

**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:	2023/62/92827/W
Site Address:	14, Bankfield Terrace, Outcote Bank, Huddersfield, HD1 3HW
Description:	Erection of single storey side extension and alterations
Recommending Officer:	Molly Storer

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: 7th February 2024

OFFICER REPORT

Site Description

14 Bankfield Terrace is a stone-built, over dwelling terraced property set up from the level of the main road of Outcote Bank which runs parallel to Bankfield Terrace. It has small amount of garden amenity space to the front and a large 'amenity' space to the side which is separated from the property by a stone wall with a stepped entrance way. This space also provides a private right of way for neighbours at the rear to access their property. To the north is a high retaining wall above which are a wooded bank and car park.

The property is located within a small enclave of dwellings with properties of a similar age.

Description of Proposal

The applicant is seeking permission for a single storey front and side extension.

This extension would wrap around the front of the property and demolish part of the existing high wall separating the property from the amenity space to the side. The proposed material for the walls is stone to match the original house with a flat roof membrane for the parapet roof.

The extension would project ~2.6m from the north side elevation of a bedroom to be provided on the ground floor. The length of the extension would be ~11.85m and it would project ~8.0m from the front, east elevation. The width of the extension where it projects forward of the front elevation would be 3.6m, as this would overlap the front elevation by 1m.

It is proposed to have a flat roof form and have large, glazed bifolding doors covering the majority of the south elevation. There would be steps from this elevation descending to reach the ground level of the front garden of the property. This would create a kitchen area and an attached bathroom with a ramp from the original hallway on the ground floor.

Relevant Planning History

No relevant planning history.

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. Amended plans and additional information were sought from the agent.

The agent was contacted as the front extension aspect of the scheme did not comply with the adopted SPD on house extensions and alterations. The agent was informed that if any amendments do not fully accord with the SPD, the document sets out that this would need 'full justification'. Specifically it was noted that when visiting the site it was observed that the significant projection, scale and fenestration in the extension would adversely impact on the adjacent residential property at no. 16 Outcote Bank (in addition to the impact on visual amenity). In addition, it was suggested that confirmation should be provided on the design of the extension, including the bathroom only being accessible by a considerable number of steps from the bedroom.

The agent responded by providing amended plans which compensated for a 'model error in the software' regarding the internal steps and explained that the extension's design prioritises ample space for wheelchair access, manoeuvring, and stationary resting. Additionally, the generously sized bathroom caters to the needs of occupiers. The agent stated that consideration was given to minimise visual bulk by introducing a low flat roof for the extension. It was stated by the agent that this would not significantly surpass the height of the existing retaining wall on the site and that privacy screening could be added if required to address concerns about overlooking at number 16.

The agent state the proposed structure is set 1m back from the existing southern boundary retaining wall. Additional section drawings were provided during validation to prompt the contractor to engage a structural engineer, ensuring the existing footings remain intact.

It was reiterated that we can be flexible where innovative and contemporary designs which enhance the appearance and character of an area are proposed, provided no material harm is caused to the neighbouring properties. However, there were still concerns regarding the unchanged scale of the extension remaining contrary to the adopted SPD on extensions.

The agent was again requested to amend the plans/provide further justification for the scale of the development, in particular the scale of the front extension. However, the agent requested the application be determined on the basis of the submitted plans.

Representations

The application was advertised by neighbour letters, which expired on 05/12/2023

As a result of the above publicity, no representations were 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 without notation on the Kirklees Local Plan but is within an area with a known presence of bats.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity
- **LP51** – Air Quality

Supplementary Planning Document on House Extensions and Alterations adopted June 2021.

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.

The proposal under consideration consists of two joined elements which shall be addressed below.

Single storey front and side 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 of the area, they should be small and subservient to the main house and constructed using appropriate materials. In regard to the single storey side extension aspect paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD are of relevance which required proposed development 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 element of the proposal is small in scale and largely complies with the SPD. It would not impact on light or overlook neighbouring properties. Furthermore, it would not exceed 2/3 width of the existing house or exceed 4m in height. Even if it was not set back from the front elevation, a flush extension would not appear out of place in this enclave of properties. The proposed side extension alone would be limited in terms of its size and would be constructed using materials to match the main house, with stone for the walling. As such, the side extension is considered acceptable in terms of visual amenity.

However the scale, design and appearance of the front extension is unacceptable and would cause considerable harm to the visual amenity of the host dwelling and wider area. It would overdominate the front of the dwelling, and no. 16. It is of an incongruous design and appearance with a 6-section bifold door and flat roof and would overlap the front elevation. It would be set up from the existing floor level of the host property which would further

promote its over dominance. In terms of the SPD section 5.2 on front extensions it is not well screened, not subservient to the original building and harms the character of the area.

As such, the development is considered unacceptable in terms of visual amenity.

Conclusion

Having taken the above into account, the proposed extension would cause significant harm in terms of visual amenity for both the host dwelling and the wider street scene. The application, therefore, fails to comply with policy LP24 of the KLP (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 NPPF.

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) of the Local Plan 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. When considering front extensions the SPD states that this should not 'unreasonably affect neighbouring properties'.

Impact on 16 Bankfield Terrace

The neighbouring house to the south occupies the same building line and same ground level as the host property. These properties occupy a relatively small area of land and are located in close proximity to one another, As such the proposed substantial massing extending significantly beyond the building line, set up from ground floor level of the dwelling would have an unduly overbearing, oppressive impact. Furthermore, the significant amount of glazing within the southern elevation facing onto this property at an elevated height further increases concerns in terms of privacy. Therefore, the bulk, massing and impacts upon privacy would result in such a close and overbearing impact that there would be a significant harmful impact on the amenities of the occupiers of the neighbouring property. The suggestion of privacy screening would not overcome the perception of loss of privacy.

With regards to the impact on the neighbouring 16 Bankfield Terrace, the scheme has been considered in terms of KDP3 – privacy 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 unacceptable.

Impact on 6 Bankfield Terrace

This property is located to the rear of the applicant site but is set back to look over the area where the extension would be located. However it is considered that due to the extension being single storey in height and being located at a significant distance away and the significant difference in levels, the development would not cause an overbearing or oppressive impact nor would impact upon the privacy of this neighbouring property.

With regards to the impact on 6 Bankfield Terrace, 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 20 Bankfield Terrace

This property is located to the front of the applicant property on a different building line facing the main road. Due to this elevation being a side elevation and having no openings in the ground level it is considered that the development would not impact the privacy of these neighbours. Furthermore, due to the extension being single storey in height and having a flat roof design the extension would not be overbearing or overshadow this property limiting the material impacts.

With regards to the impact on the adjoining 20 Bankfield Terrace, 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 2 Bankfield Road

As previously stated, the applicant property is an over-dwelling and no. 4 Bankfield Road appears to be the under dwelling, including a pedestrian access along the side of the applicant property leading to a pedestrian door. This pedestrian access is indicated to be retained within the proposal.

Given the relationship between these two dwellings 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 reviewed the above, the proposals would have a significantly adverse impact upon the amenities of the occupiers of 16 Bankfield Terrace in terms of an overbearing impact and loss of privacy. Therefore, the proposals fail to comply with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 131 (f) of the NPPF as well as the aforementioned key design principles of the SPD.

Impact on highway safety:

The proposal will not result in an extension that would provide additional bedrooms, although a new bedroom would be created internally. On balance, parking will not be materially impacted. It is noted that there is no parking within the immediate site, nor is there potential to provide this within the curtilage but there does seem to be some informal space on the drive leading up to the enclave of properties. 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:

Climate Change –

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates 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.

Whilst a Climate Change Statement has been submitted, due to the limited nature of the development which is proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity –Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the extension will not connect into the existing roof and the property in this case it appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Personal Circumstances

The agent has set out that the proposed development has been designed to meet the specific needs of the applicant but, despite requests for further information, has not provided clear information as to how the extensions have been designed to achieve this. This includes why the kitchen extension is of the size and layout proposed or why a reduced scheme could not meet the expectations of the applicants.

Policy LP24 of the Local Plan and paragraph 135 of the NPPF both seek to achieve to meet the needs of a range of different users, including disabled people, older people and families with small children to create accessible and inclusive places. The Council is mindful of the general duty under section 149 of the Equality Act 2010 and has had due regard to this in the consideration of the application, in particular in seeking to negotiate amendments to the submitted scheme to overcome the material harm to visual and residential amenity whilst providing accommodation to meet the needs of the applicant. Unfortunately, it has not been possible to overcome the concerns raised and the personal circumstances of the applicant do not outweigh the harm to material planning considerations highlighted earlier in this report.

There are no other matters for consideration.

Conclusion:

This application to erect a single storey extension to the front and side at 14 Bankfield Terrace 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 siting, scale and massing the extension, given the modest curtilage of the dwelling would result in an incongruous form of the development. To permit the proposals would be contrary to policy LP24 of the KLP, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed front extension element of the scheme, by reason of its size, projection and design would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 16 Bankfield Terrace with regards to loss of privacy and overbearing impact. To permit the proposals would be contrary to policy LP24 of the KLP, KDP3 & KDP6 of the House Extensions & Alterations 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: 2023/92827

Officer Recommendation: Refuse

Reasons for refusal

1. The scale, design, siting and massing the front extension element of the proposal, would result in an incongruous and overly prominent form of development that would be out of keeping with the host dwelling and the small enclave of dwellings in which it would form part. It would cause harm to the visual amenity of the host dwelling and the character and appearance of the area. To permit the proposals would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the adopted House Extensions & Alterations SPD and paragraph 135 of the National Planning Policy Framework.
2. The proposed front extension element of the extension, by reason of its siting, scale and design would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 16 Bankfield Terrace with regards to loss of privacy an overbearing impact. To permit the proposals would be contrary to policy LP24 (b) of the Kirklees Local Plan, Key Design Principles 3 and 6 of the adopted House Extensions & Alterations SPD and paragraph 135 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Drawing number	Version	Date Received
Application form	-		24/10/2023
Location Plan	WD2.1		23/10/2023
Climate change statement	-		23/10/2023
Proposed floor plans	WD3.2	A	15/12/2023
Proposed site/block layout	WD2.2	A	15/12/2023
Proposed side elevations	WD5.4	A	11/01/2024
Proposed front and rear elevations	WD5.3		18/10/2023
Proposed Roof plan	WD3.3		18/10/2023
Proposed Sections	WD4.2		25/10/2023
Existing elevations - sides	WD5.2		18/10/2023
Existing elevations – front and rear	WD5.1		18/10/2023
Existing ground floor plan	WD3.1		18/10/2023

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 agent was contacted on a number of occasions requesting amendments to the plans and further information in support of the scheme. Some additional information was provided, but this did not overcome the objections to the scheme on the grounds of residential and visual amenity. The agent requested the application was determined on the basis of the submitted plans.

Report Dated

07/02/2024
