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:	**2023/62/93315/E**
Site Address:	71, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3PH
Description:	Erection of two storey side and rear and single storey front extensions
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: 15-Jan-2024

OFFICER REPORT

Site Description

71 Heckmondwike Road is a brick-built end-terraced property set down from the level of the road with gardens to the rear and rear.

The property is located on a residential street with properties of a similar age, although there are some extensions and alterations.

Description of Proposal

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

The single storey front extension would be set back 3.5m from the shared boundary with the adjoining property, it would project 1.5m from the front wall of the dwelling with a width of 5.1m. The roof form would be hipped.

The two-storey side extension would project 2.9m from the original side wall of the dwelling and would extend the depth of the dwelling, with a continuation of the existing hipped roof form.

The rear extension would project 3m from the original rear wall and would extend across the full width of the dwelling, including to the rear of the proposed side extension. The roof would be hipped at two levels with a smaller hip formed to the rear of the original house.

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

Relevant Planning History

2021/91952 - erection of single storey front extension, two storey side extension and single & two storey rear extension - 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. Planning permission was refused for a similar scheme in 2021. The proposals have not overcome the previous reasons for refusal and the concerns are significant. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 30/12/2023

As a result of the above publicity, one representation has been received which expresses concerns regarding the impact of the side extension on the amenities of the neighbouring property with respect to overshadowing and overbearing.

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 December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto 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.

Single storey 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.

It is appreciated that the front of the dwelling is visible within the wider area. However, the front extension proposed would be limited in terms of its size and would be constructed using materials to match the main house, with brick for the walling and tiles for the roof covering. As such, the front extension is considered acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The two storey side extension does not include any set back or setdown as recommended in the House Extensions & Alterations SPD. Although it is located on a corner plot with a land level difference between the host property and the adjacent dwelling and as such the scale of the side extension is considered acceptable relative to the size of the main house. The design and detailing would result in an appropriate relationship and the walls and roof would be constructed using brick and tiles, which would match the main house. It is also noted that there are other similar extensions in the area, such as at 83 Heckmondwike Road. Therefore, this would not be out of character with the wider area. As such, the side extension is considered acceptable in terms of visual amenity.

Two storey 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.

The rear extension is proposed to have a projection of 3m which is in line with advice within the House Extensions & Alterations SPD, as such the scale can be considered to be acceptable. The materials proposed include the use of brick for the walling and tiles for the roof covering which would match the main house. The design and detailing would be similar in form to the main house. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Cumulative impact

Although the individual elements of the scheme may be considered acceptable in isolation, the host property and its associated curtilage are of a very modest size and, given the level of extensions proposed, would have no meaningful amenity space remaining. As such, the scale is considered not to be acceptable, as it would substantially overdevelop the property and form an incongruous feature, given the limited space remaining around the property.

Conclusion

Having taken the above into account, the proposed extensions would cause significant harm in terms of visual amenity for both the host dwelling and the wider street scene. The application, therefore, fails to comply with policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extensions would not form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the NPPF.

<u>Impact on residential amenity</u>:

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 67 Heckmondwike Road

The neighbouring house to the south west occupies a position, which angles away from the shared boundary with the host property. As such, only the rearmost corner of the extension would have any impact on this neighbour and this impact is considered negligible.

With regards to the impact on the neighbouring 67 Heckmondwike 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 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 69 Heckmondwike Road

It is appreciated that this neighbouring house occupies a slightly elevated position relative to the host property. However, this is very closely angled relationship, whereby such a substantial massing as that which would be

formed with the side and rear extension would have an overbearing and oppressive impact. Furthermore, the position would result in overshadowing in the late afternoon. It is appreciated that only one window is proposed on the ground floor, which would serve a shower room and, as such, there are no concerns in terms of privacy. However, the bulk and massing would result in such a close and overbearing impact that there would be a significant harmful impact on the amenities of the occupiers of the neighbouring property.

With regards to the impact on the adjacent 69 Heckmondwike 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 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 73 Heckmondwike Road

The front extension would be set back from the shared boundary with the adjoining property and given its limited projection and single storey nature, would have no significant impact on the amenities of the occupiers of this adjoining dwelling.

The side extension would be located on the opposite side of the host property to this adjoining dwelling and, as such, it would have no effect upon the amenities of the occupiers of the adjoining property.

The rear extension would be constructed along the shared boundary. Although it is noted that the projection is limited to 3m, at first floor in particular, this would not comply with paragraph 4.17 of the House Extensions & Alterations SPD given the extent the first floor extension would infringe upon the neighbours first floor window. The position of the extension would result in an overshadowing effect given the position of the extension to the south of the neighbour together with the projection along with an overbearing impact. It is noted that the windows within the extension would not result in any overlooking.

With regards to the impact on the adjoining 73 Heckmondwike 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 135 of the NPPF and the proposals are considered to be unacceptable.

Having reviewed the above, the proposals would have a significantly adverse impact upon the amenities of the occupiers of both the adjoining 73 Heckmondwike Road and the adjacent 69 Heckmondwike Road in terms of an overbearing impact and overshadowing. Therefore, the proposals fail to comply with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 127 (f) of the NPPF.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. It is noted that there is no parking within the site, nor, with the lower land level, is there potential to provide this within the curtilage. However, there are marked parking bays on the 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 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:

One representation has been received which expresses concerns regarding the impact of the side extension on the amenities of the neighbouring property with respect to overshadowing and overbearing. **Response:** *the issues raised form material planning matters as the relate to residential amenity. The impacts of the proposal on each of the neighbouring properties have been fully considered within the relevant section of the rear.*

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the front, two storey side extension and two storey rear extension at 71 Heckmondwike 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 cumulative impact of the varying extensions, given the modest curtilage of the dwelling would result in an incongruous form of the development and insufficient amenity space. To permit the proposals would be contrary to policy LP24 of the KLP, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed rear extension by reason of its projection and position along the shared boundary with the adjoining dwelling would result in overshadowing and overbearing for the first floor windows and amenity space of 73 Heckmondwike Road. To permit the proposals would be contrary to policy LP24 of the KLP, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed side and rear extensions, by reason of the significant bulk and massing, would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 69 Heckmondwike Road, with regards to overshadowing in the afternoon and an overbearing impact. To permit the proposals would be contrary to policy LP24 of the KLP, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2023/93315
Officer Recommendation: Refuse
Reasons for refusal

1. The cumulative impact of the varying extensions, given the modest curtilage of the dwelling would result in an incongruous form of the development and insufficient amenity space. To permit the proposals would be contrary to policy LP24 of the KLP, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension by reason of its projection and position along the shared boundary with the adjoining dwelling would result in overshadowing and overbearing for the first floor windows and amenity space of 73 Heckmondwike Road. To permit the proposals would be contrary to policy LP24 of the KLP, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

3. The proposed side and rear extensions, by reason of the significant bulk and massing, would result in an unacceptable degree of harm in terms of the amenities of the occupiers of the adjacent 69 Heckmondwike Road, with regards to overshadowing in the afternoon and an overbearing impact. To permit the proposals would be contrary to policy LP24 of the KLP, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & floor plan	-	1017407	20/11/2023
Elevations	-	1016288	20/11/2023
Climate change statement	-	1017408	20/11/2023

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.

Planning permission was refused for a similar scheme in 2021. The proposals have not overcome the previous reasons for refusal and the concerns are significant. Amended plans have not been sought.

10/01/2024

Report Dated