

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:	2023/62/91322/E
Site Address:	14, Linton Avenue, Healey, Batley, WF17 7HP
Description:	Erection of first floor extension and external alterations
Recommending Officer:	Nicole Helliwell

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: 24-Jul-2023

Officer Report

Reference No. 2023/62/91322/E

Site Address: 14, Linton Avenue, Healey, Batley, WF17 7HP

Proposal: Erection of first floor extension and external alterations

Site Description

The application relates to 14 Linton Avenue, a two storey end terrace property situated in Healey, Batley. The dwelling is predominately faced in brick with render at first floor level and incorporates a dual pitched roof finished in concrete tiles. The property currently benefits from a detached outbuilding, a front yard and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles.

Description of Proposal

The application seeks planning permission for a first floor rear extension and external alterations to the original dwellinghouse. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations and extension. The proposed first floor rear extension would project approximately 3m from the rear elevation of the original build. The extension would measure approximately 5.25m wide and would be flush with the existing single storey element. Furthermore, the addition of the first-floor extension would create a cumulative height with the existing single storey extension of approx. 7.1m.

Relevant Planning History

2000/92351: Erection of stable. [Planning application details | Kirklees Council](#)
- **Refused**

93/04749: Erection of detached garage. [Planning application details | Kirklees Council](#) - **Conditional Full Permission**

Representations

The application was advertised by neighbour notification letters, which expired on 23rd June 2023. As a result of the above publicity, no representations were received.

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
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change

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 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.

First Floor Rear Extension

The proposed extension would be a first floor addition to the existing single storey element of the property and would provide additional living space at first floor level. The extension would incorporate a dual pitched roof and would be constructed in a material palette to match the appearance of the original dwellinghouse. The extension would feature a lower ridge line and would have some form of subservience to the host property. Although the proposed extension would not retain 1m to all property boundaries, it would have an acceptable scale relative to the original build and would maintain a sense of space within the plot. On this basis, the proposal is not considered to have a significant visual impact on the character and appearance of the host property and surrounding area and therefore would be acceptable in this regard.

External Alterations

The proposed external alterations would see a modest window installed at first floor level on the side elevation of the dwelling. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, 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.

The submitted plans confirm that no properties located north, east and west of the application site would be affected by the proposed works.

Impact on 16 Linton Avenue

The proposed first floor rear extension would be positioned approximately 0.3m from the common boundary shared with 16 Linton Avenue and would fail to accord with the 45-degree rule in relation to the neighbour's first floor windows. Therefore, it is considered that the proposal would result in an oppressive and overbearing form of development due to its scale, design and proximity. As such, the harm caused to this neighbour would be detrimental 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 have an oppressive and overbearing impact upon the residential amenity of the neighbouring occupants at 16 Linton Avenue, 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 proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. Whilst it is noted that the property does not currently benefit from off road parking, given that there are no parking restrictions on street, it is considered that on balance the parking provision would be acceptable. For these reasons, the development would comply 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

No representations were received following the statutory publicity.

5. Negotiations

Amendments were sought during the course of the application to address Officers concerns with regard to residential amenity. However, no revised plans were received.

6. Conclusion

This application for the erection of a first floor extension and external alterations at 14 Linton 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 proposed first floor rear extension, by reason of its scale, design and location would have an unacceptable overbearing and oppressive impact to the occupiers of no.16 Linton Avenue. 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.

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: 2023/91322

Officer Recommendation: Refuse

Reasons for Refusal

1. Due to its scale, design and location, the proposed first floor rear extension would have an unacceptable overbearing and oppressive impact to the occupiers of no.16 Linton Avenue. 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	1	10/05/2023
Proposed Plans	2	10/05/2023
Climate Change Statement	-	10/05/2023

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 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. Although amendments were sought by the Officer, revised drawings were not forthcoming.

Report Dated: 21/07/2023