

27th October 2023

Planning Department
Kirklees Council Offices
Civic Centre 3
Market Street
Huddersfield
HD1 2EY

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
RESUBMISSION OF PLANNING APPLICATION REF. 2023/62/90464/E – ERECTION OF EXTENSIONS TO
FORM TWO-STOREY DWELLING AT 126 GOMERSAL LANE, GOMERSAL, CLECKHEATON, BD19 4JQ.**

This letter has been prepared by on behalf of the Applicant, Mr S Taylor, in support of a full planning application seeking planning permission for erection of extensions to form a two-storey dwelling at 126 Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ.

The planning application is a resubmission of Planning Application Ref. 2023/62/90464/E, refused on 20th April 2023. A copy of the Officer Report and Decision Notice is enclosed within this letter.

In line with the Regulation 9 of the 2012 Fees Regulations, a planning application made following an application which has been withdrawn or refused for development of the same character or description as the development to which the earlier application and no other land is exempt from planning application fees, subject to the following conditions:

- The application must be made by or on behalf of the same Applicant.
- That the application is made within 12 months of the date of the refusal.
- Where the original application was for full permission, the further application must be for full permission.
- That the fee payable in respect of the earlier application was paid

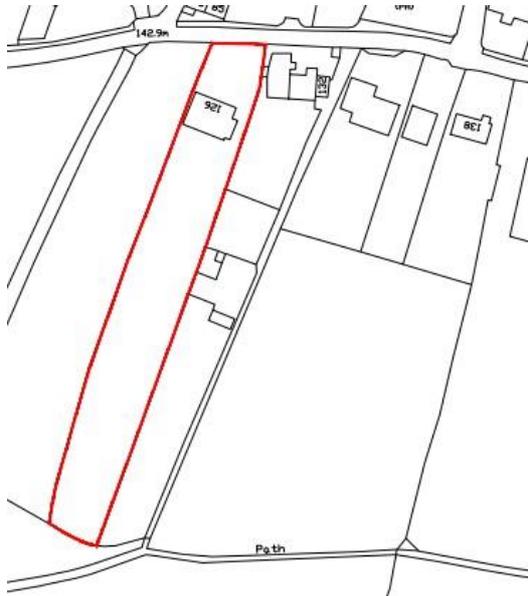
We confirm that this submission meets the above conditions and therefore no planning application fee is required with the application.

Site Description

126 Gomersal Lane is a detached, brick built bungalow with dormers to the front and rear. It sits within a long rectangular plot with hardstanding for parking to the front, and a grass area and a larger enclosed garden to the rear. There are a number of trees situated along the eastern and western boundary of the plot, behind the property.

The property has a conservatory across the rear elevation. The dwelling has fields adjacent to the west, with older properties to the front and east side.

Figure 1a shows the site boundary (indicated with red line) and **Figure 1b** shows the site location within the wider context (marked by red dot).



^ Figure 1a (Location Plan)



^ Figure 1a (taken from Google Maps)

Planning History

According to Kirklees Council public access website, there have been a number of planning applications associated with the site, including an application for the erection of a dormer, which was approved 9th September 2009.

More recently, on the 23rd February 2023, an application was submitted for the erection of extensions to form a two-storey dwelling. The application was refused on the 20th April 2023 for the following reason:

'The proposed extensions and alterations, by reason of the design, scale, bulk and massing in addition to the change of materials for the dwelling, would not appear sympathetic or subservient to the host property, resulting in an incongruous form of development detrimental to the wider street scene and harmful to the Little Gomersal Conservation Area. The harm is considered to be less than substantial for which no public benefit has been demonstrated to outweigh the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations SPD.'

A copy of the Officer Report and Decision Notice is enclosed within this letter (see Appendix 1)

Proposed Development

As outlined above, this application is a resubmission of planning application (ref.2023/62/90464/E). The proposed extension has been redesigned to take into account the reasons for refusal of the previous application.

The Applicant is seeking approval for the erection of extensions to form a two-storey dwelling at 126 Gomersal Lane.

The works proposed include a single storey upward extension projecting across the width of the existing dwelling (existing dwelling is 10.34m x 8.07 without the sunroom or porch). The depth of the dwelling would be increased from 11.07 m (including

the sunroom) to 16.77 m. The overall height of the dwelling would be increased from 5.99 m to 7.51 m. The proposed works at each elevation are summarised below:

North (front)

- Additional storey added to existing dwellinghouse, increasing dwelling ridge height from 5.99m to 7.43m.
- Extension outwards by 1.8 m, remaining single storey, adjacent to main front door.
- Two storey side extension projecting outwards by 1.8 m, adjacent to main front door.

East (side)

- Single storey side extension projecting 2.1 m from the existing dwelling or 0.765 m from the existing side porch.

South (rear)

- Additional storey added to existing dwellinghouse, increasing dwelling ridge height from 5.99m to 7.43 m (this is the height of the lower ridge level of the bedroom 1 dressing area)
- Single storey rear extension extending out by 3.9 m from conservatory and 6.9 m from dwelling and two-storey rear extension spanning 5.14 m of the south elevation, extending out by 4.88 m.

West (side)

- Extension of the existing conservatory by 3m.

Materiality

The Applicant is proposing for the exterior façade to be cladded with a light-coloured natural coursed stone.

The window design has been amended to follow a more traditional roof pattern, particularly to the front elevation (north elevation). The windows and doors will be UPV, with the patio/bi folds being aluminium. The roof will be made of an interlocking clay tile.

Sustainability

The existing house is poorly insulated. The proposals will include a full insulation programme to upgrade the existing fabric.

The proposals will promote the use of renewables, with an air source heat pump being the likely route the Applicants intend to pursue.

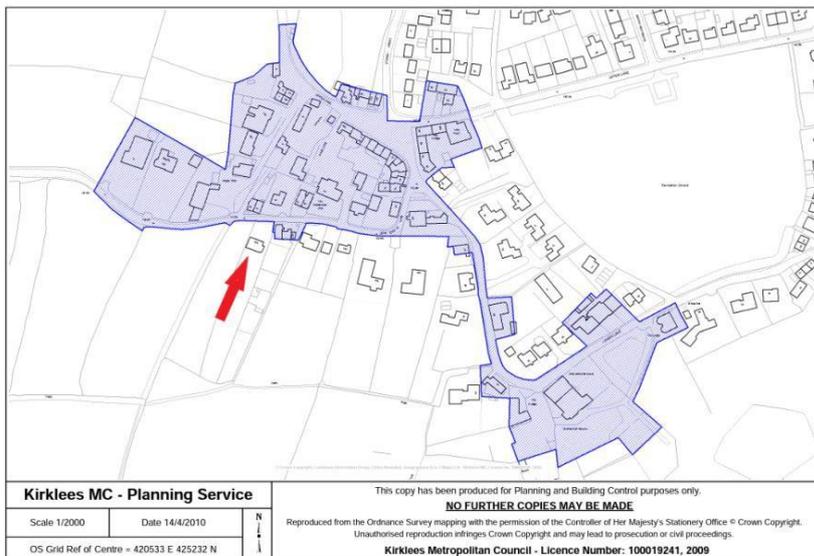
Planning Policy

Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination 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 Kirklees Local Plan comprises the strategy and policies document, allocations and designations document and associated policies map.

The application site is unallocated on the Kirklees Local Plan Policies Map. However, the front boundary of the application site abuts the boundary of the Little Gomersal Conservation Area (as indicated by Figure 1c below- red arrow points towards the dwellinghouse).



^ Figure 1c: Map of the Little Gomersal Conservation Area boundary (taken from LPA website)

The relevant Policies from the Kirklees Local Plan (2019) are summarised in the next section.

Policy PLP1 ('Presumption in favour of sustainable development') seeks that the Council takes a positive approach that prioritises sustainable development, working pro-actively with applicants jointly to find solutions.

Policy PLP2 ('Place shaping') outlines that a key role of the local authority is to understand the local needs, ensuring development responses accordingly.

LP22 ('Parking') sets out the principles that the provision of parking will be based on to ensure sustainable transport is promoted.

PLP24 ('Design') sets out design considerations and expectations, specifically stating that extensions should be in keeping with the scale, materials and colour of the existing building. Extensions to existing development should also minimize impact on residential amenity of future and neighbouring occupiers.

LP35 ('Historic Environment') states that proposals that remove, harm or undermine the character of a designated Conservation Area will only be permitted where benefits of the development outweigh the harm, having regard to the scale of the harm and significance of the designation.

LP 53 ('Contaminated land') states that for developments identified as being at risk of instability or where there is evidence of contamination, should incorporate mitigation strategies into proposals.

Material Considerations

There are also other planning policy documents that are not part of the adopted Development Plan but are material considerations in the determination of this planning application. These include The House Extension and Alterations Supplementary Planning Document ('SPD') (2021) and The National Planning Policy Framework ('NPPF') (2023). The following section provides a brief summary of the relevant parts of these documents.

The National Planning Policy Framework (2023)

The NPPF was recently updated in September 2023 and sets out the government's requirements and objectives for the planning system in England, in order to ensure that decision making is positive, sustainable and provides for necessary development in the right areas.

Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way, with decision-makers at every level required to seek to approve applications for sustainable development where possible.

Section 12 ('Achieving well-designed places') of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 16 ('Conserving and enhancing the historic environment') sets out that planning applications affecting conservation areas, designated or non-designated heritage assets need to assess how the heritage asset will be affected.

The House Extension and Alterations SPD (2021)

The House Extension and Alterations SPD has been prepared by Kirklees Council to provide detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration as required by the Council.

Key Design Principle 1 states 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 Extension and 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.

Paragraph 4.2 of the House Extensions & Alterations SPD states the local context, character and identity of the area are a significant factor when considering the appropriate form and scale of house extensions.

Planning Appraisal

The principle of residential development is already established; therefore, the following section demonstrates how the revised proposals submitted under this application address the reason for refusal of the previous application.

Design

1) Scale, bulk and massing

The main reason for refusal of the previous scheme (ref. 2023/62/90464/E) was the significant increase in massing and extension of the property upwards. The Applicant has considered these comments and has significantly improved the massing, by breaking it down through the design. Within the Officer's Report (see Appendix 3), it was noted that the front of the property appears as a bungalow with a two-storey appearance to the rear.

In response to this, the one storey extension upwards is now proposed to be constructed across the whole width of the existing dwellinghouse (6.4 m). This avoids the property appearing to look like a bungalow from the front and two storey-dwelling at the rear. The proposed upwards storey extension is now evenly distributed across the whole of the existing property, appearing more fluent and harmonious with the existing dwellinghouse.

The front elevation has two gabled projections of varying heights. Gabled roofs and projections are a feature along Gomersal Lane as previously demonstrated. At the rear, the proposals create a more contemporary approach by removing the existing conservatory and replacing it with a larger flat roof extension. Alongside this a two-storey gabled projection with balcony, proposed to take full advantage of the views to the south.

Notwithstanding that, the upward extension along the southern elevation does not span across the full length of the southern elevation, therefore the overall volume mass of the extension on the southern elevation has been significantly reduced from 190 m³ to 158 m³.

On the western elevation, the Applicant is proposing a one-storey extension outwards to mirror the existing one-storey dwellinghouse. The elevation has been designed to reduce the visual impact by breaking down the massing. This has been achieved by stepping elements in from the main gable, creating varied planes, and promoting defining shadows. This adds architectural interest and results in the proposals being more aesthetically pleasing. The roof is a 'lean to' style very similar to that on the front elevations of 130/132.

The overall design aims to break down the massing and bulk of the proposals with an articulated footprint and roof line, so as to not dominate the original existing dwellinghouse. Given that there is no typical house type on Gomersal Lane, the dwelling is in keeping with the street scene as per Key Design Principle 1 of the House Extension & Alterations SPD.

Permitted Development Rights and Fallback Position

Whilst the Applicant's preference would be to achieve planning permission for the proposed design, it is important to note that a proportion of the proposed extension can be achieved under permitted development rights.

Upward Extension through Class AA of the GPDO

It is noteworthy to refer to Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended which allows 'enlargement of a dwellinghouse by construction of additional storeys.'

This full planning application proposes to add a storey of accommodation to the existing dwellinghouse and by this increasing its height from 5.8 m to 7.43 m, resulting in the overall height increase by 1.52 m.

The GPDO enables dwellinghouses to be extended by an additional storey without the need to seek planning permission, subject to the proposals complying with the conditions and limitations set out in Class AA of the GPDO. **Table 1.1** within Appendix 2 indicates how the whole of the proposed upward extension accords with the limitations set out in Class AA of the GPDO.

Given this, it is considered that the scale and mass of the proposed upward extension could be achieved under Class AA of the GPDO.

Rear Extension through Prior Approval Route: Larger Home Extension

Whilst no applications for prior approval for larger home extension have been submitted, a proportion of the proposed extension can be achieved through prior approval route.

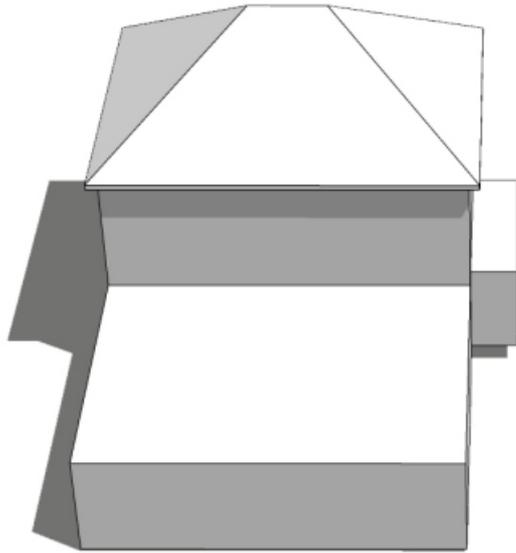
The Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)- Schedule 2, Part 1, Class A enables householders to build larger single storey rear extensions in certain circumstances.

Generally, single storey rear extensions that do not extend beyond the rear wall of the original house by more than 4 m is allowed through Class A of the GPDO. Notwithstanding, where not located on Article 2(3) land or in a Site of Special Scientific Interest, this limit is increased to 8 m for detached houses.

This can be achieved through submitting a 'Prior Approval: Larger Home Extension' application. **Figure 1d** overleaf presents a volume diagram comparison. The dwellinghouse on the left presents a 3D visual of the rear facing, southern elevation of the dwellinghouse that could be constructed through:

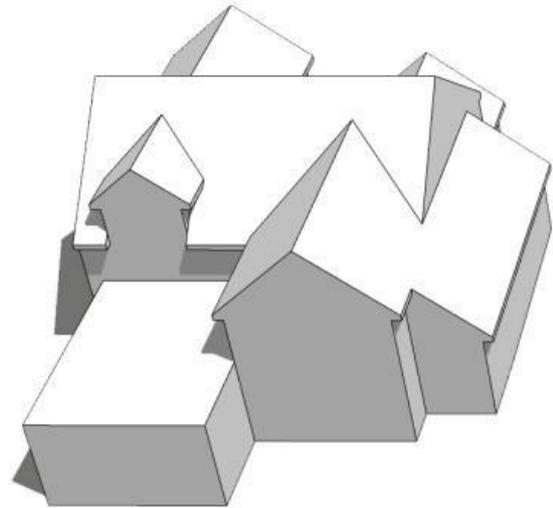
- Class AA of the GPDO; and,
- Submission of 'Prior Approval: Larger Home Extension' application.

The dwellinghouse on the right presents a 3D visual of the rear facing, southern elevation of the dwellinghouse with the extensions that this planning application is proposing.



**EXISTING DWELLING WITH
EXTENSIONS THAT COULD BE
ACHIEVED THROUGH CLASS AA OF THE
GPDO AND PRIOR APPROVAL ROUTE
FOR LARGER HOME EXTENSIONS**

VOLUME - 908 M³



PROPOSED MASSING

VOLUME - 890 M³

^ Figure 1.d: Comparison of volume of dwellinghouse that could be achieved through Class AA of the GPDO and submission of a 'Prior Approval: Larger Home Extension' application

As demonstrated by **Figure 1d** below, the overall volume of the proposed dwellinghouse submitted with this full planning application is of a smaller volume than that which could be achieved through Class AA of the GPDO and submission of 'Prior Approval: Larger Home Extension' application.

Side Extensions through Class A of the GPDO

The proposed side extensions to the dwellinghouse can be achieved under permitted development rights.

Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 enables the 'enlargement, improvement or other alteration of a dwellinghouse.

This full planning application proposes two side extensions, one extending outwards by 1.8 m and the other extending out by 3.9 m.

The GPDO enables the side of dwellinghouses to be extended without the need to comply with local or national planning policy, given that the proposals accord with the conditions and limitations set out in Class A of the GPDO. **Table 1.2** within Appendix 2 indicates how the proposed side extensions accord with the limitations and conditions set out in Class A of the GPDO.

In light of the above, it is considered that a large proportion of the proposed extension at 126 Gomersal Lane could be achieved under Class A and Class AA of the GPDO, along with a 'Prior Approval: Larger Home Extension' application.

The Applicant would be able to achieve an extension of the same scale as that presented in **Figure 1.d** without applying for planning permission. If the Applicant decided to submit a Prior Application for a Larger Home Extension too, and were successful, they could achieve a dwellinghouse of a massing of 959m³ in total. This is a significantly larger mass than what is currently being proposed (890m³). The submitted supplementary Volume Diagram, presents multiple scenarios of what volume extensions can be achieved to support this planning case.

Instead, the Applicant is seeking to propose a more aesthetically pleasing scheme. The comparison in Figure 1.d demonstrates that the application seeks to achieve appealing architectural composition, rather than two box structure extensions (through Class A and Class AA) that are not unified in approach and complimentary to the existing dwelling house. The proposed extension has multiple gables and is not constrained by the GPDO. Therefore, it is considered that a scheme achieved through permitted development would have a greater impact on the adjacent Conservation Area.

The Applicant has chosen to submit a full planning application so that they can be more creative with the design, as well as the proposed façade. Whilst the site does not lie within the Conservation Area, the proposed design and scale submitted under this application will have a lesser impact on the Conservation Area. Whereas a permitted development scheme, which is less regulated, would have a greater impact as it would be larger in mass.

The next section discusses the proposed materiality of the extensions.

2) Proposed Exterior Façade

The Applicant has reconsidered the exterior façade of the extensions following comments from Kirklees Council. The modern fenestration with glazing features of the refused application ref. 2023/62/90464/E was not considered sympathetic or in keeping with the host property and would result in an incongruous form of development in the wider street scene and Conservation Area.

Gomersal Lane does not have a particular character beyond predominantly residential properties, there is a mixed palette and varying sizes. The surrounding roofing materials include stone, slate, red and concrete tiles. In summary the area has a myriad of wall and roof materials and there is no fixed external material façade. It is important to recognise that there is no set pattern, although natural stone is the most common.

Having regard to both the existing form of development in the area and comments from the LPA on the recently refused application, the revised design now offers a more traditional approach with domestic roof forms and traditional window patterns. Particularly to the main front elevation with the amount of glazing having been significantly reduced, since amending the design. It is therefore considered that the revised design is more sympathetic to the local context and wider area than the previous proposals.

The main visible elevations (north and west) maintain a traditional approach, with the rear elevation (South) elevation incorporating contemporary design elements. The use of a complimentary render finish will assist with the overall impact on the setting and nearby conservation area.

The house is not in the Conservation Area, which does offer the option to incorporate more contemporary design features e.g., gabled first floor windows, again without overstatement.

The design will enhance the site and ultimately provide a positive aesthetic, which can only be of benefit to Gomersal Lane and the nearby Conservation Area. It is therefore considered that the development proposed would accord with the aims of Chapter 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations

Other Matters

Impact on residential amenity

The proposals do not impact on any neighbouring properties, indeed they ensure the house remains subservient. No privacy is compromised, and the space about dwelling guidelines are met.

There are no properties to the west side or to the rear of the dwelling, which could be affected by the works proposed.

Although the proposals would increase the height and massing of the dwelling, the distance between the property and 128 Gomersal Lane to the east would not be reduced. The increase in height is limited, and the openings proposed in the side elevation would not serve any habitable spaces. The works to the dwelling would result in no overlooking, overshadowing or overbearing in respect of the adjacent neighbour.

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

Impact on highway safety

The parking area the front of the dwelling offers space for at least 3 vehicles off-road, which is considered to represent a sufficient provision. Bin storage for the dwelling will remain the same. 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 Extension & Alterations SPD.

Summary

This planning application seeks Planning Permission for the erection of extensions to form two-storey dwelling at 126 Gomersal Lane in Kirklees. The proposals are a considered and unified approach, upgrading an existing dormer bungalow of no architectural merit or benefit to the area.

Having regard to the above, it is concluded that the revised proposals address the reasons for the refusal of the previous application for the site and will result in the creation of a well-designed dwelling that is sympathetic to the existing form and architectural character of the street and adjacent Little Gomersal Conservation Area.

On this basis, it is also concluded that the proposed development complies with the objectives of the Development Plan and national policy. I trust that the above sets out the basis for the submission, however if I can be of any further assistance then please do not hesitate to contact me.

Yours sincerely,



Meghan Gleeson
Planner

Appendix 1

Officer Report and Decision Notice for application ref. 2023/62/90464/E (overleaf).

**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:	2023/62/90464/E
Site Address:	126, Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ
Description:	Erection of extensions to form two-storey dwelling
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-Apr-2023

OFFICER REPORT

Site Description

126 Gomersal Lane is a detached, brick built bungalow with dormers to the front and rear. The property has a hardstanding for parking to the front with some grass and a larger enclosed garden to the rear. The property does have a conservatory across the rear elevation.

The dwelling has fields adjacent to the west with older properties to the front and east side.

Description of Proposal

The applicant is seeking permission for extensions and alterations to form a two storey dwelling.

The works proposed include a single storey element to the front projecting 2.7m across part of the width of the dwelling (6.4m). The depth of the dwelling would be increased from 11.7m (including the sunroom) to 15.5m. The overall height of the dwelling would be increased from 5.8m to 7m with a single storey appearance from the front and two storey at the rear. The walls would be clad with stone.

The plans show the formation of a terrace on the ground level at the rear along with a recessed balcony at first floor with full enclosure on the boundary with the neighbouring dwelling.

Relevant Planning History

2009/92084 - erection of dormer - approved

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 overall scale and design of this proposal is unacceptable. The changes required to overcome these concerns are too significant under the scope of this application and as such amended plans have not been sought.

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/04/2023

As a result of the above publicity, two representations have been received. The material considerations raised are summarised as follows:-

- Potential loss of privacy.
- Building not in keeping with the conservation area.
- Highway safety both during construction and with the front extension proposed.

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. However, the front boundary of the property is the boundary with the Little Gomersal Conservation Area.

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 35** - Historic Environment
- **LP 53** - Contaminated land

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
- Chapter 16 – Conserving and enhancing the historic 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 Extension & 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.

The relationship with the Conservation Area has been noted and the proposals have been advertised as affecting the setting of the Little Gomersal Conservation Area. As such, Policy LP35 of the KLP and chapter 16 of the NPPF are of relevance.

Impact on the character of the conservation area and visual amenity:

Key Design Principle 1 of the House Extension & 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 Extension & 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 existing property is a modest, brick built bungalow with dormers, set in substantial grounds. The proposals would see a significant increase in the massing, extending forwards slightly and taking the height of the property upwards. Together with wholesale alterations to the fabric of the building replacing the brick exterior with stone and incorporating very modern fenestration with glazing features. It is noted that from the front of the property, the appearance is as a bungalow with a two storey appearance to the rear. Overall, the significant alteration to the property would not be subservient and the original house would no longer be recognisable.

Paragraph 4.2 of the House Extensions & Alterations SPD states the local context, character and identity of the area are a significant factor when considering the appropriate form and scale of house extensions. Gomersal Lane does not have a particular character beyond predominantly residential properties, there is a mixed palette and varying sizes. Although for the most part, the dwellings are traditional in terms of design with simple domestic roof forms and traditional window openings. As such, the proposals for the host property would not be in character with the wider area.

Paragraph 4.4 of the House Extensions & Alterations SPD does allow for some contemporary design. However, it would have to be demonstrably appropriate for the site context and make a positive contribution to the wider area. In this instance, given the prominence of the site together with the surrounding development, the works would be inappropriate and incongruous, particularly with respect to the significant shift in the character of the dwelling. As such, whilst this property could potentially be extended, the design would have to be altered, the scale reduced and the materials amended. The current scheme is considered to be unacceptable in terms of visual amenity.

The Little Gomersal Conservation Area is described as a small, closely knit textile settlement from the late 18th century which is characterised by narrow lanes and walls giving a strong sense of enclosure. The host property is set back from the boundary with the Conservation Area although there are strong connecting views when travelling along Gomersal Lane from the west. The proposed side elevation would have a significant bulk and massing which would neither preserve nor enhance the character of the conservation area. Policy LP35 of the Local Plan and Chapter 16 of the NPPF state that harm to heritage assets should not be allowed without a proportionate justification. The scheme would have a less than substantial harm in terms of impact on the heritage asset with no demonstrable public benefit and, as such, would not be considered to be acceptable in terms of the impact on the conservation area.

Having taken the above into account, the proposed extensions and alterations to 126 Gomersal Lane would not form subservient additions to the property, would result in an incongruous form of development in the street and would have a less than ideal impact on the conservation area, thereby failing to

comply with Policies LP24 & LP35 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form a subservient addition to the property nor would they be in keeping with the existing building, KDP 1 & 2 of the House Extension & Alterations SPD and the aims of chapters 12 & 16 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 Extension & 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 to the west side or to the rear of the dwelling which could be affected by the works proposed.

Impact on 128 Gomersal Lane

Although the proposals would increase the height and massing of the dwelling, the space between the host property and the adjacent neighbour to the east would not be reduced. The increase is limited and the openings proposed in the side elevation would not serve any habitable spaces. The works to the dwelling would result in no overlooking, overshadowing or overbearing in respect of the adjacent neighbour. It is noted that the plans show a terrace at the rear of the host. Given the relationship with the neighbours garden and as such host property sits much further back from the road than the adjacent neighbour, the terrace would result in no loss of privacy.

With regards to the impact on the adjacent 128 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within the House Extension & 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 87 Gomersal Lane

The neighbour on the opposite side of the road occupies a position some 27m from the host property. The plans do show a small front extension which would not significantly reduce the space between the dwellings and with both the respective front gardens and the road itself between the dwellings, the works proposed for 126 Gomersal Lane would not result in any overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 87 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within the House Extension & 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 Extension & 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. However, the parking area to the front of the dwelling even with the modest front extension proposed would still have space for at least 3 vehicles of road which is considered to represent a sufficient provision. 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 Extension & Alterations SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land – Heys Chemicals Ltd. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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:

Two representations have been received. The material considerations raised are summarised as follows:-

- Potential loss of privacy – *This is a material consideration and has been fully addressed within the residential amenity section of this report.*
- Building not in keeping with the conservation area – *This is a material consideration in terms of visual amenity. The dwelling is not actually within the conservation area and the proposals would not bring the dwelling significantly closer to the boundary. The visual impact of the proposals has been fully assessed within the visual amenity section of this report.*
- Highway safety both during construction and with the front extension proposed.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application for extensions and alterations to 126 Gomersal Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed extensions and alterations, by reason of the design, scale, bulk and massing along with the change of materials for the dwelling, would not form a sympathetic or subservient feature which would not be in keeping with the host property and would result in an incongruous form of development in the wider street scene and conservation area. To permit the proposals would be contrary to Policies LP24 & LP35 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: 2023/90464

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extensions and alterations, by reason of the design, scale, bulk and massing in addition to the change of materials for the dwelling, would not appear sympathetic or subservient to the host property, resulting in an incongruous form of development detrimental to the wider street scene and harmful to the Little Gomersal Conservation Area. The harm is considered to be less than substantial for which no public benefit has been demonstrated to outweigh the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP24 and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations SPD.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	23-004-03	975881	23/02/2023
Existing plans	23-004-01	975880	23/02/2023
Proposed site plan	23-004-05	977175	23/02/2023
Proposed street scene	23-004-04	977108	23/02/2023
Proposed plans	23-004-02	975882	23/02/2023
Climate change statement	-	977109	23/02/2023

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 overall scale and design of this proposal is unacceptable. The changes required to overcome these concerns are too significant under the scope of this application and as such amended plans have not been sought.

Report Dated 19/04/2023

Appendix 2

Table 1.1 and 1.2 below indicate how a proportion of the proposals accord with Conditions and Limitations set out Class A and Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Proposed Upward Storey accordance with Limitations and Conditions set out in Class AA of the GPDO

Limitations: 'Development is not permitted by Class AA if—	
Criteria AA.1:	Proposed Upward Storey Compliance
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	Yes- permission to use the dwellinghouse as a dwellinghouse was not granted by Virtue of Class G, M, Ma, N, O, P, PA or Q of Part 3 of this Schedule.
(b) the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest;	Yes- the dwellinghouse is not located on article 2(3) land or on a site of special scientific interest.
(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;	Yes- the dwellinghouse was not constructed before 1 st July 1948 or after 28 th October 2018.
(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;	Yes- the existing dwellinghouse has not been enlarged by the addition of one or more storeys above the original dwellinghouse.
e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	Following development, the height of the highest part of the roof of the dwellinghouse would not exceed 18 metres;
(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;	Yes- the height of the highest part of the roof of the dwellinghouse will exceed the height of the highest part of the existing dwellinghouse by 1.52 m , which is currently one storey.
(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;	The dwellinghouse is detached , therefore this limitation is not relevant.
(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	The floor to ceiling height, measured internally, of the principal part of the existing dwellinghouse is 2.45 m . The floor to ceiling height of the additional storey, measured internally, would not exceed 2.45 m .

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;	The additional storey is constructed on the principal part of the dwellinghouse.
(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or	The development would not include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development
(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	The development would not include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.
Conditions: 'Development is permitted by Class AA subject to the conditions set out below-	
Criteria AA.2:	Proposed Upward Storey Compliance
2(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Not compliant, however Applicant has chosen to submit Full Planning Application to allow more flexibility on the exterior work. Justification on proposed exterior work has been provided as part of this technical letter.
2(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	Not applicable as this table only relates to the proposed upward storey extension.
2(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and	Not compliant, however the Applicant has chosen to submit Full Planning Application to allow more flexibility in the roof pitch design. Justification on proposed roof pitch design has been provided as part of this technical letter.
2(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	Complies.

Proposed Side Storey Extensions accordance with Limitations and Conditions set out in Class A of the GPDO.

Limitations 'Development is not permitted by Class A if—	
Criteria A.1:	Proposed Side Storey Compliance
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	Yes- permission to use the dwellinghouse as a dwellinghouse was not granted by Virtue of Class G, M, Ma, N, O, P, PA or Q of Part 3 of this Schedule.
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Yes- the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	Yes- the height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.

<p>(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;</p>	<p>Yes- height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.</p>
<p>(e) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;</p>	<p>Yes- the enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation and would not front a highway or form a side elevation of the original dwellinghouse.</p>
<p>(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;</p>	<p>Yes- the enlarged part of the detached dwellinghouse is single storey, does not exceed 4 metres in height and would not have extend beyond the rear wall of the original dwellinghouse by more than 4 metres.</p>
<p>(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height; (h) the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (i) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse; ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);] (k) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform,</p>	<p>Yes- the side extension will:</p> <ul style="list-style-type: none"> • not extend beyond the rear wall of the original detached dwellinghouse by more than 8 metres; • not exceed 4 metres in height; • will remain at one storey; • not be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse; • not be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres; • not have a width greater than half the width of the original dwellinghouse <p>The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would not exceed the limits set out in sub-paragraphs (e) to (j).</p> <p>The side extensions do not consist of a verandah, balcony or raised platform. It will not include the installation or alteration of a microwave antenna or chimney.</p> <p>The existing dwellinghouse is not built under Part 20 of the Schedule.</p>

<p>(ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse [; or] (I) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>	
<p>Conditions: 'Development is permitted by Class A subject to the conditions set out below-</p>	
<p>Criteria A.3:</p>	<p>Proposed Side Storey Compliance</p>
<p>(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;</p>	<p>Not compliant, however Applicant has chosen to submit Full Planning Application to allow more flexibility in the exterior work. Justification on proposed exterior work has been provided as part of this technical letter.</p>
<p>(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and</p>	<p>Compliant</p>
<p>(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.</p>	<p>Not compliant, however Applicant has chosen to submit Full Planning Application to allow more flexibility in the roof pitch design. Justification on proposed roof pitch design has been provided as part of this technical letter.</p>