

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:	2023/62/93242/E
Site Address:	16, Middle Road, Westtown, Dewsbury, WF13 2QB
Description:	Erection of single storey front extension, hip to gable enlargement, front and rear dormers with second floor rear 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: 20-Dec-2023

OFFICER REPORT

Site Description

16 Middle Road is an end terraced property, rendered unlike the rest of the dwellings, with a hipped roof and existing single and two storey extensions to the rear with a detached outbuilding. There is a small area to the front of the dwelling, a path at the side and no rear amenity space.

The surrounding properties are similar in terms of age although retain the original brick finish.

Description of Proposal

The applicant is seeking permission for a single storey front extension, hip to gable enlargement, front and rear dormers with a second floor rear extension.

The front extension would project 1.5m from the original front wall of the dwelling extending most of the width with a lean to roof for the most part although there is a pitched detail over the entrance into the dwelling which would be on the side elevation. The extension is proposed to be constructed using brick for the walling with tiles for the roof covering.

The existing roof would be altered from a hip to a gable with a front dormer which would have a width of 3.5m and a height of 1.5m with a flat roof form. The dormer face and cheeks would be clad with horizontal shiplap boarding.

The rear dormer would have a width of 4.9m and a height of 2.2m with a flat roof form. The dormers would both be clad with dark grey upvc shiplap cladding.

The rear extension would add a second floor above the existing at first floor, projecting 3m from the original rear wall of the house, with a width of 3.4m including a low angle perpendicular pitched roof form. The walls would be rendered with tiles for the roof covering.

Relevant Planning History

1992/05887 - erection of first floor conservatory - refused

1993/03540 - erection of first floor extension - granted

1995/90743 - erection of porch - granted

2023/92380 - extensions and alterations - 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, this is only within the scope of the application under consideration. The current application has failed to overcome all previous reasons for refusal. Amended plans have not been sought due to a full report and refusal reasons being available to consider and address prior to resubmitting.

Representations

The application was advertised by neighbour letters, which expired on 14/12/2023

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 30** – Biodiversity

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
- Chapter 15 – Conserving and enhancing the natural environment

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 earlier this year for a similar scheme. There have been some minor alterations. However, these have not overcome all previous reasons for refusal.

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 three distinct elements which shall be addressed below.

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 projection of the front extension is limited. Furthermore, the materials proposed include the use of render for the walling which would match the main house. The front extension is therefore considered to be acceptable in terms of visual amenity.

Roof alterations

The scheme includes the alteration of the hipped roof form to a gable with installation of front and rear dormers.

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.”

The other properties in the area have hipped roof forms and as such, the hip to gable enlargement would be out of character with the area and is not considered to be acceptable in terms of visual amenity.

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extensions & Alterations SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

In isolation, the front dormer might be considered to be acceptable given the limited size. However, as the dormer would rely on the hip to gable enlargement, this element of the scheme cannot be considered to be acceptable in terms of visual amenity.

Similarly the rear dormer now proposed is a very large addition in the rear roof plane, reliant upon the hip to gable enlargement and exceedingly prominent from the road at the rear. The rear dormer is not considered to be acceptable in terms of visual amenity.

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.

Although the projection of the rear extension is limited to 3m and it would replace an existing substandard mix of rear extensions, the overall height of what in effect would form a three storey rear extension is inappropriate. Despite the use of a render finish, which would match the main house, the overall design and scale of the rear extension is not acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions to the roof and rear would result in unacceptable harm in terms of visual amenity as they would cumulatively not form subservient additions. The design, scale and materials would form incongruous features, out of the character with the host property and the wider street scene. They 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.

There are no properties directly to the front or rear which could be affected by the works proposed.

Impact on 14 Middle Road

The front extension would have a limited projection which would not result in any overshadowing, overbearing or overlooking.

The roof alterations would be up within the roof plane and as such would result in no impact on the adjoining dwelling.

The rear extension would be replacing an existing extension along the shared boundary and as such would have no further impact than the existing arrangement on site in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjoining 14 Middle 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 18 Middle Road

The scale of the front extension would be limited and separated from the adjacent neighbour by the path between the dwellings. As such, there would be no overbearing, overshadowing or overlooking.

The roof alterations would bring the host property closer to the neighbour. However, given the limited scale, the works would have no significant impact on the amenities of the occupiers of the adjacent house with regards to overbearing, overshadowing or overlooking.

The adjacent dwelling occupies a position which is further back within its plot than the host property which would limit the potential for the rear extension to result in any significant overshadowing, overbearing or overlooking.

With regards to the impact on the adjacent 18 Middle 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.

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 Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use, and it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would equate to two additional bedrooms. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

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 front, hip to gable enlargement with front & rear dormers and additional floor above the existing rear extension at 16 Middle 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 roof design including the hip to gable enlargement together with the front and rear dormers would appear discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape,

adding an unsympathetic form of development that would detract from the host building and character of the area. To permit the roof alterations would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

The rear extension, by reason of the poor design, in particular the eaves height and three storey appearance would be out of character with the host property and wider area. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

The cumulative impact of the front extension, roof alterations and rear extension would result in a development which is not subservient to the main house and would be out of character with the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and 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: 2023/93242

Officer Recommendation: Refuse

Reasons for refusal

1. The roof design including the hip to gable enlargement together with the front and rear dormers would appear discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape, adding an unsympathetic form of development that would detract from the host building and character of the area. To permit the roof alterations would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.
1. The rear extension, by reason of the poor design, in particular the eaves height and three storey appearance would be out of character with the host property and wider area. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.
2. The cumulative impact of the front extension, roof alterations and rear extension would result in a development which is not subservient to the main house and would be out of character with the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1015514	01/11/2023
Existing plans	-	1015513	01/11/2023
Proposed plans	-	1015515	01/11/2023
Climate change statement	-	1015512	01/11/2023

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 application has failed to overcome all of the previous reasons for refusal. Amended plans have not been sought.

Report Dated

19/12/2023

