

**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:	2023/62/92652/E
Site Address:	64, Spen Valley Road, Ravensthorpe, Dewsbury, WF13 3EZ
Description:	Erection of single and two storey rear and single storey front extensions
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: 20-Nov-2023

OFFICER REPORT

Site Description

64 Spen Valley Road is a two-storey end-terrace dwelling located in Ravensthorpe. It is faced in buff-coloured brick, with an area of cladding to the front elevation. The roof is a dual-pitched form finished in concrete tiles. The dwelling benefits from amenity space to the front, side, and rear. There is a small brick outbuilding and a concrete garage in the rear garden.

The property is located on a residential cul-de-sac. The neighbouring properties are similar in terms of age, style, size and construction materials. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application is seeking planning permission for the erection of a single storey front extension and a single & two storey rear.

The proposed single-storey front extension would project 1.5m from the front elevation of the host dwelling and would run the full width of the host dwelling. It would have a lean-to roof form with a feature gable over the front door, with an overall height of 3.8m and an eaves height of 2.8m.

The proposed rear extension would run the full width of the host dwelling. The single-storey element would project 5.0m and the two-storey element would project 3.0m. The single-storey element is proposed to have a lean-to roof form with an overall height of approximately 3.9m and an eaves height of 2.8m, and the two-storey element would have a dual-pitched roof form flush with the ridgeline of the host dwelling.

The proposed extensions would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing.

It is noted that a windows would be added to the side elevation of the host dwelling on the ground floor level serving the dining/kitchen. There would be no window to serve the first floor level serving bedroom 2.

Relevant Planning History

At the application site:

2022/92319 – Prior notification for single storey rear extension. Not required.

2022/92463 - erection of single storey front extension and single & two storey rear extension - refused

At neighbouring properties:

87/03678 – Two-storey extension to form kitchen and bedroom. Granted conditionally. (90 Spen Valley Road).

88/00752 – Erection of dining room extension. Granted conditionally. (90 Spen Valley Road).

2008/91771 – Erection of single and two storey extensions. Refused. (88 Spen Valley Road).

2008/93960 – Erection of single and two storey extensions. Conditional full permission. (88 Spen Valley Road).

2012/90269 – Erection of single and two storey extensions and formation of off street parking. Invalid. (66 Spen Valley Road).

2012/91163 – Erection of single and two storey extensions and formation of off street parking. Conditional full permission. (66 Spen Valley Road).

2015/90028 - Prior notification for single storey rear extension. Not required. (66 Spen Valley Road).

2015/93254 - Erection of single storey front and side extensions and first floor rear extension. Conditional full permission. (66 Spen Valley Road).

2020/91131 – Erection of second floor and single storey front extension. Refused. (62 Spen Valley Road).

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 current proposals has not overcome the previous reasons for refusal and has indeed put forward a scheme which would have worse effect. As such, amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 31/10/2023

As a result of the above publicity, no representations have been received.

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
- **LP 27** - Flood risk

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.

Planning permission was refused last year for a similar scheme. The scheme shall be assessed again below.

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.

The proposals consist of two distinct elements which shall be considered below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The proposed front extension would be small in scale and subservient to the host dwelling as it would be single storey. The design and materials of the

proposed front extension would match the existing features of the original house. It would be set back from the pavement by approximately 4.8m, and at a lower elevation. Therefore, it is considered that the proposed front extension would not cause harm to the visual amenity of the host dwelling or the surrounding area.

Rear extension

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.

It is noted that the 5.0m projection of the single-storey element on the shared boundary with no.62 has already been agreed through a larger home extension prior approval application (2022/92319). This application seeks to add a first floor element (3.0m projection).

In terms of design, the proposed rear extension would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing. The rear extensions would not project past the side elevation of the host dwelling. The proposed extension would be located to the rear of the property where it would be least visible within the street scene. Furthermore, it is noted that other dwellings in the area have erected similar rear extensions of a similar design, including the adjacent no.66. Therefore, the erection of a two-storey rear extension at 64 Spen Valley Road would be in keeping with the local character. In summary, the design, materials, and detailing are in keeping with the host dwelling and are therefore considered acceptable from a visual amenity perspective.

Regarding scale, given the previously granted larger homes extension (2022/92319), it is considered that this has established such a scale of extension at the house as being acceptable. The 3.0m projection of the first floor element is also considered acceptable. The proposed extension would increase the footprint of the building and would also increase the bulk and massing. However, the size of the footprint is considered acceptable given the fall-back position provided by the previous application (2022/92319).

Furthermore, the host property and its associated curtilage is of a scale which would support the proposed extension without amounting to overdevelopment or appearing incongruous. The proposed rear extension would occupy less than 50% of the total area of land around the original house. In summary, and taking into account the established fall-back position, the scale of the proposal is considered in keeping with the existing building and the local character and is therefore acceptable from a visual amenity perspective.

Having taken the above into account, the proposed extensions would not cause any significant 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, 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 62 Spen Valley Road

This is the adjoining property to the northeast of the application site. The submitted plans show no windows to be inserted into the north-eastern side elevation of the proposed extensions. To protect the privacy of the current and future occupiers of 62 Spen Valley Road, it is recommended that a condition be added to the decision notice removing permitted development rights for the creation of openings in the north-eastern side elevation of the extensions (should planning permission be granted). Therefore, there would be no additional overlooking impact on no.62 as a result of the proposed development. It is acknowledged that the proposed single-storey element to the rear would introduce a significant amount of additional built development along the shared boundary with this neighbour. However, the impact of the single storey element on no.62 has already been established via the granted larger homes extension application 2022/92319. Whilst the 5.0m projection would lead to some overbearing impact on no.62, given the 2022/92319 approval, it would be unreasonable to refuse the application on this basis. There appear to be habitable room windows to the rear of no.62 close to the shared boundary. It is considered that there would be some overshadowing and overbearing impact as a result of the proposed two-storey element to the rear, given its proximity to the shared boundary and these habitable room windows. The projection of the two-storey element would be limited to 3.0m. Any overshadowing impact would be limited to the afternoon, with a less detrimental impact in summertime, and there would be unaffected amenity space at this neighbouring dwelling. It is noted that other dwellings in the area have erected similar 3.0m projection two-storey rear extensions. Taking the above into account, it is considered that the overshadowing and overbearing impact from the two-storey rear extension would not be so significant as to justify refusal in this instance. The proposed single-storey front extension would have a limited projection and would therefore have no significant impacts on the amenities of this neighbour. Officers are satisfied that there would be no impacts on the amenities of 62 Spen Valley Road that would be so significant as to justify refusal.

With regards to the impact on the adjoining 62 Spen Valley 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 66 Spen Valley Road

This is the adjacent property to the southwest of the application site. This property benefits from a single-storey front and side extension and a single & two storey rear extension. There are a number of windows in the side elevation of the host dwelling, which appear to serve a kitchen/living/dining area on the ground-floor level and a bathroom and landing on the first-floor level. There are no windows in the side elevation of the rear extensions. Given that the proposed rear extension would be of similar design and scale to that approved and constructed at no.66, it is considered that this element would have no significant overshadowing or overbearing impacts on this neighbour. The proposed single-storey front extension would have a limited projection and would therefore have no significant overshadowing or overbearing impacts on this neighbour. The submitted plans show no windows to be inserted into the north-eastern side elevation of the proposed extensions. It is noted that a window would be added to the side elevation of the host dwelling serving the dining/kitchen. The proposed ground-floor window could have some overlooking impact on no.66; however, the ground floor window in the side elevation of no.66 appears to be a secondary window. Furthermore, the proposed ground floor window could be installed under permitted development. Officers consider that there would be no significant impacts on the amenities of 66 Spen Valley Road as a result of the proposed development.

With regards to the impact on the adjacent 66 Spen Valley 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 88 & 90 Spen Valley Road

These are the neighbouring properties to the rear (northwest) of the application site. The proposed single-storey extension would be located to the opposite side of the applicant property and would therefore have no impacts on these neighbours. There would be no significant overbearing or overshadowing impacts on the amenities of 88 & 90 Spen Valley Road as a result of the proposed rear extension, given the separation distance that would be maintained by the rear gardens of the dwellings (approximately 19m to the proposed two-storey extension). Furthermore, the existing windows in the rear elevation already look towards these neighbours. Therefore, the new windows to the rear elevation would have no significant additional overlooking

impact over and above the existing arrangements on site. Officers consider that there would be no significant impacts on the amenities of 88 & 90 Spen Valley Road as a result of the proposed development.

With regards to the impact on the neighbouring 88 & 90 Spen Valley 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 130 of the NPPF and the proposals are considered to be acceptable.

Impact on inhabitants and future occupiers

The previously refused plans showed that there would be a window inserted to the side elevation of the host dwelling at first-floor level serving a bedroom (habitable space). Officers were concerned that this proposed window would have a close relationship to no.66, looking onto a blank wall at a distance of approximately 3.2m and that the separation distance was insufficient. The reason for refusals stated that the bedroom (habitable room) would experience restricted natural light and outlook which was unacceptable. The current application has removed the window entirely and has no opening whatsoever for the occupants of bedroom 2. The proposed development would therefore fail to provide a high standard of amenity for future occupants and would be contrary to LP24 of the Kirklees Local Plan, Key Design Principle 6 of the Council's House Extensions and Alterations SPD, and the aims of the National Planning Policy Framework.

After assessing the above factors, officers consider that this proposal would not provide an acceptable standard of living for future occupants. The proposal, therefore, fails to comply with LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

According to paragraph 5.4 of the Council's Highways Design Guide SPD, 2-to-3-bedroom dwellings should provide a minimum of two off-street car parking spaces. The proposed extensions would increase the number of bedrooms at the property from 2 to 3. It is noted that there is currently no off-street parking at the applicant property, and none is proposed. It is considered that the proposal would not represent a significant increase in the demand for parking. The current parking arrangements are considered sufficient.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

Other matters:

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 64 Spen Valley 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 proposed occupant of bedroom 2 would experience substandard living conditions, given the lack of any window or opening which would prevent any form of 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, Key Design Principle 6 of the Council's 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:** 2023/92652**Officer Recommendation:** Refuse**Reasons for refusal**

1. The proposed occupant of bedroom 2 would experience substandard living conditions, given the lack of any window or opening which would prevent any form of 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, Key Design Principle 6 of the Council's 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 & block plan	-	1007460	26/09/2023
Existing plans	-	1007462	26/09/2023
Proposed plans	-	1007463	26/09/2023
Photos	-	1007458	26/09/2023
Climate change statement	-	1009403	26/09/2023
Flood risk assessment	-	1007459	26/09/2023

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 current proposals has not overcome the previous reasons for refusal and has indeed put forward a scheme which would have worse effect. As such, amended plans have not been sought.

Report Dated 10/11/2023

