

**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:	2023/62/91983/W
Site Address:	12, Bayfield Close, Hade Edge, Holmfirth, HD9 2QX
Description:	Erection of first floor rear extension and associated alterations
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 12-Oct-2023

Officer Report

Site Description

2023/91983 – 12, Bayfield Close, Hade Edge, Holmfirth, HD9 2QX

The application relates to a modern, L-shaped, detached stone property with concrete tiled roof, part of a residential development of similar dwellings. Its rear elevation faces out to Dunford Road which is a classified C road and occupies a highly visible and prominent position adjacent to open space/recreation grounds. It is seen as part of a row of five detached properties with the same rear elevation building line at first storey, with the property itself disrupting this repetitious rear elevation alignment at ground floor with its single-storey lean-to roofed extension. The single-storey rear extension appears very prominent in the streetscene being ~6.1m to the rear boundary and the pavement. It has also been extended with a first-floor extension over its original single-storey side projection similarly to other properties within the row of houses.

Description of Proposal

It is proposed to have the erection of a first-floor rear extension and associated alterations to the host.

This would be over the existing single-storey rear extension with a width and roof height to match the host projecting 3.3m. It would be in matching materials and have a rooflight either side of the pitch roof. Proposed fenestration details would be largely glazed rear elevation (bi-fold doors) with Juliet balcony with ashlar stone surrounds.

The host would have two rooflights to the north roof elevation and solar panels to both roof planes of its first floor side extension. It would have an obscure glazed window on the first floor of the south elevation finished with stone head and cill. An EVCP will be installed to the front porch.

The extension would have the reconfiguration of rooms within and the first floor space would serve the relocated main bedroom with the obscure glazed window serving an ensuite.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as the proposal could not be amended to overcome Officer concerns. The agent was advised of the reasons for refusal within the previously withdrawn planning application: 2023/90874. The reasoning the current application cannot be supported are unchanged.

Relevant Planning History

2001/91808	Erection of first floor extension. Approved.
99/91392	Erection of ground floor extension. Approved.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 16/08/2023

No representations have been received.

Consultation Responses

Holme Valley Parish Council: Support but with some concern for impact on neighbouring property

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) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area 3: 'Hade Edge Upland Pastures'.

The site is unallocated for development on the Kirklees Local Plan. It is not within a Bat Alert layer. It is in Flood zone 1 and a Low Coal Risk Area. There is no identified known potential for land contamination or heritage assets to be affected. It is nearby to the Green Belt opposite UGS designated land known as: Hade Edge Junior & Infant School & Hade Edge Recreation Ground, Hade Edge.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

HVNDP Policies relevant to this application are:

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 3: Conserving and Enhancing Local Heritage Assets
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05th September 2023, 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g., trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is unallocated land for development on the Kirklees Local Plan. It is within the Holme Valley Neighbourhood Development Plan area.

Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. In satisfaction of this aim, the Council has made a pre-application service available and set out design guidance within the House Extensions and Alterations SPD.

In addition, Policies within LP02, and LP24 of the Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, the Key Design Principles of House Extensions and Alterations SPD and Chapter 12 of the NPPF will guide the proposal's impact on achieving good design. In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on Visual Amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, the Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The Holme Valley Neighbourhood Development Plan guides Officers to consider the certain characteristics of their identified character areas for place shaping and good design. Of relevance to this proposal for the LCA3, Officers are required to consider long distance views of the open landscape, retaining/including stone boundary walls and vernacular building materials such as millstone grit in properties to form a strong local identity.

LP24 of the Kirklees Local Plan requires extensions to *be “subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”* and the House Extensions and Alterations SPD supports this aim with detailed guidance to be considered within section 5, 5.1-5.4 (page 23).

Any rear extension should:

- maintain the quality of the residential environment and relate well to the neighbouring buildings.
- should generally not be visible from the street
- preserve a proportionate back garden, with a general expectation that at least 50% of the rear is retained
- be set behind the original building, and avoid projection from sides
- maintain external access to garden

Cumulatively, the proposal would have the effect of forming a two-storey extension to the host with the addition of a first-floor extension over a single-storey extension. So, guidance is taken from the two storey rear extension's recommended design parameters within 5.8-5.10 of the SPD (page 25) as follows:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);

- not project out more than 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;

The proposal seeks to continue the design and form of the existing gable end from the rear, incorporating a similar roof style and pitch with its rear elevation finishing with the existing ground floor extension (3.3m projection from rear). It would not provide a clearance of 1.5m to flank boundaries and is above 3m to the eaves within 1.5m of the property boundary. It would be built over an existing footprint so there would be a neutral impact on the rear garden. Materials would be to match the host.

The glazing and Juliet balcony feature would appear as a somewhat incongruous and overly modern prominent design feature to the streetscene overlooking the recreation grounds with this effect made more visually jarring so close to the highway.

The 'rear' elevation of the dwelling addresses the main C-Class Dunford Road at close quarters and would be a dominant and incongruous feature in the street scene. It would be forward of the rear 'building line' of the dwellings on Bayfield Close and would introduce a more dominant, protruding gable feature prominent in the streetscape. It would appear noticeably larger than the more modest row of properties, and out of step with the scale of development locally. Furthermore, it would cumulatively add volume to a dwelling which has already been substantially altered and enlarged. Whilst the host has been much extended, this is presently seen in the context of similar extensions with its neighbouring properties and forms a pleasing consistency in architectural design. The extension would not be subservient and would over-dominate the original dwelling.

As such it would create a conflict with Principles 1 and 2 of the SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

The rooflights and solar panels would not add any discernible bulk and massing to the host and be viewed as minor modifications to the host which would appear acceptable.

In conclusion, the proposed extension by reason of its siting, design, scale and massing taken cumulatively with existing extensions, would not be subservient to the original dwelling and would appear as an incongruous, overprominent and discordant addition to the dwelling and wider street scene.

The development would be contrary to Policies LP2 and LP24(a) and (c) of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policy 2 of the HVNDP states that residential amenity should be considered in the assessment of applications.

Further to this, Paragraph 130 of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions and Alterations SPD seek to ensure that development does not have a detrimental impact on privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

No. 14 Bayfield Close

The proposal would have a two-storey development approximately separated from the shared flank boundary by 3.3m and a new obscure glazed window to the first floor facing no. 14’s windowless side elevation. As such, it would be adequately sited at a distance to the north of the neighbour so as to avoid overbearing or any reduction in the 45° field of outlook from the windows at no. 14’s rear elevation, would not lead to overlooking or loss of privacy and overshadowing.

No. 10 Bayfield Close

This property has a similar L shape configuration to no. 12 with a gable rear elevation set away ~3.6m from no. 12’s flank elevation. The proposed would have a very prominent two-storey development appearing 5.2m height from ground level separated 1m from no. 10’s flank elevation due southwest, and adjacent to no. 10’s kitchen window and obscure glazed en-suite windows. There would not be any additional windows to cause overlooking or loss of privacy. A 45° field of outlook has been sufficiently demonstrated for their habitable room window at the gable projection adequately avoiding overbearing effects to those. The adjacent windows are non-habitable and the kitchen window is already adjacent to the single-storey extension with its lean-to roof adding to a present minor closure of the field of outlook. Observation of the likely sun path throughout the year would have shadowing restricted to late afternoons to the rear elevation and not have a substantial impact on overshadowing. The outside amenity space used for sitting out and other activities is sited to the opposite side of the garden and therefore the proposal would have an acceptably limited impact on the amenity of the neighbours overall.

No other neighbouring properties would be affected.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would have a neutral impact on outside space and be acceptable.

The proposal would therefore be in general conformance with LP24b and the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposed development would not affect the existing parking spaces or alter bin arrangements within the site, nor intensify use and therefore would not cause additional harm to highway safety in compliance with Policies LP21 and 22 of the Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, Policy 12 of the Holme Valley Neighbourhood Development Plan, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement was supplied noting solar panels, local materials sourcing, smaller north facing rooflights and energy efficient lighting which would be positive contributors.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. Given the improved Building Regulations setting out high requirements for insulation and energy efficiency, the proposal would be of benefit to the original building's energy efficiency and would contribute positively towards carbon reduction.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off street parking area with development limited to the existing footprint therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan and Key Design Principle 14 of the House Extensions and Alterations SPD.

Biodiversity

The site is not located within an identified bat alert area or noted area for biodiversity and would be on an existing building footprint with no loss of vegetation. Given the extremely limited impact of the development, there would be no compensatory mitigation required to supply positive gains in biodiversity in order to comply with Policy 13 of the Holme Valley Neighbourhood Development Plan, Key Design Principle 12 –13 of the House Extensions and Alterations SPD and Chapter 15 of the NPPF.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that 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.

The proposed extension by reason of its design, scale and massing taken cumulatively with existing extensions, would not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling on a prominent site which would, in turn, harm the character and appearance of the host dwelling and the wider street scene. The proposed quantum of development to the existing arrangements of building would visually appear as overdevelopment of the site. The development would be contrary to Policies LP2 and LP24(a) and (c) of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2023/91983

Officer Recommendation: Refuse

Reasons

1. The proposed extension by reason of its siting, design, scale and massing taken cumulatively with existing extensions, would not be subservient to the original dwelling and would appear as an incongruous, overprominent and discordant addition to the dwelling and wider street scene. The development would be contrary to Policies LP2 and LP24(a) and (c) of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location, Block, Floor and Elevation Plans with 3D views.	Drawing no. 0200.	P01	07/07/2023
Proposed Block, Floor and Elevation Plans with 3D views.	Drawing no. 0201.	P05	07/07/2023
Planning Statement.	June 2023.	-	07/07/2023
Climate Change Statement	-	Original	07/07/2023

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 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 applicant was approached regarding the application's likely refusal but wished it to be determined on the basis of the submitted scheme. As set out in the reason for refusal the development would not improve the visual amenity of the area.

Report Dated: 10/10/2023