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:	**2023/62/93409/W**
Site Address:	2, Oakfield Road, Birkby, Huddersfield, HD2 2XF
Description:	Raising of eaves and ridge height to create first floor extension with front dormers and associated alterations (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 23-Jan-2024

Officer Report.

Reference: 2023/93409

Location: 2, Oakfield Road, Birkby, Huddersfield, HD2 2XF

Proposal: Raising of eaves and ridge height to create first floor extension with front dormers and associated alterations

Site Description.

2 Oakfield Road, Birkby is an end terrace property constructed of natural coursed stone and brick with blue slate tiles, located within the Birkby Conservation Area. The property is located on the corner with Birkby Hall Road, with a curved boundary at the junction. The property has been extended to the rear with a first floor & a 2- storey extension.

The garden space is to the front and side only where the current boundary treatment is high gates and stone walling along Oakfield Road for approx. 15m, before changing to the original low wall with coping stones and a mature evergreen hedge for the remaining part of Oakfield Road before turning into Birkby Hall Road frontage, providing screening of the front garden.

Description of Proposal.

Planning permission is sought to raise eaves and ridge height to create an upper floor extension, with front dormers and associated alterations. This would create a bedroom in the attic space.

The proposals are to increase the masonry to the previously constructed extensions, to lift ridge level to approximately 8.85 metres (set down approximately 0.4 metres from the ridge height of the host dwelling) and create a 2nd floor within the roof space and provide an additional bedroom.

Front and rear walls to be natural coursed stone to match existing, end gable wall to be faced in brick to match existing. Roof to be infilled with matching blue slate tiles.

The proposed front dormers would have the following dimensions:

- Depth – 3.5 metres
- Width – 1.5 metres
- Height – 1.9 metres

The application form sets out that the dormer fronts and cheeks would be faced in lead.

The proposal includes for the replacement of the existing single window to the front elevation with a larger double window, which is to match the existing dwelling.

History of Negotiations/Amendments Received.

No negotiations have taken place with the applicant/agent due to there being no obvious solution to overcome concerns with regards to the impacts visually, to the heritage significance of the Conservation Area, to residential amenity and to highway safety.

Relevant Planning History.

- 2021/91213 – Erection of detached garden room and part demolition of garden wall. *Refused.*
- 2015/90557 – Erection of a detached summer house and increase height of boundary wall. *Approved.*
- 2008/92859 – Erection of rear 2-storey & first floor extension. *Approved.*
- 2006/93215 – Erection of first floor extension. *Approved.*
- 2006/90861 – Erection of first floor extension with balcony. *Refused.*
- 2001/90401 – Conversation Area Consent for demolition of outbuilding and brick wall and removal of concrete garage. *Granted.*
- 2001/90400 – Erection of ground floor extension. *Approved.*
- 93/01407 – Erection of garage. *Approved.*

Representations.

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

Final publicity date expired = 15th January 2024.

In response to publicity, four objections were received.

A summary of the comments received, which are considered to be material planning considerations for the current application, are set out below:

- The new proposed elevation will not adhere to the requirements of visual amenity or relevant policies.

- The extension would result in a property which will have doubled in size (if not more) versus the original building, this would not be in keeping with the aspirations of a Conservation Area.

- No other property in the area has dormers to the front.

- The proposal will have a detrimental effect on light and sunlight to neighbouring properties in the immediate vicinity of the proposal.

- Loss of light to neighbouring properties could have a negative impact on health and wellbeing.

- A comment was received on behalf of Huddersfield Civic Society and stated that 'The council, if minded to approve this application, should seek to apply some form of consistent approach to minimise visual impact and attempt at achieving some level of acceptable development in terms of the design and materials used in construction'.

Consultation Responses.

KC Conservation and Design (informal) – Conclude that the proposals would result in less than substantial detrimental impact to the character of the Conservation Area, being large extensions that are overly dominant for the host dwelling and the area. Further comments were as follows:

- Proposal will have a negative impact by increasing ridge height and introducing dormers, both of which are not reflective of the character of the area.

- The stepped extensions as existing help keep the host dwelling dominant by been designed rather subserviently. The proposal seeks extensions which are too dominant with not enough mitigation to make them acceptable.

- Dormers facing the streetscene could set a detrimental precedent, with no front dormers within the area of the site at present.

Policy/Legislation.

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 application site is located within the Birkby Conservation Area.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

Highways Design Guide SPD (2019)

House Extensions and Alterations SPD: (2021)

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 December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful 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.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

1) Principle of Development
2) Impact on Visual Amenity and Historic Environment
3) Impact on Residential Amenity
4) Impact on Highway Safety
5) Other Matters
6) Representations
7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

The assessment of impacts on the historic environment, visual and residential amenity, highway safety and any other impacts that may arise will be discussed below.

1) Impact on Visual Amenity and Historic Environment

Visual Amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *"The creation of high-quality 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."*

Paragraph 140 of the NPPF is of relevance, in particular the following parts:-

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Paragraph 5.22 of the House Extensions and Alterations SPD sets out that two-storey and first floor side extensions should:

- ideally be visually smaller in relation to the original house;
- be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;
- have a roof design that follows the dorm of the existing roof; and
- retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

Given the prominent corner plot location of the site, it can be seen from a number of public vantage points along the highways of both Oakfield Road and Birkby Hall Road. Despite the presence of boundary treatment, visibility of the property remains clear, especially the first-floor level and roof, where the proposed extensions are to be erected.

The proposal is considered to result in the overdevelopment of the original property, which has previously been significantly extended, including the existing projections north of the host property, above which the extensions under this current application are proposed. As a result, it is considered that the proposal would result in the loss of the original architectural form of the host property and the extensions would not be read as subservient additions. The first-floor extensions would result in undue levels of bulking and massing, which would be further exacerbated by the erection of two dormers; resulting

in an overall obtrusive appearance. As such, it is considered the development would cause harm to the character of the host dwelling and wider streetscene.

With regard to the design recommendations of the House Extensions and Alterations SPD, the proposal would fail to be in accordance with those in relation to first floor side extensions. The extensions would not be set back from the original building line of the host property, resulting in them appearing as overly dominant. In addition, the proposed first floor extensions would fail to be set down by 0.5 metres and would meet the northern boundary of curtilage at the site.

Paragraph 5.26 of the House Extensions and Alterations SPD sets out that: *'To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street'.*

Whilst officers note that the proposed dormers are to be traditional vertical dormers to a pitched roof, their presence to the roof of the first-floor extension would result in a top-heavy appearance, adding further bulk and massing to the roof of the extension, contributing to its overall obtrusive appearance. In addition, no other dormers are present to the roof elevations of any neighbouring properties within the immediate streetscene, meaning front dormers are not characteristic of the street scene. As such, when consideration is given to the appearance of surrounding buildings in the street, the introduction of front dormers is not considered to be acceptable in this instance.

For these reasons, it is concluded that the proposed extensions would not be subservient to the host dwelling and would present obtrusive additions to 2 Oakfield Road. In addition, the proposed extensions pose detriment to the established character of the wider locality.

It is therefore concluded that the proposal would not comply with policies within Chapter 12 of the NPPF, Policies LP1, LP2 & LP24 of the Kirklees Local Plan or Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of its functions, with respect to any buildings or other land in a conservation area, local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Although there is no Conservation Area Appraisal for Birkby, its essence can be described as:
"A mainly nineteenth century residential suburb of Huddersfield, but includes older buildings and a large mill complex together with a Victorian cemetery and public park. The stone terraced properties have a leafy aspect to the streets with uniform stone boundary walls and gateways contributing to the street scene". This quote is taken from the former UDP.

The application property is a double-fronted corner, end-terrace dwelling, dating from the early-C20th and prominently located in Birkby Conservation Area. The townscape character of the designated conservation area is defined by the pre-dominance of mid-late C19th and early-C20th residential properties which formed a relatively-affluent suburb on former agricultural land enclosing the nearby Birkby Hall. The Council's Conservation and Design Team have been informally consulted.
The subject site conforms with the broad character of the building stock within the conservation area, in terms of its scale, proportions and materiality. The majority of the buildings along this part of the conservation area are constructed of local stone with either pitched or hipped stone slate/slate roofs and are set-back from the street-edge, enclosed within front-gardens lining the street behind low stone walls and hedgerows. This particular property has been previously extended to the side and rear to wrap around the corner of Oakfield Road, although, as existing, it broadly retains its identity as the 'book-end' at the end of the terrace fronting onto Birkby Hall Road, with its current additions remaining visually subservient to the character of the terrace and avoiding any significant intrusion into the street-frontage.
This part of the Birkby Conservation Area retains a coherent character, achieved by the relatively low number of insensitive developments and alterations. It also retains a high proportion of original C19th/early-C20th features such as: windows, doors, boundary walls and landscape features. The survival of such original architectural features has helped to maintain a comprehensive and attractive sense of place within this part of the conservation area.
As the site is located within the designated Birkby Conservation Area the proposals should be considered in terms of S.72 of the 1990 Act, with particular reference to the desirability to preserve or enhance the character and appearance of the conservation area.
The applicant has submitted a 'heritage statement' in support of the application. This document does not describe the significance of the site, or objectively evaluate the impact of the proposed development on the designated heritage asset (Birkby Conservation Area). It concludes "To sum up we feel the proposed extension create a positive effect in terms of appearance of the host building and surrounding land. We believe the extension will be a sensitive addition to the host dwelling, with design and materials carefully chosen to harmonise with the overall character of the Birkby conservation area".

The proposed development is to further extend the original dwelling, which would remove the visual subservience of the existing extensions and result in a significant intrusion into the street frontage. As in the previous section, proposed extensions would not be subservient to the host dwelling and would present obtrusive additions to 2 Oakfield Road. In addition, the proposed extensions pose detriment to the established character of the wider locality.

The proposal would result in the transformation of this corner property and the wider streetscape by the intrusive impact of the extension by reason of its mass and design. It would overdominate the dwelling and would be read as a jarring visual intrusion in the relatively balanced townscape composition.

Therefore, the proposal would have a demonstrably adverse impact on both the architectural characteristics of the terrace and the wider streetscape and would neither preserve nor enhance the character or appearance of the designated conservation area.
The proposed development conflicts with the fundamental design objectives set by the NPPF Chapters 12 and 16 as well as Kirklees Local Plan policies LP24 Design and LP35 Historic Environment. It would result in a disproportionately prominent addition to the dwelling and , in turn the streetscape, which would compromise the character and appearance of the domestic terrace and this part of the conservation area. The imposing and intrusive development would have a significant adverse impact on the Birkby Conservation Area, amounting to 'less than substantial harm' to this designated heritage asset which could not be outweighed by any public benefits, contrary to NPPF paragraph 208 and Local Plan Policy LP35. Consequently, the proposed development should be refused planning permission.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the retention of the same extent of outdoor amenity space at 2 Oakfield, concluding it acceptable in this regard, in accordance with Key Design Principle 7 of the House Extensions and Alterations SPD.

The properties most likely to be affected by the proposed development are those which directly neighbour the site, these being No. 208 Birkby Hall Road and No. 4 Oakfield Road. The impacts of the proposal to each of these neighbouring properties is set out below:

No. 208 Birkby Hall Road:

This property is located to the east of No. 2 Oakfield Road.

It is concluded that the proposal would result in an unacceptable impact of overshadowing for the occupiers of No. 208 Birkby Hall Road. When a line of 45 degrees in drawn, the first-floor extensions would cut across the entirety of

the rear elevation of No. 208 Birkby Hall Road, which appears to host a habitable room window to its first floor, serving a bedroom.

As well as the above, desktop sunlight calculator software has been used to determine that the increased ridge height as a result of the extensions would lead to increased impacts of overshadowing to the entire rear elevation of No. 208 Birkby Hall Road and its rear garden amenity space between approximately 16:00-21:15 in the summer months.

In addition, given that the proposed first-floor extensions would introduce an even higher solid elevation along the shared boundary with No. 208 Birkby Hall Road, it is concluded that the extensions would also have a detrimental impact of been overbearing.

No habitable room windows are proposed to face towards No. 208 Birkby Hall Road as part of the development scheme and as such, it is not considered that the proposal presents undue impacts to residential privacy.

No. 4 Oakfield Road:

This property is located to the north of 2 Oakfield Road.

The proposed first floor extensions to 2 Oakfield Road would increase the height of the northern elevation of the application site to approximately 8.85 metres. This elevation would retain a separation distance of only approximately 5 metres from the southern side elevation of No. 4 Oakfield Road, where glazing is present. Given the location and size of the two windows in the side elevation of No. 4 Oakfield Road, and that they are not obscure glazed, it is considered that they could serve habitable rooms within the interior of No. 4 Oakfield Road. As such, it is concluded that the proposed first floor extensions to No. 2 Oakfield Road would result in undue impacts of overbearing for the occupiers of this neighbouring property.

In addition, desktop sunlight calculator software has been used to determine that the increased ridge height as a result of the extensions would lead to increased impacts of overshadowing to the northern side elevation of No. 4 Oakfield Road, between approximately 11:00-14:30 in the summer months and approximately 10:30-13:00 in the winter.

No new habitable room windows are proposed to face towards No. 208 Birkby Hall Road as part of the development scheme and as such, it is not considered that the proposal presents undue impacts to residential privacy.

For the reasons set out in this section of the report, the proposed development to 2 Oakfield Road e is considered to cause undue harm to the residential amenities of neighbouring properties, specifically the oppressive/overbearing impacts and unacceptable levels of overshadowing that would occur for the occupiers of No. 208 Birkby Hall Road and No. 4 Oakfield Road. It is therefore considered that the proposed extension fails to comply with policies within Chapter 12 of the NPPF, Policy LP24 of the

Kirklees Local Plan and Key Design Principles 5 and 6 of the House Extensions and Alterations SPD.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions and Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would increase the number of bedrooms within the interior of 2 Oakfield Road from four to five. Guidance sets out that 4+ bedroom dwellings should provide 3 off-street parking spaces.

The extent of hard surfacing at 2 Oakfield Road is to remain as existing, with an approximate length of 9 metres and width of 6 metres. General guidance for parking spaces recommends that, for standard sized cars, a parking space should be approximately 5.48 metres in length by 2.59 metres in width.

As such, it is considered that the parking area at 2 Oakfield Road can facilitate on-site parking for two vehicles, with no increase in hard-surfacing proposed as part of the development scheme. The garage area within the dwelling cannot accommodate a vehicle under modern standards.

Therefore, the proposed extensions could be considered to result in an intensification of the residential use of the site, with no compensatory off-street parking provided.

The limited on-site parking provided would likely result in vehicles parking on highways, but there does appears to be some capacity to park vehicles off side.

The proposal would therefore on balance, not result in a detrimental impact to the safety and convenience of highway users. The proposal is therefore concluded to be acceptable when assessed against Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and policies within Chapter 9 of the NPPF.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11

request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of this part of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Coal Legacy:

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

5) Representations

It should be noted that four representations have been received as a result of site publicity which have been addressed in the report above.

- The new proposed elevation will not adhere to the requirements of visual amenity or relevant policies.

- The extension would result in a property which will have doubled in size (if not more) versus the original building, this would not be in keeping with the aspirations of a Conservation Area.

- No other property in the area has dormers to the front.

- The proposal will have a detrimental effect on light and sunlight to neighbouring properties in the immediate vicinity of the proposal.

- Loss of light to neighbouring properties could have a negative impact on health and wellbeing.

- A comment was received on behalf of Huddersfield Civic Society and stated that 'The council, if minded to approve this application, should seek to apply some form of consistent approach to minimise visual impact and attempt at achieving some level of acceptable development in terms of the design and materials used in construction'.

6) Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that the

application of policies within the NPPF protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2023/93409
Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed extension, by reason of its siting, scale, massing and design would result in a disproportionately prominent and obtrusive addition to the original dwelling which would compromise the visual

character and appearance of the host property and streetscene of this part of the Birkby Conservation Area. The imposing and intrusive development would not be subservient to the original dwelling when considered cumulatively with previous extensions and would have an adverse impact on the Birkby Conservation Area, amounting to 'less than substantial harm' to this designated heritage asset which could not be outweighed by any public benefits. The development would be contrary to Policies LP24a and c and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

2. The proposed extensions, by virtue of their scale, design and siting in relation to shared boundaries, would lead to a detrimental overshadowing and overbearing impact to the occupiers of No. 208 Birkby Hall Road and No. 4 Oakfield Road. Therefore, the proposal would fail to retain a high standard of amenity for existing occupiers of these neighbouring dwellings contrary to Policy LP24(b) of the Kirklees Local Plan, Design Principles 5 and 6 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Existing Plans & Elevations	2020-033-(20)001	-	04.12.23
Proposed Block Plan	2020-033-(08)001	-	20.11.23
Proposed Plans & Elevations	2020-033-(20)001	-	20.11.23
Conservation/Heritage Statement	-	-	20.11.23
Climate Change Statement	-	-	20.11.23

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.

No negotiations have taken place with the applicant/agent due to there being no obvious solution to overcome concerns with regards to the impacts visually, to the heritage significance of the Conservation Area and to residential amenity.

Report Dated: 22.01.24