

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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|-----------------------|---|
| Reference No: | 2023/62/92027/E |
| Site Address: | 82, Bywell Road, Dewsbury, WF12 7LJ |
| Description: | Erection of outbuilding with storage room |
| 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: 29-Jul-2024

OFFICER REPORT

Site Description

82 Bywell Road is a detached, brick built dwelling located on the corner of Bywell Road and Canterbury Road, The property has a garden to the front , drive to the side and enclosed garden to the rear with an existing outbuilding.

The property is surrounded by residential properties of a similar age although there are some variances in terms of style.

Description of Proposal

The applicant is seeking permission for extend the existing outbuilding.

The extension would be "L" shaped, extending 5.7m to the rear of the existing outbuilding and 7.6m along the rear boundary of the site. The roof form would be hipped.

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

Relevant Planning History

2005/90647 - erection of single storey garden room extension - approved

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, this is only within the scope of the application under consideration. The scale of the outbuilding extension is considered to be excessive and would form an incongruous development in a prominent position. The agent has supplied amended plans which retained the footprint while reducing the roof to a flat roof form. These alterations were not considered to overcome officers concerns.

Representations

The application was advertised by neighbour letters, which expired on 17/08/2023

As a result of the above publicity, two representations have been received. The material planning matters raised are summarised as follows:

- The scale of the outbuilding would be overbearing.

Concerns have been raised regarding the potential for attracting pigeons, however, this matter is outside the remit of Planning and as such is not material to the determination of the application.

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

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 December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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 Extensions & 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 Extensions & 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 Extensions & 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.

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The property has an existing, modest outbuilding to the rear. The proposals under consideration would see the size of the outbuilding increased significantly lacking subservience relative to the host and situated in a very prominent position and as such would form an incongruous feature in the street as well as detracting from the character of the host. Due to the scale

and positioning, the proposals are considered to be unacceptable in terms of visual amenity.

Having taken the above into account, the significant extension to the outbuilding proposed would result in harm in terms of visual amenity for both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & 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 Extensions & 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.

Impact on 80 Bywell Road

The neighbour to the northwest is located on the opposite side of the entrance into Canterbury Road. Given the spatial relationship, the enlargement of the outbuilding would not result in any detrimental impact on the amenities of the occupiers of the neighbouring property.

With regards to the impact on the neighbouring 80 Bywell Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 84 Bywell Road

Given the position of the outbuilding relative to the adjacent property, the proposed works would have no potential for overshadowing, overbearing or overlooking.

With regards to the impact on the adjacent 84 Bywell Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 1 Canterbury Road

The extension to the outbuilding would run parallel to the rear boundary which is the side boundary for the neighbouring property. The side elevation of 1 Canterbury Road has limited openings, none of which appear to be habitable. Given the spatial relationship together with the single storey nature of the outbuilding, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 1 Canterbury Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 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 Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use. 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 Extensions & Alterations 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 for consideration.

Representations:

Two representations have been received. The material planning matters raised are summarised as follows:

- The scale of the outbuilding would be overbearing.

Other matters may have been raised such as potential for attracting pigeons, however, this is outside the remit of Planning.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to extend the existing outbuilding to the rear of 82 Bywell Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The extensions to the outbuilding would result in a large structure, in a prominent position which would appear incongruous in the street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & 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: 2023/92027

Officer Recommendation: Refuse

Reasons for refusal

1. The extensions to the outbuilding would result in a large structure, located in a prominent position which would appear out of scale and character with the host as well as incongruous within the street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

| Plan Type | Reference | Web ID | Date Received |
|--------------------------|-----------|--------|---------------|
| Location plan | - | 998151 | 06/07/2023 |
| Proposed plans | AR-01 | 998152 | 06/07/2023 |
| Climate change statement | - | 998153 | 06/07/2023 |

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 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 scale of the outbuilding extension is considered to be excessive and would form an incongruous development in a prominent position. The agent has supplied amended plans which retained the footprint while reducing the roof to a flat roof form. These alterations were not considered to overcome officer's concerns.

Report Dated 25/07/2024

