

**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:	2023/62/93369/E
Site Address:	137, Quaker Lane, Hightown, Cleckheaton, BD19 5JG
Description:	Erection of part two storey rear extension and dormer 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: 23-Jan-2024

OFFICER REPORT

Site Description

137 Quaker Lane is a detached dwelling. The property has an asymmetrical form with a mix of pebbledash and brick. The dwelling has gardens and a drive to the front with an tiered garden to the rear.

The surrounding properties are of a similar age although there are variances in terms of style.

Description of Proposal

The applicant is seeking permission for a first floor side extension, single and two storey rear extension with associated external alterations.

The first floor side element would replace an existing dormer and would be set back from the front of the dwelling, extending the full depth of the dwelling with a flat roof form. The plans show the first floor would be clad with composite pvc cladding.

The ground floor element of the rear extension would project between 2.5m and 3.6m across the full width of the dwelling. The first floor element would be to the rear of the first floor side element with a projection of 3.3m and a width of 4.4m. The roof form over the ground floor would be a parapet with a lantern and the roof over the first floor element would be flat. The plans show the single storey element would be clad with composite cladding and the two storey element would have render on the ground floor walls and composite cladding at first floor level.

The original house also proposes a combination of render and composite pvc cladding for all elevations.

Relevant Planning History

None

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 agent was asked to provide a rationale for the alternative design, in line with paragraph 4.4 of the House Extensions & Alterations SPD. The statement provided was not considered to provide sufficient justification and amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 02/01/2024

As a result of the above publicity, three representations have been received. The material planning matters raised are summarised as follows:

- Overlooking,
- Overshadowing,
- The design is unsightly,
- Loss of the integral garage together with the increase in accommodation could result in parking issues.

Although other matters such as devaluation of property may have been raised, only material planning matters can be considered.

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

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 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 proposals consist of three distinct elements which shall be addressed below.

First floor 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 they 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.

Whilst it is appreciated that the first floor element is replacing an existing dormer and would not increase the width of the dwelling, the design has a large expanse with a flat roof and boxy form. The side elevation of the property is prominent and as flat roof forms do not generally represent good design, in this instance the design with the use of cladding would form an incongruous feature within the street scene. It is noted that the properties on Quaker Lane are a mix of styles. That being said, the alterations proposed would be out of character with the wider area. The first floor side extension is therefore considered to be unacceptable in terms of visual amenity.

Single & 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 extensions have a limited projection and would allow for the retention of a reasonable amenity space. The scale is therefore acceptable. However flat roof forms are not generally considered to represent good design. The first floor element would be prominent and in this instance, resultant appearance would be incongruous with the host and wider area and therefore is not considered to be acceptable. The single storey element would be limited in terms of its height with limited views in the wider area and could be considered to be acceptable. However, overall the two storey rear extension is not considered to be acceptable in terms of visual amenity.

External alterations

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 plans indicate the external walls of the dwelling would be clad with a combination of render and composite cladding which would alter the appearance of the dwelling. Whilst it is appreciated that there is a mixed palette in the wider area, the overall design together with the materials proposed would result in the dwelling forming an incongruous feature in the street scene. The alterations are therefore considered to be unacceptable in terms of visual amenity.

It is appreciated that the agent has supplied a supporting statement. However, having reviewed the rationale given along with paragraph 4.4 of the House Extensions & Alterations SPD, the statement is not considered to provide sufficient justification. For the reasons set above the design approach is not acceptable in this instance.

Having taken the above into account, the proposals would result in a prominent and incongruous form of development which is considered to be harmful in terms of visual amenity for both the host dwelling and the wider street scene. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, 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 rear which could be affected by the works proposed.

Impact on 139 Quaker Lane

The adjacent neighbour to the north west occupies a position which is further back within its plot than the host property. Given the spatial relationship, the rear extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 139 Quaker Lane, 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 133 Quaker Lane

The neighbour to the south east side occupies a position some 19m from the site. The proposals include a first floor side extension which would replace an existing dormer. The window in the side of the extension would be in a similar position to the existing dormer window and as such would result in no additional overlooking. The separation distance would minimise the potential for any overbearing or overshadowing as a result of the first floor side or the two storey rear extension.

With regards to the impact on the adjacent 133 Quaker Lane, 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 132 Quaker Lane

The property on the opposite side of the road occupies a position some 19m from the host property. Given the separation between the properties, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 132 Quaker Lane, 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 1 Ashbourne View

This neighbouring property occupies a position to the west and has small area of shared boundary. That being said, the properties themselves have no direct relationship and a separation of more than 20m. Given the spatial relationship between the properties together with the limited nature of the works proposed, there would be no overshadowing or overbearing impact. The submitted plans do show a juliet balcony at first floor facing into the applicants own garden. However, as this is in effect a large window, with no outdoor platform, the angled relationship between the host property and the neighbour to the west prevents any significant overlooking.

With regards to the impact on the neighbouring 1 Ashbourne View, the scheme is considered to be acceptable 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.

Impact on 2 Penn Drive

This neighbouring property occupies a position to the south east and has small area of shared boundary. That being said, the properties themselves have an obliquely angled relationship and a separation of more than 30m. Given the spatial relationship between the properties together with the limited nature of the works proposed, there would be no overshadowing or overbearing impact. The submitted plans do show a juliet balcony at first floor facing into the applicants own garden. However, as this is in effect a large window, with no outdoor platform, the angled relationship between the host property and the neighbour to the south east prevents any significant overlooking.

With regards to the impact on the neighbouring 2 Penn Drive, the scheme is considered to be acceptable 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.

Impact on 4 Penn Drive

This neighbouring property occupies a position to the south and does not share any boundary with the host property. Furthermore, the properties themselves have an obliquely angled relationship and a separation of nearly 40m. Given the spatial relationship between the properties together with the limited nature of the works proposed, there would be no overshadowing or overbearing impact. The submitted plans do show a juliet balcony at first floor facing into the applicants own garden. However, as this is in effect a large window, with no outdoor platform, the angled relationship between the host property and the neighbour to the south prevents any significant overlooking.

With regards to the impact on the neighbouring 4 Penn Drive, the scheme is considered to be acceptable 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.

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 135 (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 side of the property would not be affected by the

proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is on the front corner of the house and 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:

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

Negotiations:

Three representations have been received. The material planning matters raised are summarised as follows:

- Overlooking – **Response:** *Privacy is a material consideration. The full impacts of the proposal in terms of privacy and with respect to each of the neighbouring properties has been assessed within the residential amenity section of this report,*
- Overshadowing – **Response:** *the potential for overshadowing is a material consideration and has been fully considered, by property, within the residential amenity section of this report,*
- The design is unsightly – **Response:** *the design would have an effect on the character of the area and as such is a material consideration which has been fully addressed under the visual amenity section of this report,*
- Loss of the integral garage together with the increase in accommodation could result in parking issues – **Response:** *highway safety is a material consideration and the potential impacts of the proposal in this regard have been assessed under the highways section of this report.*

Although other matters such as devaluation of property may have been raised, only material planning matters can be considered.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a first floor side extension, single & two storey rear extension and external alterations to 137 Quaker Lane 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 proposals, by reason of the design, use of significant flat roofing and materials including the mix of render and cladding would result in the formation of a prominent and incongruous form of development which is considered to be harmful to the character of the host property and the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 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:** 2023/93369**Officer Recommendation:** Refuse**Reasons for refusal**

The proposals, by reason of the design, use of significant flat roofing and materials including the mix of render and cladding would result in the formation of a prominent and incongruous form of development which is considered to be harmful to the character of the host property and the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 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 plan	P01	1018632	28/11/2023
Existing elevations	S120	1016960	28/11/2023
Existing floor plans	S110	1016954	28/11/2023
Proposed elevations	-	1016958	28/11/2023
Proposed floor plans	-	1016959	28/11/2023
Climate change statement	-	1016957	28/11/2023
Planning statement	-	1024462	16/01/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The agent was asked to provide a rationale for the alternative design, in line with paragraph 4.4 of the House Extensions & Alterations SPD. The statement provided was not considered to provide sufficient justification and amended plans have not been sought.

Report Dated

17/01/2024

