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:	**2023/62/91068/E**
Site Address:	57, Douglas Avenue, Soothill, Batley, WF17 6HG
Description:	Erection of part single storey/part three storey rear extension, front and rear dormer extensions and external alterations following removal of existing conservatory
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Jun-2023

Officer Report

Reference No. 2023/62/91068/E
Site Address: 57, Douglas Avenue, Soothill, Batley, WF17 6HG
Proposal: Erection of part single storey/part three storey rear extension, front and rear dormer extensions and external alterations following removal of existing conservatory

Site Description
The application relates to 57 Douglas Avenue, a two storey detached property situated in Soothill, Batley. The dwelling is sited on a corner plot at the junction where Manor Farm Drive and Douglas Avenue intersect. The property is faced in red brick and incorporates a dual pitched roof finished in concrete tiles. The dwelling currently benefits from off road parking to the rear, a detached garage and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings and bungalows of similar materials and architectural styles.

Description of Proposal
The application seeks planning permission for several exterior alterations and additions to the original dwellinghouse. The existing conservatory will be demolished to allow for the proposed development. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations and extensions.

The proposed works are as follows:

- Front dormer extensions (width of approx. 2.45m, a depth of approx. 2.54m and a maximum height of approx. 2m)
- Rear dormer extension (width of approx. 4.85m, a depth of approx. 2.32m and a maximum height of approx. 2.22m)
- Single storey rear extension (projection approx. 3m from rear elevation, maximum height of approx. 3.57m and eaves height approx. 2.85m)
- Three storey rear extension (projection approx. 3m from rear elevation, maximum height of approx. 8.6m and height to eaves approx. 5.45m)
- Installation of a roof light within the front roof plane
- Alterations to fenestration on the east facing side elevation

Relevant Planning History
2003/90197: Erection of conservatory. Planning application details | Kirklees Council – **Conditional Full Permission**

Representations
The application was publicised by neighbour notification letters, which expired on 8th June 2023. As a result of the above publicity, two representations have been received. A summary of the neighbour's comments can be found under the 'Representations' section of the Officer's report.

Consultation Responses
Not Applicable.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design

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.

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 12** - Achieving Well-Designed Places

Assessment

1. **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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. **Visual amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (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 SPD goes onto 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.

Front and Rear Dormer Extensions

The traditional vertical dormer windows would be located within the north and south facing roof planes. The dormers would be set back from the eaves and sited below the existing ridge line. Although the application form states that the dormers would be faced in dark grey UPVC cladding or tile hanging, should the application be approved, a condition will be added requiring the facing materials to be of a similar colour to the existing roof tiles. The dormer windows would also be of an appropriate size and design and would generally align with the existing fenestration. Although there are examples of dormers on bungalows within the immediate street scene, it is noted that this row of two storey dwellings are devoid of dormer extensions. Furthermore, the application property occupies a prominent corner plot where the proposed dormers would be highly visible. On this basis, it is

considered that the proposals would unduly harm the character and appearance of the host property and surrounding area and cannot be supported in terms of visual amenity.

Part Single Storey/ Part Three Storey Rear Extension
The proposed enlargement would extend approximately 3m from the existing rear elevation and would be faced in brick to match the appearance of the original dwellinghouse. The single storey element would incorporate a flat roof form and the three storey element would feature a dual pitched design finished in concrete tiles. It is noted that extension would lack subservience and would alter the scale and form of the original build. Furthermore, due to the property's location on a prominent corner plot, the enlargement would appear incongruous and would be highly visible from public vantage points. On this basis, the enlargement would significantly impact upon the character and appearance of the host property and wider street scene and cannot be supported from a visual amenity perspective.

External Alterations
The plans confirm that a velux window would be installed within the front roof plane and a new second floor window would be installed within the east facing side elevation. Furthermore, it is noted that the existing opening on the eastern side elevation would be removed and replaced with a modest window. Given that the fenestration proposed would be of an appropriate design and scale, they are considered to respect the appearance and character of the surrounding area.

Summary
Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the host dwelling and the wider street scene, and would fail to accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. **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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 13 Manor Farm Drive

13 Manor Farm Drive is a detached bungalow located south of the application site. Due to the offset positioning of the property, it is noted that the proposed front dormer extensions would face towards the neighbour's private outdoor amenity space. However, given that a separation distance of approximately 15m would be retained, it is considered that there would be no additional harm to the occupant's residential amenity over the existing.

Impact on 46 and 48 Manor Farm Drive

46 and 48 Manor Farm Drive are residential properties located east of the application site. The proposed two storey side extension would contain a modest window at first floor level that would face towards the neighbouring properties. However, the plans confirm that a separation distance of approximately 30m would be retained which would prevent any undue harm through overlooking. Furthermore, it is noted that two new windows would also be installed within the existing east-facing side elevation of the property. However, given that the fenestration would serve non-habitable rooms, it is considered that there would be no further harm to the neighbour's residential amenity over and above the current situation.

Impact on 55 Douglas Avenue

The proposed part single storey/part three storey rear extension would be positioned approximately 0.6m from the common boundary shared with 55 Douglas Avenue. The plans demonstrate that the enlargement would accord with the 45 degree rule in relation to the neighbour's first floor fenestration. Although it is noted that the corner of the proposed single storey element would marginally protrude past the 45 degree line, it is taken into consideration that the extension would be in place of the existing conservatory. On this basis, it is considered that would be no overshadowing or overbearing impact on the adjacent occupant's amenity as a result of the proposed works.

Impact on 15 Manor Farm Drive

15 Manor Farm Drive is a detached bungalow located to the rear of the application site. The plans confirm that the proposed part single storey/part three storey rear extension would occupy a position approximately 14.7m from the neighbouring property. Furthermore, it is noted that the rear dormer extension would be positioned approx. 18m from the neighbour's side elevation. It is considered that this is not sufficient separation distance between habitable rooms and the proposal would therefore give rise to an unacceptable overlooking relationship. As such, the harm caused to this neighbour would be significant and cannot be supported in terms of residential amenity.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having considered the above factors, the development proposed would result in an unacceptable overlooking impact upon the residential amenity of the neighbouring occupants at 15 Manor Farm Drive, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 5 & 6 of the House Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

Other Matters

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 relevant to the determination of this application.

4. Representations

Two representations were received following the statutory publicity. The material considerations raised are summarised as follows:

- Loss of privacy as a result of the windows
- Problems with drainage
- Object to two of the new windows

These matters have been addressed within the relevant sections of this report.

Concerns were raised regarding drainage as a result of the extra bathroom/ensuite. However, the development proposed is not considered to materially impact on drainage and would be acceptable in this regard.

5. Negotiations

No amendments were sought or received during the course of the application.

6. Conclusion

This application for the erection of a part single storey/part three storey rear extension, front and rear dormer extensions and external alterations at 57 Douglas Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The cumulative impact of the proposed works would detract from the character of the host property and by reason of the design and scale would result in the creation of an incongruous feature within a prominent location which would be harmful in terms of visual amenity. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

The proposed part single storey/part three storey rear extension and rear dormer extension would create an unacceptable overlooking relationship to the occupiers of no.15 Manor Farm Drive. On this basis, the proposed would fail to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principle 5 & 6 of the House Extensions and Alterations SPD and 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: 2023/91068
Officer Recommendation: Refuse
Reasons for Refusal

1. The cumulative impact of the proposed works would detract from the character of the host property and by reason of the design and scale would result in the creation of an incongruous feature within a prominent location, which would be harmful in terms of visual amenity. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

1. The proposed part single storey/part three storey rear extension and rear dormer extension would create an unacceptable overlooking relationship to the occupiers of no.15 Manor Farm Drive. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principle 5 & 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing Plans & Elevations	-	24/04/2023
Proposed Plans & Elevations	-	24/04/2023
Climate Change Statement	-	24/04/2023

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.

The submitted plans raised significant concerns in terms of the developments impact on visual and residential amenity. Although the 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, this is only within the scope of the application under consideration. In this instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.

Report Dated: 12/06/2023