the bin arrangements remain as existing.

To conclude, the proposal would comply with LP21 and LP22 of the Kirklees Local Plan, KDP 15-16 of the House Extensions and Alterations SPD, the Highways Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the National Planning Policy Framework and guidance documents/SPDs to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. A Climate Change Statement had been submitted on behalf of the applicant stating that materials would be sourced locally and to have re-use of masonry timber where possible to reduce emissions associated with supplier movements and limiting materials where possible. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's envelope to improve energy efficiency and would contribute positively towards carbon reduction.

Biodiversity

Whilst considering Biodiversity and being sited within a Bat roosting layer, KDP 12 –13 of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals is to a well-sealed roof upon examination with a rear dormer extension limiting attractiveness to roosting bats. Should Officers be minded to support the proposal, it may have been recommended to carry out a Preliminary Bat Roost Survey to fully eliminate doubt.

In addition, an informative would have been provided to ensure that the applicant is aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

As the site has trees close to the proposed site, KC Trees was consulted and advised that there were no trees of value or significant public amenity within the site, some small trees and shrubs may need to be removed however there would be no harm. Therefore the proposal would accord with LP24i) and LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Contaminated and unstable land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The proposal is within a high risk coal area for development, as it is for an householder extension, standing advice states that no referral to the Coal Authority was necessary for the nature and type of the development. Applicants would have been advised of their responsibilities should any unexpected coal risk occur within an informative attached to the issued Decision to ensure compliance with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6 – Representations:

None received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that 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

Refuse

Decision Authorisation - Delegated

Application Number: 2023/90630

Officer Recommendation: Refuse

Reasons

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 and setting of Greenhead Park/New North Road Conservation Area. There are no public benefits identified which would outweigh the less than substantial harm to the setting of the Conservation Area. The development would be contrary to Policy LP2, LP24(a) and (c) and LP35 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 Chapters 12 and 16 of the National Planning Policy Framework.
2. The proposal would have an unacceptable overbearing impact, and resultant loss of outlook, to No. 55 Greenhead Road and would lead to an unacceptable level of overshadowing that would have a detrimental impact upon Nos.51 & 55 Greenhead Road. The proposal would be contrary with Policy LP24(b) of the Kirklees Local Plan, Principles 4, 5 & 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location and Site Plan.	No. TR-A22-1101-001.	Unamended.	27/02/2023
Proposed Location And Site Plan.	No. TR-A22-1101-005.	C.	07/03/2023
Existing Elevation Plans.	No. TR-A22-1101-003.	B	02/03/2023
Existing Floor Plans.	No. TR-A22-1101-002.	Unamended.	27/02/2023
Proposed Elevations.	No. TR-A22-1101-007	C	07/03/2023
Proposed Floor Plans.	No. TR-A22-1101-006.	C	07/03/2023
Proposed Sections.	No. TR-A22-1101-008.	C	07/03/2023
Proposed 3D Views.	No. TR-A22-1101-009.	C	07/03/2023
Climate Change Statement	-	Original	01/03/2023

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, supplied detailed design guidance in the House Extensions and Alterations SPD and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted regarding plans which did not accurately set out the front elevation of the host building and had this in part corrected within submitted proposed plans. In relation to Officers concerns over the design and other considerations, the agent was not contacted during the course of the application as the scale of amendments required would materially change the development applied for.

Report Dated: 18/04/2023