

**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:	2023/62/90814/E
Site Address:	50, Cornfield, Dewsbury Moor, Dewsbury, WF13 3UY
Description:	Erection of two storey side and single storey rear extensions and alterations
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: 09-Jun-2023

Officer Report

2023/90814 - 50, Cornfield, Dewsbury Moor, Dewsbury, WF13 3UY

Site Description

50 Cornfield is a two-storey, semi-detached house in Dewsbury Moor. The dwelling has red-brick exterior walls and a gable end roof which is clad with concrete roof tiles. The property features white Upvc window frames. In terms of outdoor space, the property hosts a modest front and rear garden with a side driveway which has space for two vehicles. Surrounding properties are similar in architectural design, materials and age.

The area is mainly residential, with sports recreation fields situated at the end of Cornfield and to the rear of the site. Cornfield itself is a residential street, where the main housing types are semi-detached houses. The layout and appearance of the houses gives the street a character of openness owing to the space between the properties, the spatial layout and drive space.

The site is not situated within a conservation area or in close proximity to a listed building.

Proposal Description

The applicant is seeking permission to erect a two-storey side and single storey rear extension.

Two-storey Side Extension

The side extension is to project 2.35m from the existing side elevation, to a length of 6.7m. The height of the side extension is to be 5.0m, matching the eaves of the existing house, reaching a total height of 7.3m to the ridgeline of the side extension. The extension is to be set back 0.5m and set down 0.2m.

The side extension is to have a window on each floor on the front elevation, as well as a single window on the rear first-floor elevation. There is to be a single window on the ground-floor side elevation. The internal layout will be open plan which will allow light to soak through to the dining room and kitchen.

Single-Storey Rear Extension

The rear extension is proposed to project 3.0m from the existing rear elevation, to a width of 7.2m. The height of the rear extension will be 2.5m to the eaves, reaching a total height of 3.7m including the pitched roof.

On the rear, there are proposed to be two sets of windows and three skylights that are placed in symmetry with existing windows, there are to be centrally placed double patio doors.

Materials for the extensions are to match the materials of the existing dwelling including red-brick walls, concrete roof tiles and white Upvc windows.

Relevant Planning History

None specific to the site.

History of negotiations

Negotiations have been sought to address initial concerns regarding the projection of the extension in relation to property boundaries, with design guidance outlined in the House Extensions & Alterations Supplementary Planning Document (June, 2021). However, a 1.0m gap between the extension and the boundary was not established. Therefore, a justification for the breach of policy was requested, which is explored within the full report below.

Representations

The application was advertised by neighbour letters, which expired on 24/04/2023. 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 27th February 2019).

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

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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

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 forms a two-storey side extension and a single storey rear extension that will be assessed separately, as well as cumulatively. Extensions should relate to existing buildings in terms of size, scale and form, appearing cohesive within the streetscape. A terracing effect from extensions should be avoided with existing space between houses retained to maintain an attractive appearance of the street and area.

Cornfield is characterised by residential dwellings that form the character of the street, albeit the properties vary in design character. 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 from each other. Within the immediate building group, of the pair of semi-detached properties, the original form is retained. It is noted that properties along Cornfield have been extended the scale and design of which varies.

Chapter 12 of the National Planning Policy Framework provides policy guidance for decision which, amongst other things, should support development which is sympathetic to the local area including the surrounding built environment (para. 130). Kirklees Local Policy supports good design considering proposals for extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details (LP 24).

Two Storey Side Extension

Paragraph 5.20 of the House Extensions and Alterations SPD 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.

The side extension would project 2.35m, taking up the majority of the existing space to the side of the house. A minimal gap between the extension and property boundary will be left which measures 0.45m. The extension is set back from the front wall of the house by 0.5m. Additionally, the extension is set down appearing subservient to the original dwelling. Accumulatively, the side extension would not be compliant when considered against paragraph 5.20 of

the House Extensions and Alterations SPD in terms of projection. Furthermore, the extension does not retain an adequate gap to each boundary.

In terms of considering the impact the design would have on the host dwelling and wider street scene, a justification was requested by the planning officer as to, why a gap between the boundary could not be retained. An email response of justifications was received on 04 May 2023;

- The extension will be set back 0.5m away from the building line.
- The neighbouring property is not extended to the property boundary, therefore there will be a 0.75m gap between the properties.
- Considering this, due to the side extension being set back, there would be a 1.35m gap leaving a visual break within the building line.

Whilst the extension is set back from the front elevation by 0.5m providing a visual break from a continuous property line, the distance between the side extension and property boundary would still be too small not thereby maintaining adequate space and not sufficiently mitigating a terracing effect. A 0.30m gap to the property boundary is considerably less than the 1.0m gap required as set out at paragraph 5.20 of the House Extensions & Alterations SPD. The lack of a visual break does would result in a loss of character to the street.

It is noted that there are other side extensions to existing dwellings in the locality of which have been taken into consideration. It should be noted that since the publishing of the House Extensions and Alterations SPD (June 2021), there have been no examples on the street where planning permission has been granted for two-storey side extensions. As such, significant weight is given to policy set out in the House Extensions and Alterations SPD (June 2021) to ensure improved design and prevent a terracing effect and very limited weight to any similar examples in the locality.

Whilst there are no properties within the immediate building group that have been extended, it is acknowledged that there are examples of extended dwellings along Cornfield Road including numbers 40a, 46, 52 & 56. As these are located within the wider area very little weight can be afforded to them. In any event, number 56 is located on a corner plot and therefore avoids any terracing effect due to the positioning of the extension, it was also approved prior to the adoption of the SPD. The significant ground levels difference between number 40a and its neighbour mitigates a terracing effect as the respective heights provide relief between thereby maintaining a more open character. Furthermore, the house type varies to its neighbour, further mitigating impact. This extension was also granted permission prior to the House Extensions and Alterations SPD. Numbers 46 and 52 were also granted planning permission before the publishing of the House Extensions and Alterations SPD so whilst similar in design to the current application cannot be afforded significant weight, the majority of properties maintain the gaps which are considered to contribute positively to the character of the street and wider area. Any further diminishment

of the gaps and existing relief between properties would not be in the interest of visual amenity.

Having considered the above factors, the proposed development would result in a significant, adverse impact upon the visual amenity of the streetscape and wider area due to the lack of space and retention of a 1.0m gap to the property boundary therefore not complying with Policy LP24 of the Kirklees Local Plan (a) of the Kirklees Local Plan and House Extensions & Alterations SPD and Paragraph 130 (b) of the National Planning Policy Framework.

Single storey rear extension

Rear extensions should consider the relationship of the host dwelling in terms of size and scale, as to not appear large, whilst maintaining reasonable outdoor space, and not be visible from the roadside. The impact rear extensions cause to neighbouring properties, such as a loss of light or obstructing outlooks should similarly be avoided.

House Extensions and Alterations Supplementary Policy Document (HEASPD) paragraph 5.6, provides clear guidance of what relates to good design for single storey rear extensions;

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties; where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;
- and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Materials of the property relate to the host dwelling which are in keeping with the surrounding properties, which is appropriate.

In terms of scale, additions will total 38.7m². The footprint of the original dwelling is 34.3m², which will increase the footprint of the dwelling by over 100%.

In terms of size, the height of the extension does not exceed 4.0m in height. The projection of the extension is 3.0m which is policy compliant, leaving adequate outdoor space. The projection ensures the rear extension would not be visible from the roadside and is acceptable appearing proportionate to the host building.

Having considered the above factors, whilst the single storey element of the proposals are acceptable, due to the scale and position of the side extension and lack of a 1 metre gap the works are considered to result in a significant, adverse impact upon the visual amenity of the streetscape and not complying

with Policy LP24 of the Kirklees Local Plan (a) as well as guidance set out in the Extensions & Alterations SPD and Paragraph 130 (b) 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 48 Cornfield

No. 48 is to the east of the application site and is the adjoining property. In terms of an impact to privacy, there are no side windows proposed that would overlook No. 48. The rear extension would project a further 3.0m at a height of 2.5m. Given the height of the proposed extension with the projection and roof style, it has been assessed the proposal would not present an overshadowing or overbearing impact on the dwelling. Due to the sun's orientation, there will be a minimal loss of light.

Impact on 52 Cornfield

52 Cornfield is to the west of the application site and is the adjacent, detached property. In terms of windows facing the property, there is a side window which could be addressed, however as there are other material considerations against development, negotiations over this design have been left out of the planning process. Furthermore, the extension has the ability to overbear the neighbour at No.52 52 due to the proximity of the extension. As the adjacent space is a side access and there are no side windows, due to the use of the space it is deemed there will not be an overbearing impact to the neighbour. Due to the current form of No. 52, there will not be a loss of sunlight from the proposed development at the application site.

Impact to 56 Cornfield

This property is to the south of the application site on the opposite side of Cornfield. There will an additional ground and first floor window at No. 50.

Given there is already an existing outlook and distance will not change, it has been deemed there will not be a material change to outlook. The extension will not overbear No. 56 due to distance. Due to the orientation of the plots, there will not be a loss of sunlight.

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 (c) in terms of the amenities of neighbouring properties, Key Design Principles 3, 4, 5, & 6 of the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposal is to add additional living space, including one bedroom to the three-bed dwelling. This will intensify habitable accommodation which could cause additional demand to parking provisions. Currently there are two spaces on the existing drive. Plans show an addition space to be situated to the front of the property where there is currently outdoor green landscape, to mitigate the parking space lost due to the extension. A change in landscaping would alter the characteristics of the street, however other sites have created similar parking spaces and it would appear the works would still maintain some area of front garden, therefore the provision of the additional onsite parking bay is acceptable.

Side access will not be wide enough to allow for bins to be stored at the rear to the back outdoor space. Bin storage will be to the front and should be discreetly screened to prevent any loss of visual amenity within the streetscene. A condition requiring screening to mitigate the visual impact would be required or plans to demonstrate.

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 extension which will affect the main roof of the existing dwelling. Although the site is not situated in an area that is known to include bat habitats, if signs of bat habitats were found, 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 single-storey rear extension at 50 Cornfield 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 amenity, the proposed extension is unacceptable and contrary to policy.

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

The two-storey side extension by way of design, height and distance to the property boundary, would fail to retain a 1.0 metre gap to the side boundary thereby appearing cramped within the plot and would result in erode the space between the houses forming a terracing effect in the street scene, thereby not promoting good design. The development would be detrimental to visual amenity and character of the area and be contrary to Policy LP24 of the Kirklees Local Plan and paragraphs 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document as well as Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Proposed elevations	PL03 REV B	24/05/2023
Proposed floor plans	PL02 REV B	24/05/2023
Block plan	PL01 REV B	23/05/2023
Existing plan and elevations	EX02	16/03/2023
Site location	EX01	16/03/2023

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 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. In this, amendments have been sought, with concerns regarding property boundaries explored and a justification provided. However, the amendments and justifications have been found to be unsatisfactory.