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:	**2023/62/91426/E**
Site Address:	5, Wells Mount, Upper Cumberworth, Huddersfield, HD8 8XQ
Description:	Demolition of existing conservatory and erection of single storey rear extension and first floor side extension with partial conversion of existing garage
Recommending Officer:	Elenya Jackson

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: 11-Jul-2023

OFFICER REPORT

Site Description
5, Wells Mount, Upper Cumberworth, Huddersfield, HD8 8XQ is a two storey detached dwelling which currently benefits from its own driveway and private garden. The property is the third property in the street scene form Carr Hill Road.
The dwelling is constructed out of buff stone which is replicated in all properties in the street scene. The properties which comprise the street scene are not uniform in appearance; however, they are cohesive in terms of building materials, relationship to the street scene.
The area is medium density and residential in nature; the property does not have any non residential properties within its immediate vicinity.
The site is located within a low risk coal area

Description of Proposal
Demolition of existing conservatory and erection of single storey rear extension and first floor side extension with partial conversion of existing garage.
The proposed conservatory replacement would extend 2.9m beyond the rear of the existing dwelling and have a width of 4m. This would be constructed out of grey aluminium.
This would adjoin the proposed two storey projection which is situated in the same footprint as the existing single storey garage. This would extend 3.2m beyond the rear elevation of the existing dwelling and have a width of 3.2m, its overall depth would be 6.2m. The plans would have a maximum height of 7m matching the existing dwelling with an eaves height of 5.3m.
The proposal would include a Juliet balcony to its principal elevation.
The proposal would be constructed with all external facing materials matching the existing dwelling

Relevant Planning History
No relevant planning history

Representations
The application was advertised by neighbour letters which expired on 6/07/2021

No representations were received

Consultation Responses
Denby Dale Parish Council: No objections

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 without allocation on the Kirklees Local Plan.
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 53**- Contaminated and unstable 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

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 Extension 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Dependent upon design, scale and detailing, it may be acceptable to extend the host property. Key Design Principle 1 of the House Extension & Alteration supplementary planning document (HESPD) 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 HESPD 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.

The single storey rear element of the proposal would not be visible within the street scene as it relates to the rear of the property. It is considered that this is of suitable scale to not dominate the host property and of acceptable design.

Section 5.3 of the Kirklees house extensions and alterations HESPD refers to side extensions and states that two storey and first floor side extensions should be visually smaller in relation to the original house, set back 50cm from the front of the house to provide a break from the roof line and retain a gap of at least 1m from boundary walls to avoid a terracing effect.

It is considered that the first floor extension over the existing garage would be set back from the existing dwelling and would appear visually smaller than the host dwelling. The introduction of a Juliet balcony is not characteristic of the area; however, it is considered that it would not significantly impact the character of the host dwelling or the surrounding area.

Having taken the above into account, the proposed extension would not cause any material 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.

3 – 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 HESPD 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.
7 Wells Mount: is situated to the north of the application property.
Overlooking: The proposal would not feature any side facing windows and the window introduced in the rear elevation is non habitable thereby avoiding any overlooking of neighbouring amenity space.
Overshadowing/loss of light: The proposal would extend 8.5m beyond the rear elevation of no.7 and be situated to the south of the dwelling. It is considered that the depth of the proposal coupled with its close proximity, to the neighbouring boundary, would create an unacceptable level of overshadowing for the immediate private amenity space of no.7
Overbearing: As previously highlighted, the alterations to the first floor would extend 8.5m beyond the rear elevation of no.7. It is considered that the proposal would introduce a blank two storey structure closer to the immediate private amenity space of no.7 and a depth of 8.5m. It is considered that this would result in an unacceptable overbearing impact to the occupiers of no.7.

3 Wells Mount: is situated to the south of the application property
Overlooking: the Proposal would not feature any side facing windows and the window introduced in the rear elevation is non habitable thereby avoiding any overlooking of neighbouring amenity space.

Overshadowing/loss of light: The two storey element of the proposal would be set a sufficient distance from no.3 to not raise any concerns regarding overshadowing/loss of light. The single storey element of the proposal would be predominantly screened by the boundary treatment between the two dwellings.
Overbearing: The two storey element of the proposal would be set a sufficient distance from no.3 to not raise any concerns regarding overbearing. The single storey element of the proposal would be predominantly screened by the boundary treatment between the two dwellings.

Therefore, it is considered that, the first floor side extension by reason of its scale, proximity to a shared boundary and orientation would result in an unacceptable level of overshadowing/loss of light and overbearing to the private amenity space of no.7 Wells Mount.

4 – Impact on highway safety:

The proposals would some intensification of the domestic use of the property. However, the proposal would not create any additional bedrooms and the existing garage is considered substandard. As such, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. 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.

Contaminated Land

The site is located within a low risk coal area, as a result, an advisory note will be added to the decision notice to ensure the proposal accords with LP53 of the Kirklees Local Plan

6 – Representations:

No representations received.

7 – Negotiations:

No negotiations were requested as the application is recommended for refusal and the scale of alterations which would be required would not be possible in the scope of this application.

8 – Proposed conditions

None as the recommendation is for refusal.

9 – Conclusion:

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. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.
Due to the scale, mass and location of the proposal, the extension would create an unacceptable overshadowing and overbearing relationship to the occupiers of no.7 Wells Mount and their private amenity space. The proposal would fail to meet Kirklees Local Plan Policy LP24 in terms of minimising the impact to the residential amenity of neighbouring occupiers and the criteria of the House Extension SPD, particularly KDP 2 & 6 in terms of impact to neighbouring residents and preventing an overbearing impact.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2023/91426
Officer Recommendation: Refuse
Conditions and Reasons

1. Due to the scale, mass and location of the proposal, the extension would create an unacceptable overshadowing and overbearing relationship to the occupiers of no.7 Wells Mount and their private amenity space. The proposal would fail to meet Kirklees Local Plan Policy LP24 in terms of minimising the impact to the residential amenity of neighbouring occupiers and the criteria of the House Extension SPD, particularly KDP 2 & 6 in terms of impact to neighbouring residents and preventing an overbearing impact.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Existing plans and elevations	175-23-PL01	16/05/2023
Location Plan	175-23-PL03	16/05/2023
Proposed Floor Plans and Elevations	175-23-PL02 Rev:B	16/05/2023

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 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. It was not considered that amended plans would address concerns due to the location and scale of the first floor extension proposed.