

**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:	2023/62/91137/E
Site Address:	214, Northstead, Ravensthorpe, Dewsbury, WF13 3EA
Description:	Erection of single storey front and side extensions
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: 12-Jun-2023

OFFICER REPORT

Site Description

214 Northstead is a previously extended red brick semi-detached dwelling with an angled footprint. The property has gardens and a large hard standing to the front and has covered the entirety of the rear yard with an extension (approved) and an outbuilding (not approved although built in 2019 so beyond enforcement). Work has been carried out to form dormers within the front and rear roof planes and there is a porch to the front of the property.

The property is sited within an estate of similar dwellings in terms of age and materials although some have undergone extensions and alterations. To the rear of the site is a large playing field and the opposite side of the road are allotment gardens.

Description of Proposal

The applicant is seeking permission for a single storey extension to the front and side.

The extension to the front would project 1.6m and extend across the front of the dwelling, angling with the profile of the house and wrapping around the side by 1.4m. The roof form would be lean to.

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

Relevant Planning History

2014/90572 – front and rear dormers – refused & dismissed at appeal

2014/93780 – front and rear dormers (modified) – granted conditionally

2015/92926 – erection of single storey front extension and first floor side extension for 216 Northstead- refused

2015/92925 - erection of single storey front and rear extensions - approved and built

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 property already has a live planning permission for a

single storey front extension which is the maximum which could be supported. As such, amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 29/05/2023

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 27** - Flood risk
- **LP 30** – Biodiversity
- **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

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.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The property has a live permission for a front extension on the main front elevation of the dwelling. The current proposals seek to extend the front extension in front of the angled section of the front elevation utilising matching materials. The full width nature of the extension proposed would introduce an incongruous feature in the street scene, when considering the character and appearance of those dwellings to the west, furthermore the entirety of the front of the property would be obscured by the development. Therefore, the proposals fail to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.

Single storey side extension

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.

The side extension would infill the area to the side of the dwelling up to the shared boundary with the adjoining property. This element of the scheme would be single storey and relatively small in scale and would utilise materials to match the main house. On balance, the side extension can be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed front extension would form an incongruous feature in terms of the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extension & Alterations SPD 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.

There are no properties opposite the dwelling which could be affected by the works proposed.

Impact on 212 Northstead

The adjoining property has their own front extension and the side extension would be located on the opposite side of the host property to the adjoining dwelling. As such, the proposals would have no impact on the amenities of the occupiers of the adjoining property with regards to overbearing, overshadowing or overlooking.

With regards to the impact on the adjoining 212 Northstead, 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 210 Northstead

The side elevation of the neighbouring dwelling is blank. As such, the proposed front and side extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 210 Northstead, 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.

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 not result in any intensification of the domestic use. As such the existing parking provision to the front 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.

Contaminated Land

The property is close to a potential source of contaminated land. 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.

Flood Risk

The application site is identified within Flood Zone 3a on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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 front and side of 214 Northstead 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 front extension, by reason of its design, width and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 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: 2023/91137

Officer Recommendation: Approve

Conditions and Reasons

1. The proposed front extension, by reason of its design, width and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	985912	17/04/2023
Site plan	-	985911	17/04/2023
Proposed & existing plans	01	985914	17/04/2023
Proposed & existing plans	02	985915	17/04/2023
Climate change statement	-	985910	17/04/2023

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 property already has a live planning permission for a single storey front extension which is the maximum which could be supported. As such, amended plans have not been sought.

Report Dated

07/06/2023

