

**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:	2023/62/92729/E
Site Address:	90, The Crescent, Ravensthorpe, Dewsbury, WF13 3BA
Description:	Erection of two storey side 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: 22-Nov-2023

OFFICER REPORT

Site Description

90 The Crescent is a brick built, semi-detached dwelling with hard standing to the front, a path along the side to the rear yard. The property has an existing single and two storey extension to the rear and a detached outbuilding to the rear.

There are similarly aged residential properties to the front, sides and rear.

Description of Proposal

The applicant is seeking permission for a two storey side extension.

The extension would be set back 0.4m from the front wall of the dwelling extending back 12m on the ground floor and 9m at first floor to align with the rear of the dwelling, as extended. The roof at the side would be a set down hipped roof, with a smaller hip over the rear element at first floor level and a lean to over the single storey element.

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

Relevant Planning History

2014/90575 - larger home notification for 6m rear - agreed

2014/92546 - erection of single and two storey rear extension - refused, upheld at appeal

2022/93300 – erection of extensions -refused

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. The current proposal is identical to the recently refused 2022/93300. The side extension would infill the area to the side of the dwelling with no set back or set down and would have a harmful effect on the appearance of the dwelling. Furthermore, the works proposed would be in addition to the existing large rear extension and outbuilding and would overdevelop the property and would not form a subservient addition. The agent has supplied supporting information which shall be considered within the report. However, amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/11/2023

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

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 Extension 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 for an identical scheme was refused in 2022. Additional information has been submitted with a similar scheme being built at a neighbouring property – approved for 94 The Crescent in June 2021 prior to the adoption of the SPD and as such not providing justification for this property. Further information regarding personal needs of the occupant have also been submitted. However, these are not considered to overcome or justify approving the proposals. The proposed development does not comply with the Local and SPD which are afforded significant weight in the determination of this application. There are no other site specific circumstances to justify the extension proposed.

Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (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 HESPD 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 5.15, 5.19 & 5.21 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension is shown on plan with no set back or set down and would be constructed up to the property boundary taking up all of the gap contrary to point 5.20 of the HESPD. The extension proposed would not be subservient in relation to the host dwelling. Furthermore, the cumulative impact of the proposed extension with the existing single and two storey extension to the rear of the dwelling and the large, detached outbuilding, the property would be overdeveloped. Despite the use of matching materials, the impact on the host property and wider street scene is not considered to be acceptable.

Having taken the above into account, the proposed extension to the side would cause significant harm to visual amenity in relation to both the host dwelling and the wider area. Therefore, the proposals fail 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 subservient additions to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide 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 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 88 The Crescent

The extension would be located on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining dwelling.

With regards to the impact on the adjoining 88 The Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in terms 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 92 The Crescent

The extension proposed would reduce the space between the host property and the adjacent neighbour. For the most part, the side elevation of the neighbouring property is blank with a single first floor opening which serves a landing. There would be some impact on the amenity space at the rear of the neighbouring property. However, given the dimensions proposed, together with the modest separation between the properties, the rear element of the side extension would not have a significant impact on the amenities of the occupiers of the adjacent dwelling with regards to overbearing, overshadowing or overlooking.

With regards to the impact on the adjacent 92 The Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, 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 63 Fir Avenue

The property to the rear occupies a position some 22m from the host property. The substantial separation between the host property and the neighbour to the rear would limit the potential for the proposed extension to have any impact in terms of overshadowing, overlooking or overbearing.

With regards to the impact on the neighbouring 63 Fir Avenue, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, 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 51 The Crescent

The property on the opposite side of the road occupies a position some 21m from the host property. As the works proposed would not reduce the space between the properties, the works would result in no overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 51 The Crescent, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, 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 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 Extension 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 limited parking within the site for 2 vehicles – less than the recommended 3 spaces for a 4 bedroom property. However, the increase in accommodation would not increase the bedrooms. 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 Extension 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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single and two storey extension to the side of 90 The Crescent has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

The proposed side extension, by reason of the design and scale, would not form a subservient feature and would result in an incongruous form of development in the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

The cumulative impact of the proposed side extension together with the existing rear extensions and outbuilding, given the size, scale, bulk and massing would overdevelop the host property and would not form subservient additions to the host property and would be out of character with the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within 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: 2023/92729

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed two-storey side extension, due to design and scale would not form a subservient addition to the host dwelling and would take up all or most of the space to the side of the house failing to maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. As such it would appear incongruous, closing the gap between the houses thereby eroding the sense of space to the detriment of the street-scene. This does not promote good design and is contrary to Policy LP24 of the Kirklees Local Plan and design guidance given in sections 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document.
2. The cumulative impact of the proposed side extension together with the existing rear extensions and outbuilding, given the size, scale, bulk and massing would overdevelop the host property and would not form subservient additions to the host property and would be out of character with the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1009270	28/09/2023
Existing floor plans	-	1009268	28/09/2023
Existing side	-	1009269	28/09/2023
Existing elevations	-	1009269	28/09/2023
Proposed plans	-	1009267	28/09/2023
Photos	-	1009266	28/09/2023
Climate change statement	-	1009876	28/09/2023

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.

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. The side extension would infill the area to the side of the

dwelling with no set back or set down and would have a harmful effect on the appearance of the dwelling. Furthermore, the works proposed would be in addition to the existing large rear extension and outbuilding and would overdevelop the property and would not form a subservient addition. Amended plans have not been sought.

Report Dated

13/11/2023