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:	**2023/62/91414/E**
Site Address:	2, Spen Vale Street, Heckmondwike, WF16 0NH
Description:	Erection of single storey front extension
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: 10-Jul-2023

Officer Report

Reference No. 2023/62/91414/E
Site Address: 2, Spen Vale Street, Heckmondwike, WF16 0NH
Proposal: Erection of single storey front extension

Site Description
The application relates to 2 Spen Vale Street, a two storey mid-terrace property located in Heckmondwike. The dwelling is faced in red brick and incorporates a dual-pitched roof finished in tiles. The property benefits from a small yard to the front and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials, scales and designs.

Description of Proposal
The applicant seeks planning permission to construct a single storey front extension. It is noted that the existing porch will be demolished to allow for the proposed works. The proposed extension would project approximately 3m from the front elevation of the original dwellinghouse. It would feature a maximum height of approx. 4.28m and an eaves height of approx. 2.8m.

Relevant Planning History
Not Applicable.

Representations
The application was advertised by neighbour notification letters, which expired on 6th July 2023. As a result of the above publicity, no representations have been 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. However, it is located within the Strategic Green Infrastructure Network. 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
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network

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)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- 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
- **Chapter 15** - Conserving and Enhancing the Natural Environment

<u>Assessment</u>

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.

Single Storey Front Extension

The proposed single storey front extension would extend approximately 3m from the front elevation of the original dwellinghouse. The enlargement would incorporate a mono-pitched roof and would be faced in red brick to match the appearance of the host property. However, the extension would have a large projection and would have a disproportionate scale such that it would appear unduly prominent from public vantage points. Therefore, the enlargement would appear incongruous and would form an unsympathetic addition to the property. For these reasons, it is considered that the proposed development would fail to respect the character and appearance of the host dwelling and surrounding street scene and therefore, the proposal cannot be supported in terms of visual amenity.

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.

The submitted plans confirm that no properties to the front and rear of the dwelling would be affected by the proposed works.

Impact on 1 Spen Vale Street
1 Spen Vale Street is a residential property located west of the application site. The plans confirm that the proposed single storey front extension would be positioned approximately 0.15m away from the common boundary and would accord with the 45-degree rule in relation to the neighbour's ground floor windows. On this basis, it is considered that the proposed development would have an acceptable impact on the neighbour's residential amenity.

Impact on 3 Spen Vale Street
The plans confirm that the proposed single storey front extension would be positioned in close proximity to the common boundary shared with 3 Spen Vale Street and would fail to accord with the 45-degree rule in relation to the neighbour's ground floor windows. Therefore, due to its proximity and height, 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
It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development 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 3 Spen Vale Street, 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 extension would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the proposed development would be 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.

4. 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.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice should the application be approved to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Amendments were sought during the course of the application to address the impact on residential and visual amenity. However, no revised plans were received.

7. Conclusion

This application for a single storey front extension at 2 Spen Vale Street 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 single storey front extension, by virtue of its design and scale would form an unsympathetic addition to the property and an incongruous feature within the street scene. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD and advice contained within Chapter 12 of the National Planning Policy Framework.

Furthermore, due to its scale, design and location, the proposed single storey front extension would result in an unacceptable oppressive and overbearing impact on the occupiers of no.3 Spen Vale Street. 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: 2023/91414
Officer Recommendation: Refuse
Reasons for Refusal

1. The proposed single storey front extension, by reason of its design and scale would form an unsympathetic addition to the property and an incongruous feature within the street scene. To permit the proposal would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD and advice contained within Chapter 12 of the National Planning Policy Framework.

1. Due to its scale, design and location, the proposed single storey front extension would result in an unacceptable oppressive and overbearing impact on the occupiers of no.3 Spen Vale Street. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 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
Location Plan	BAT1-W2-XX-XX-DR-A-002	26/05/2023
Elevations & Plans	BAT1-W2-XX-XX-DR-A-001	22/05/2023

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

Report Dated: 08/07/2023