

**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:	2023/62/90916/E
Site Address:	75, Boothroyd Lane, Westtown, Dewsbury, WF13 2LL
Description:	Erection of single storey side extension
Recommending Officer:	Jennifer Booth

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: 31-May-2023

OFFICER REPORT

Site Description

75 Boothroyd Lane is an end terrace property built under a 2005 permission and located on a corner plot with a pebble-dashed front and brick to the sides and rear. The dwelling has gardens to the front, side and rear.

There are other residential properties surrounding with some variances in terms of age and style.

Description of Proposal

The applicant is seeking permission for a single storey side extension.

The extension would lie flush with the front and rear walls with a projection of 3m towards the front, stepping down at 4.8m to 2.2m for 5.3m. The roof would be a combination of pitch and lean to.

The walls of the extension would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2004/94269 - erection of dwelling - refused

2005/90248 - erection of dwelling - 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 extension to the side cannot be supported given the corner position of the property and the extensions incursion over the building line on St John Street. There are no amendments which would overcome the concerns.

Representations

The application was advertised by neighbour letters, which expired on 16/05/2023

As a result of the above publicity, no representations have been received.

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

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

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.

Impact on 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.

Paragraphs 5.15 & 5.16 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

Furthermore, in this instance, the dwelling is located on the corner of Boothroyd Lane and St John Street. Corner plots can be very prominent, in particular where there are two strong visual frontages. Paragraph 4.3 of the House Extensions & Alterations SPD is of relevance as it states that where a street or group of buildings have a clearly defined building line, this should be retained. Paragraph 5.23 of the House Extensions & Alterations SPD is also of relevance which states that side extensions should contribute to the local character through appropriate detailing and should be set back from the building line on both streets.

The extension would extend further than the general building line and significantly forward of the front of the first property on St Johns Street. There are no mitigating circumstances which would justify such an incursion into the building line and given the limitations of the site, the development proposed would appear obtrusive in the street scene, detracting from the character. It is appreciated that the materials proposed would match the main house. However, the side extension is not considered to be acceptable appearing detrimental in terms of visual amenity.

Having taken the above into account, the side extension is considered to be unacceptable with respect to the corner position and the building line thereby failing to comply with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extension & Alterations Supplementary Design Guide and the aims of chapter 12 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.

Impact on 77 Boothroyd Lane

The neighbouring property on the opposite corner of St Johns Street is located some 14m from the site. Given the separation together with the single storey nature of the extension proposed and the limited openings proposed, the extension would not result in any overshadowing, overbearing or overlooking.

With regards to the impact on the adjacent 77 Boothroyd Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of 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 73 Boothroyd Lane

The extension would be located on the opposite side of the host property to the adjoining dwelling and as such would result in no overshadowing, overlooking or overbearing.

With regards to the impact on the adjoining 73 Boothroyd Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of 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 76 Boothroyd Lane

There is a separation of 27m between the host property and the dwelling on the opposite side of Boothroyd Lane. Given the separation distance together with the limited scale of the extension proposed, there would be no overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 76 Boothroyd Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of 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 44 St Johns Street

Given the spatial relationship between the host property and the neighbour to the rear, the proposed extension would not reduce the space between the properties and as such there would be no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 44 St Johns Street, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of 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.

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 limited intensification of the domestic use. There is parking to the rear of the property 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:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 75 Boothroyd 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 side extension would infringe upon the building line onto St Johns Street given the corner nature of the plot, resulting in an incongruous appearance for the wider street scene. To permit the side extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the Kirklees Local Plan and chapter 12 of the Nation 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.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/90916

Officer Recommendation: Refuse

Reasons for refusal

1. Due to the design, scale and positioning the side extension would infringe upon the building line onto St Johns Street given the corner nature of the plot, resulting in an obtrusive feature and incongruous appearance in the wider street scene to the detriment of the character and appearance of the area. To permit the side extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the Kirklees Local Plan and chapter 12 of the Nation Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	-	983674	05/04/2023
Proposed plans	-	983058	05/04/2023
Climate change statement	-	983057	05/04/2023

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 extension to the side cannot be supported given the corner position of the property and the extensions incursion over the building line on St John Street. There are no amendments which would overcome the concerns.

Report Dated

23/05/2023

