

**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:	<b>2023/62/93241/W</b>
Site Address:	31, Park Hill, Bradley, Huddersfield, HD2 1QG
Description:	Erection of first floor front and side extension with dormers to front elevation, single storey rear extension of existing garage and associated alterations
Recommending Officer:	Laura Yeadon

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 09-Jul-2024**

## **Officer Report**

[Website](#)

### **Site Description**

31 Park Hill is a three bedroom detached dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone effect blockwork and has a tiled roof. To the side of the property is a single storey attached garage and porch which have a front elevation set forward of the main body of the property at ground floor level with the rear elevation of the garage set in from the rear elevation of the dwelling. A single storey conservatory is located on the rear elevation. To the front of the property is a modestly size double width driveway and to the rear is the main amenity space for the property. Solar panels are located on the rear elevation roof slope.

Surrounding properties are mainly detached dwellings of a similar age and construction materials however there are a differing design of property within the street scene. The neighbouring property to the east sits on a similar building line to the application site whereby the property to the west sits forward of the application site with the rear elevation of this property being on a similar building line to the front elevation of the application site.

### **Description of Proposal**

The application is for the erection of a first floor front and side extension with dormer features to front elevation, single storey rear extension to the rear of the existing garage and associated alterations. The proposed construction materials for the extensions would be Marshall concrete stone effect riven block work for the walls with Marley non lapped concrete tiles for the roof which would be re-used from the existing garage and lean-to. The existing materials for the openings would be retained.

#### First floor front and side extension

It is proposed that the existing single storey projections to the front of the property would be raised to two storey in height. The forward projections would be retained as projecting 0.9 metres from the front elevation of the property and would have an eaves height to match the existing. 2 no. pitched dormers would be located on the front elevation to match the existing. The extension would wrap around the side of the property lying flush with the ground floor side elevation of the garage and would extend to a 4 metres depth to the side of the property. It is proposed that the roof line of the extension would be set down from the existing roof line by 0.6 metres.

#### Single storey rear extension

It is proposed that the rear section of the garage which is set in from the rear elevation would be extended to lie flush with the existing rear elevation of the property. The garage would be extended by 1.2 metres and would follow the existing side elevation of the garage. The eaves height of the structure would be 2.5 metres with an overall height of 3.8 metres.

#### Alterations

Alterations are proposed to the property which includes the existing timber dormer being renovated with uPVC to closely match the existing.

### **History of negotiations/amendments received**

Concerns were raised to the Agent that the originally submitted scheme would not comply with the House Extensions and Alterations SPD and that the proposed additional dormer features would appear incongruous within the street scene and when viewed from a wider vista. Concerns were also raised with regard to the first floor extension above the garage which was considered to cause significant harm to the first floor rear elevation windows to the adjacent neighbouring property. Following email correspondence between the LPA and the Agent, amended plans were received on 4<sup>th</sup> January 2024. The changes included lowering the roof line of the first floor extension and reducing the depth of the extension above the existing garage. As the amended plans resulted in a reduction to the built form of development, it was not considered necessary that the plans would need to be re-advertised.

### **Relevant Planning History**

None

### **Representations**

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

Final publicity date expired 15<sup>th</sup> December 2023

Parish/ Town Council – not applicable

As a result of the public consultation period one representation has been received with the summary of comments set out below:

- Proposed extension will substantially increase the size of the wall close to the shared boundary and would increase the length of the wall the full height of the property
- Extended wall between the properties will be particularly overbearing and dominant and would adversely affect the use and amenity of the garden
- Would adversely affect the availability of natural light to main living room and master bedroom in neighbouring property
- Leylandii trees along the boundary cause loss of light when not trimmed down therefore a longer and taller wall would have a far worse effect
- Full height extended wall will impinge upon master bedroom window and will reduce available light in this room
- Secondary living room window would also be affected as the light falling on the side window are mainly access light by the open area above the applicants garage
- The original site developer appears to have chosen the layout and style of the adjacent dwellings so that they did not adversely affect each other in terms of being overlooked, restrictions to access to natural light and with regard to the wider street scheme. The proposed extension substantially changes the relationship between the two properties

## **Consultation Responses**

None required

## **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 27<sup>th</sup> February 2019).

The site is without notation on the Kirklees Local Plan.

### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – Contaminated and unstable land

### Supplementary Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity

- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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. 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of front extensions, first floor side extensions and single storey rear extensions the SPD states:

### Front Extensions:

Paragraph 5.13 of the house Extensions and Alterations is relevant. This sets out that front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed. Large extensions (single and two-storey) and conservatories on the front of an existing house are likely to appear particularly intrusive and will not normally be acceptable.

### 2- storey side extensions

Whilst the proposal is for a first floor side extension, this section of the SPD is of relevance. Section 5.19 refers to side extensions and the potential impact they could significantly have on the character of the original house and the street. Adequate space between buildings should be retained to provide a sense of space which is important to the character of an area. 5.20 states two-storey side extensions should:

- 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.

5.21 includes first-floor side extensions which indicates how spaces between houses, are important in providing a sense of space, local character and attractive appearance of an area and should be retained.

### Single storey rear

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which should:

- be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height; not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and

- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The above listed policies and guidance within the House Extensions and Alteration SPD are taken into account within the 'Impact on Visual Amenity' and 'Impact on Residential Amenity' sections of this report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

## 2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Paragraph 4.5 of the SPD relates to the impact that a scheme would have specifically on the original house. It explains that proposals should normally be smaller in scale than the original property and set back from the existing building line. It goes on to explain that two storey extensions should be set down from the ridge and generally smaller in footprint.

In this case, it is proposed that a first floor extension would be located on the front and side of the property, above the existing porch and the existing garage spanning a 4 metre depth down the side of the property in a wrap around style. The eaves height would match the existing with dormer features installed and the roof line of the extension would be set down from the existing.

Whilst the scheme has been reduced in terms of volume with the roof line being set down and the depth of the side extension being reduced, due to the increase in bulk to the front of the property, it is not considered that the works would be subservient to the host property and would therefore be contrary to Key Design Principle 2 of the SPD.

In terms of the front section of the extension and its compliance with the SPD, it is noted that the application site is set back from the roadside however it is not screened, the proposed construction materials would match the host property. However, it is not considered that the extension would be small or subservient to the host building and would introduce a triple pitched roof feature which is out of character with the host and surrounding properties. It is noted that the design of the properties within the street scene have a single pitched feature as the application site does currently and some properties have a larger gable feature to the front however, the introduction of additional features and would result in a design which would appear cramped and incongruous within the street scene, contrary to the SPD.

With regards to the first floor side element of the proposal and with specific regard to visual amenity, the extension would be set above the existing side elevation of the garage, spanning a depth of 4 metres. In terms of the SPD, the extension would retain a gap of 1 metre to the side boundary however is not set back from the front of the property due to the proposed first floor front extension. Therefore, the proposed side extension would not comply with the requirements of the SPD.

The proposed single storey rear extension would be located behind the existing garage with a side elevation lying flush with the existing garage and a rear elevation lying flush with the rear elevation of the property. Due to its siting to the rear of the property, it is not considered that this element of the scheme would be particularly harmful to visual amenity as it would be afforded little views from public vantage points. The extension would retain a gap to the boundary, would not project more than 4 metres and would not and would not exceed 4 metres in height.

The proposed construction materials would match the host property and therefore are considered to comply with Key Design Principle 9 of the SPD and Policy LP24 of the Kirklees Local Plan.

Taking into account all the above, it is considered that the proposal would not be a subservient addition to the host property and by virtue of its location, design, scale and massing, would cause detrimental harm to the host property and wider locality. The proposal is therefore not considered to comply with the policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

### 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

In terms of the impact on neighbouring dwellings, the works would be located on the western side of the property and therefore, the properties to the east of the site would not be affected by the proposed works. In terms of the properties to the north, the front extension to the property would face the blank side elevation of No. 28 Park Hill. Whilst the separation distance to this property would be reduced due to the introduction of habitable room windows within the first floor of the front extension, this distance would only be reduced by 0.9 metres. The separation distance would be ~22 metres which far exceeds the 12 metre separation distance requirement which is prescribed within the SPD. In terms of the properties to the south (rear), no established separation distances would be reduced as a result of the proposed extensions and therefore, there would be no significant impact on the occupiers of the dwellings along Parkstone.

The closest property to the west of the site, where the extensions are proposed would be No. 33. This property is set significantly forward of application site and has a rear elevation which is on a similar building line to the front elevation of the application site. Due to the orientation of the dwellings, as the application site is located to the south-west of No. 33, overshadowing of this property will already occur. Whilst the side part of the extension would broadly comply with the SPD by being set in from the shared boundary, by extending above the ground floor elevations would bring the built form of development closer to this neighbour which would result in an overbearing and oppressive feature when viewed from the openings within the eastern side of the rear elevation and from the garden area of the property.

Key Design Principle 5 of the SPD recommends that the 45-degree rule should be treated as a starting point in assessing the impact for all extensions, i.e. a line drawn from the midpoint in the nearest adjacent habitable room window at an angle of 45

degrees should preferably not intersect the extension. In this instance, the amended plans submitted demonstrate a reduction in the depth of the extension to allow for the 45 degree line to be met. However, due to the orientation of the properties, the bulk of the proposed works would be closest to the rear elevation of this property which would result in a development that would be oppressive and overbearing to this neighbour.

Key Design Principle 7 requires that extensions should ensure that appropriately sized and useable areas of outdoor space is retained and in this instance, due to the bulk of the extensions being at first floor level with a small single storey rear extension, it is not considered that the works would compromise the usable garden space.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity and would be to the detriment of the living conditions associated with No. 33 Park Hill. The scheme would therefore fail to comply with Polic LP24 (b) of the Kirklees Local Plan. Key Design Principles 3, 4, 5 and 6 of the Kirklees Local Plan.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case the submitted plans indicate that the property size would increase from a 3 bedroom property to a 4 bedroom property. The requirements of the SPD state that 4 bedroom properties should provide 3 no. parking spaces. There is an attached garage to the side of the property which would be retained as such as part of the works. However, the dimensions of the garage falls short of the current standards and therefore cannot be included as parking provision for the property. However, there is a large double driveway to the front of the property which can sufficiently provide a number of parking spaces which would meet the requirements of the SPD.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

#### 5 – 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.

A Climate Change Statement has been submitted with the application form which highlights that amongst other things, all materials will locally sourced, the tiles to the garage roof would be re-used and that the insulation for the extensions would exceed Building Regulations U values. This mitigation measures are proportionate to the development proposed.

*Biodiversity* – Paragraphs 180, 186, 187 and 188 of 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 their being no known bat roost within the property and the existing roof form appearing to be well-sealed.

*Coal legacy* – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

## 6 – Representations:

One letter of representation has been received with the following being a summary of comments and LPA response. It is noted that the comments were received during the consultation period and before the s

- Proposed extension will substantially increase the size of the wall close to the shared boundary and would increase the length of the wall the full height of the property

Response: The plans have resulted in the length of walling proposed however, an assessment of the works has been carried out above.

- Extended wall between the properties will be particularly overbearing and dominant and would adversely affect the use and amenity of the garden

Response: The plans have resulted in the length of walling proposed however, an assessment of the works has been carried out above.

- Would adversely affect the availability of natural light to main living room and master bedroom in neighbouring property

Response: This has been addressed in the assessment above

- Leylandii trees along the boundary cause loss of light when not trimmed down therefore a longer and taller wall would have a far worse effect

Response: Noted

- Full height extended wall will impinge upon master bedroom window and will reduce available light in this room

Response: This has been addressed in the assessment above

- Secondary living room window would also be affected as the light falling on the side window are mainly access light by the open area above the applicants garage

Response: The impact of the proposal on this neighbouring property has been addressed above

- The original site developer appears to have chosen the layout and style of the adjacent dwellings so that they did not adversely affect each other in terms of being overlooked, restrictions to access to natural light and with regard to the wider street scheme. The proposed extension substantially changes the relationship between the two properties

Response: Noted

## 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

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.

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2023/93241

**Officer Recommendation:** Refuse

**Conditions:**

1. The proposed extensions by virtue of their design, scale and massing would not be of a subservient addition to the dwelling and would appear as an incongruous and discordant addition to the host dwelling, which would, in turn, harm the character and appearance of the dwelling and the wider street scene. The proposal is therefore contrary to Policy LP2 & LP24 (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Policy set out in Chapter 12 of the National Planning Policy Framework.
2. The proposed extensions, by virtue of its scale, design and siting in relation to the shared boundary, would have a detrimental impact to neighbouring occupiers at 33 Park Hill forming an overly overbearing and oppressive impact to the occupiers of this dwelling. Therefore, the proposal would fail to retain a high standard of amenity for the occupiers of No. 33 Park Hill contrary to Policy LP2 & LP24(b) of the Kirklees Local Plan, Design Principles 3, 4, 5 and 6 of the Kirklees House Extensions and Alterations Supplementary Planning Document and policy within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	PP-12571173v1		1 <sup>st</sup> November 2023
Existing floor plans	PH_002		1 <sup>st</sup> November 2023
Existing elevations	PH_001		1 <sup>st</sup> November 2023
Proposed elevations (Option 4)	PH_003 – Rev: 001		4 <sup>th</sup> January 2024
Proposed floor plans (Option 4)	PPH_004 – Rev: 001		4 <sup>th</sup> January 2024

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 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.

Concerns were raised to the Agent that the originally submitted scheme would not comply with the House Extensions and Alterations SPD and that the proposed additional dormer features would appear incongruous within the street scene and when viewed from a wider vista. Concerns were also raised with regard to the first floor extension above the garage which was considered to cause significant harm to the first floor rear elevation window to the adjacent neighbouring property. Following email correspondence between the LPA and the Agent, amended plans were received on 4<sup>th</sup> January 2024. The changes included lowering the roof line of the first floor extension and reducing the depth of the extension above the existing garage.

**Report Dated:**

4<sup>th</sup> July 2024

Coal – low

