

**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:	2023/62/92374/W
Site Address:	54, Newsome Road, Newsome, Huddersfield, HD4 6NQ
Description:	Erection of two storey side extension and front and rear dormers
Recommending Officer:	Luke Walstow

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: 09-Oct-2023

OFFICER REPORT

Application Reference: 2023/92374

Site: 54, Newsome Road, Newsome, Huddersfield, HD4 6NQ

Site Description

The site relates to 54 Newsome Road, an end terrace dwelling in a row of 3 dwellings, located within the residential area of Newsome, Huddersfield. Due to the rising topography of the area, dwellings are located on different levels to one another and, on this side of the road, above the level of the highway. Dwellings within the street scene are of similar scale and design, thus harmonising in appearance. The dwelling has a rear garden and has no off-street parking.

The dwelling has a blue slate hipped roof, stone ground floor front elevation, red brick side and rear ground floor elevations and rendered first floor elevations.

Description of Development

The applicant is seeking planning permission for the erection of two storey side extension and front and rear dormers.

Two-Storey Side Extension

Projection from side wall: 1.5 metres

Length: 6.6 metres

Height: 7.3 metres

The proposed extension would serve as a utility room and staircase on the ground floor, and a staircase on the first and second floors. The extension would be constructed from the same materials used on the host extension and would incorporate a gabled roof.

Front Dormer

Projection: 4 metres

Width: 1.9 metres

Height: 1.95 metres

Rear Dormer

Projection 4 metres

Width: 4.1 metres

Height: 2.2 metres

The dormers would allow the second floor to be used as two additional bedrooms. The dormers would be provided within an extended roof, including a hip to gable alteration.

History of negotiations/amendments sought

No amendments have been sought in the processing of this application as it was considered that the application could not be amended to be acceptable. The agent was informed of this and commented as follows:

“I would like to refer you to similar or indeed identical approvals nearby namely extensions at 24,29 Newsome Road and 1 Orchard Terrace. The one at 1 Orchard Terrace approved only recently. The proposed extension is set back 500mm and set down 500mm to form a subservient detail in accordance with your design guide. Similarly no off street parking was provided at these properties. The proposal is to provide student accommodation which will now be at a premium due to recent plans to convert existing student accommodation to refugee accommodation”.

Officer's response: Each application is treated on its own merits and the cases highlighted, are not comparable to the development proposed here.

No. 29 Newsome Road does not appear to have been extended; no. 24 Newsome Road is a partly commercial property for which no planning applications have been submitted since 2013. The recent development at no. 1 Orchard Terrace is to a corner property with an existing gabled roof where there is a front dormer in the immediate streetscene on a similar property. (2023/62/90585/W)

Planning History

2023/91950. Prior notification for single storey rear extension. *Not Required – 07/08/2023. Extant*

Publicity and Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 05th October 2023 – no representations received.

Consultation Responses

No statutory consultations were requested for this application.

Planning Policy Background

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 in the adopted Kirklees Local Plan

Kirklees Local Plan

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th 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, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highway Design Guide (November 2019)
House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters (including climate change and biodiversity)
5. Representations
6. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan (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 National Planning Policy Framework. Policy LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

In this case, the principle of the rear extensions could be acceptable, but this is subject to an assessment against the applicable material planning considerations, which shall be discussed below:

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.20 of the House Extensions and Alterations SPD provides advice for specific extensions and alterations.

5.20 Two-storey side extension

- *not take up all or most of the space to the side of a house.*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house.*

The proposed extension would be constructed from similar materials as the host dwelling, whilst this is appropriate, it would however take up most of the space to the side of the dwelling, with no 1-metre separation gap to the neighbouring property. Whilst it is almost 500mm from the front wall (~0.46 metres) there is no clear visual break when viewed from the front, which is compounded by the roof design (gable not hipped). It would visually appear adjoined to the neighbouring property’s boundary and would appear incongruous in the wider streetscene. As no. 54 is stepped forward of no. 56 to the south, and the siting of the application property is on rising land, the side extension and gabled roof form would be overtly visible within the streetscene and would be a detrimental feature to the visual amenity of the area. The proposed side extension would be visually harmful to the host property and the wider streetscene. To this extent the development is contrary to Policy LP24 (a and c) of the Local Plan and the adopted SPD.

Section 5.27 of the SPD relates to dormers and provides guidance on what is required:

5.27 Dormer windows should:

- *relate to the appearance of the house and existing roof.*
- *be designed in style and materials similar to the appearance of the existing house and roof.*

- *not dominate the roof or project above the ridge of the house.*
- *be set below the ridgeline of the existing roof and within the roof plane; and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The proposed front dormer does not relate to the appearance of the house or its roof and is within an area where front dormers are not part of the streetscene to this type of property, although they are present to older dwellings on the other side of the road. It would appear as a sizeable and incongruous feature to this dwelling and within the wider roofscape. It would be located off-set from the windows below and not in a symmetrical location within the roof. It would cause harm to visual amenity, contrary to Policy LP24 (a and c) and the SPD.

The rear dormer, whilst large, does to some extent represent development that could be undertaken utilising 'permitted development rights' (subject to materials).

For all of the reasons outlined above, it is considered that the proposal would cause detrimental harm to the visual amenities of the locality. The proposed development is considered to be contrary to Chapter 12 of the NPPF, LP24 (a and c) of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, together with the detailed guidance on 2-storey side extensions and dormers.

3 – Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

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

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."*

- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*
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The following neighbouring dwellings have had their residential amenity assessed in relation to the proposed development:

Impact on 52 Newsome Road

52 Newsome Road is a mid-terraced dwelling adjoined to the host dwelling within the application site, located to the North. The proposed side extension would not impact this neighbour due to its proposed location. The proposed dormers would not impact this neighbour in terms of natural light received or in relation to overshadowing and overbearing due to their height and mass. The rear dormer would have a view over this neighbouring dwelling rear garden but would not be a new visual vantage point due to windows within the first floor having a similar visual outlook, thus not harming the neighbours privacy to a material degree.

Impact on 56 Newsome Road

56 Newsome Road is a semi-detached dwelling located to the south of the application site, sharing a boundary with the host dwelling of the proposed development. This neighbour has a window within the ground floor side elevation, first floor side elevation and a door which face onto the application site. With the side extension being built upon the site boundary, the outlook from these openings would be reduced. However, the first floor window is not deemed to be for a habitable room, therefore the impact upon the window is not deemed to be a significant residential amenity issue. The ground floor openings do not appear habitable either and are already partly impacted by boundary fencing. Whilst the dwelling is built upon the site boundary, 56 Newsome Road is located on a slightly higher elevation than the site. This mitigates the side extension's potential to be overbearing and create an overshadowing effect. The dormers would not overlook the neighbour any more than the first-floor windows that are existing currently do.

The property on the opposite side of Newsome Road, no. 49, does not directly face the application site, is at a lower level and is separated from the site by at least 25m. For these reasons no materially adverse impact would be created for its occupiers.

Principle 7 seeks to maintain adequate outdoor space to ensure a dwelling has sufficient amenity space for the current and future occupiers. Whilst the side extension would utilise space to the side of the dwelling, it is considered outdoor space retained within the rear garden is acceptable to be used by current and potential future occupants.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the Council's adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would result in bedrooms on site increasing from 2 to 5. SPD guidance states for dwellings with 4 bedrooms or more, there should be a minimum of 3 off-street car parking spaces provided. There are no existing car parking spaces on site, and there is no opportunity to create off-street parking to serve the development. This could result in extra cars parking on the highway, which is already heavily used for parking by residents within the row of houses. However, parking on street is already controlled by permit parking only on this side of the road, and double yellow lines on the other. The site is within a largely sustainable area on a good bus route into the town centre with convenience shopping nearby. Taking these factors into account in this individual case, the lack of car parking would not form a reason to refuse this application.

It is considered that appropriate waste storage and collection arrangements could be imposed by condition to ensure the bins required to serve the extended dwelling were stored on site, rather than the highway. In this respect the proposal could also be in accordance with Principle 16 of the House Extensions and Alterations SPD.

It is therefore considered that in terms of access and highway safety / parking the proposal would, on balance, satisfy Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters/Climate Change

Climate Change

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.

Principles 8-11 of the House Extensions and Alterations SPD also relate to combatting climate change and they state the following:

- Principle 8 (Energy Efficiency): Extensions and alterations should, where practicable, maximise energy efficiency.
- Principle 9 (Construction Materials): Extensions and alterations should seek to use innovative construction materials and techniques, including reclaimed and recycled materials where possible.
- Principle 10 (Renewable Energy): Extensions and alterations should consider the use of renewable energy.
- Principle 11 (Water Retention): Extensions and alterations should consider designing water retention into the proposals.
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Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A proportionate response to climate change has been included in the submitted Climate Change Statement.

Biodiversity

Policy 30 of the Local Plan and details within Principle 12 of the House Extensions and Alterations SPD states that: "Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity." Given the nature of the proposal, it is not considered reasonable to require biodiversity enhancements in this case, but there is an offer to provide bird nesting boxes in the climate change statement.

Although the site is within the bat alert layer, the form of the roof its covering, eaves and state of repair suggest there is no reasonable likelihood that bats are roosting on the site.

6 – Representations:

None Received.

7 – 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.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reason set out in this report, refusal is therefore recommended.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2023/92374

Officer Recommendation: Refuse

1. The proposed development by reason of siting, design and scale of the two-storey side extension and the front dormer, would cause harm to the visual appearance of the host property and the wider character and appearance of the street scene. To approve the development would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 and paragraphs 5.20 and 5.27 of the Council's adopted House Extensions and Alterations SPD and Policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site -Location Plan			14 August 2023
Grouped Plans and Elevations			14 August 2023
Climate Change Statement			15 August 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with

the applicant in dealing with the application. The agent was contacted regarding concerns over the proposals visual impact and lack of vehicle parking. The detrimental impact to visual amenity could not be supported for the reason set out above.

Report Dated: 06/10/2023

Coal – High