

**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:	2023/62/92447/E
Site Address:	40, Savile Street, Emley, Huddersfield, HD8 9RX
Description:	Erection of single storey extension
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: 18-Oct-2023

OFFICER REPORT

Site Description

40 Savile Street is a brick built, semi-detached dwelling with gardens to the front and rear. There is an access road at the rear of the property.

The surrounding properties are residential similar in terms of age and style.

Description of Proposal

The applicant is seeking permission for a single storey rear extension.

The extension would have an initial projection of 3m, extending across the width of the dwelling, then stepping in 2m from the boundary with the adjoining dwelling before projecting a further 6.2m with a width of 6m. The extension closest to the house would have a lean to roof form and then alters to a pitched roof over the larger element.

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

Relevant Planning History

None

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 overall scale of the extension would not form a subservient addition and would form an incongruous feature. Furthermore, the windows proposed for the lounge and the bedroom are close to the boundary treatment which would result in unsatisfactory living conditions for the occupant.

Representations

The application was advertised by neighbour letters, which expired on 04/10/2023

As a result of the above publicity, one representation received which has no concerns with the extension itself. Although the correspondence has expressed concerns that the ramp proposed to the side would block access along a shared drive, access is not a planning consideration as it is a civil matter.

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 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
- 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.

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The initial projection proposed of 3m is the normally accepted level of extension for an attached property. The second element has a much greater projection and cumulatively would cover the majority of the rear amenity space. The rear elevation is highly visible from the road at the rear, on a street where there are limited additions. The extension would be out of character with the street scene and would not form a subservient addition having a footprint greater than the main house. The application form states that the extension would be constructed using brick and render for the walls, although the plans do not show which elevations are to be which. As the properties on this street are all red brick, if officers were minded to approve, a condition would be required to ensure the extension would be constructed using brick. However, the overall scale of the extension is considered to result in the

formation of an incongruous feature which is not acceptable in terms of visual amenity.

Having taken the above into account, the proposals would form an incongruous feature given the significant projection thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property in keeping with the existing building, 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 38 Savile Street

The initial extension would be constructed along the shared boundary. However, given the projection at this point is limited to 3m, the potential for overshadowing or overbearing is limited. It is noted that there would be a window in the side elevation, although this would be high level and obscure glazed and as such would not result in overlooking. The bulk of the extension has a significantly greater projection. However, it is set back from the shared boundary with the adjoining dwelling and with a single storey height, the impact in terms of overshadowing would be slightly mitigated. Although there are windows included which would face towards the shared boundary, the fencing between the properties would limit the potential for overlooking.

With regards to the impact on the adjoining 38 Savile Street, 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 42 Savile Street

Although the extension has a significant projection, the neighbour is separated from the host property by a drive and there is an outbuilding along the neighbours boundary which would minimise the potential for an overbearing or overshadowing. There are no windows proposed in the side elevations which could overlook the neighbouring property.

With regards to the impact on the adjacent 42 Savile Street, 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 3 & 4 Savile Avenue

The properties to the rear occupy positions some 26m to the rear of the host property. Given the separation provided by the gardens and road, together with the single storey nature of the extension, there would be no overlooking, overbearing or overshadowing.

With regards to the impact on the 3 & 4 Savile Avenue, 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on the occupant

The bedroom window would be within 2m of the fence and the lounge window would be within 1m of the rear boundary. With such close distances to the boundaries, the outlook from both habitable spaces would be substandard.

With regards to the impact on the future occupant, the scheme is considered to be acceptable 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 130 of the NPPF.

Having considered the above factors, the proposals are considered to result in unsatisfactory conditions for the future occupants within the lounge and bedroom of the extension there by failing to comply 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 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use, and it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would equate to a single additional bedroom. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 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:

One representation received which has no concerns with the extension itself. Although the correspondence has expressed concerns that the ramp proposed to the side would block access along a shared drive, access is not a planning consideration as it is a civil matter.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the rear of 40 Savile Street 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 single storey rear extension, by reason of the significant footprint and scale, would not form a subservient addition and would result in the formation of an incongruous feature within the street scene. To permit the proposed development would be contrary to LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

The proposed lounge window in the rear elevation and the bedroom window in the side elevation of the proposed extension, by reason of the proximity between the proposed windows and the boundary treatments, would experience severely restricted natural light and outlook. The proposed development would therefore fail to provide a high standard of amenity for future occupants. To permit the proposed development would be contrary to LP24 of the Kirklees Local Plan, KDP 6 of the House Extensions and Alterations SPD, and the aims 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: 2023/92447

Officer Recommendation: Approve

Conditions and Reasons

1. The single storey rear extension, by reason of the significant footprint and scale, would not form a subservient addition and would result in the formation of an incongruous feature within the street scene. To permit the proposed development would be contrary to LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.
1. The proposed lounge window in the rear elevation and the bedroom window in the side elevation of the proposed extension, by reason of the proximity between the proposed windows and the boundary treatments, would experience severely restricted natural light and outlook. The proposed development would therefore fail to provide a high standard of amenity for future occupants. To permit the proposed development would be contrary to LP24 of the Kirklees Local Plan, KDP 6 of the House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	P03	1005025	24/08/2023
Existing plans	P01	1003648	24/08/2023
Proposed plans	P02	1005024	24/08/2023
Climate change statement	-	1005084	24/08/2023

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 overall scale of the extension would not form a subservient addition and would form an incongruous feature. Furthermore, the windows proposed for the lounge and the bedroom are close to the boundary treatment which would result in unsatisfactory living conditions for the occupant.

Report Dated 06/10/2023

