

**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:	2023/62/93462/E
Site Address:	11&13 Lees Avenue, Thornhill Lees, Dewsbury, WF12 0AN
Description:	Erection of single storey front extension, two storey rear extension and front and rear dormers with hip to gable roof and external alterations
Recommending Officer:	Elenya Jackson

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: 19-Jan-24

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OFFICER REPORT:

Site Description

11&13 Lees Avenue are two storey end of terrace dwellings in, Thornhill Lees, Dewsbury. The properties have a garden and drive to the front with a small yard area enclosed to the rear.

The surrounding properties are similar in terms of age and style.

There are limited examples of alterations within the street scene.

The site has previous permission for alterations to convert two dwellings to one dwelling and erection of front porch, two storey rear extension, front and rear dormers and rear outbuilding with external alterations. Conditional full permission.

Description of Proposal

The applicant is seeking permission for:

- a hip to gable enlargement to no.13.
- a rear dormer to each dwelling 4.6m wide, 1.6m tall and 2.7m projection.
- a front dormer both properties 2.4m wide, 1.6m tall and 2m projection.
- porch extension to both properties 1.6m projection, 5.1m wide and 3.4m tall
- an additional window to the front elevation .
- two storey rear extension which would project 3m beyond the rear elevation of the dwellings, each extension would have a width of 5m and a maximum height of 6.2m.

Relevant Planning History

No.13 Lees Avenue

2018/90996 - Erection of two storey side extension, single & two storey rear extension, single storey front extension and front dormer (modified proposal). Conditional full permission

2017/92583 - The proposal is for a single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m. The height of the eaves of the extension is 2.5m. Prior Approval not Required

2017/90298 – Erection of 2 storey rear and side extensions, single storey front extension and front dormer. Conditional full permission

2022/92278: Alterations to convert two dwellings to one dwelling and erection of front porch, two storey rear extension, front and rear dormers and rear outbuilding with external alterations. Conditional full permission.

No.7 Lees Avenue

2015/91353 - Erection of extensions and 2no dormers on front elevation. Refused

2014/92825 - Erection of two storey rear and side and single storey front extensions. Conditional full permission

2014/91289 - Erection of two storey side and rear extensions, single storey front extension and 2 no. dormers on front elevation. Refused

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The scheme does not comply with Policy LP24 of the Kirklees Local Plan and the House Extensions & Alterations SPD in terms of the design and would result in the formation of an incongruous feature in the area. There are other examples of refusals for similar proposals within the vicinity under the same policy context. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 14/11/2023

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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

incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

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 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 proposal consists of several elements which shall be addressed in parts; however, it is acknowledged the dormer could not be built without the roof 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 properties within Lees Avenue, Lees Holm, Parker Drive are almost entirely hipped roofed properties. The alteration of the roof to a gable of no.13 would appear out of character with the host property and result in an incongruous and out of keeping feature within the street scene. The proposed hip to gable enlargement is therefore not considered to be acceptable in terms of visual amenity.

In point 5.25 of the House Extensions & Alterations SPD, it suggests that rear dormers can be considered to be appropriate dependent upon design and size. The rear dormers would be a box like structure built out of the roof plane. It is considered that both dormers to the rear of the properties would not dominate the roof space and would be clad with vertically hung tiles which would soften the impact on the roof scape. That being said, the dormer to no.13 would rely on the hip to gable enlargement, which has been considered above as unacceptable in terms of visual amenity.

The proposal also includes dormers to the principal elevation of the dwelling, section 5.4 refers to dormers to the front of properties and states that, to assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street, they may be acceptable if they are characteristic of the street scene. During the site visit, officers looked at the building group and immediate street scene and no dormers to the principal elevation of dwellings were visible. Therefore, it is considered that the introduction of dormers into the principal elevation of the dwellings in this location would be out of keeping with the host property and prevailing character of the area.

The proposal includes works to the front of both dwellings in the form of a porch and an additional window.

Section 5.2 of the HEASPD refers to front extensions and states they are not usually permitted unless: they are set back from the street scene, small and subservient and using matching material to the host property. It is considered that the proposed porch alterations are proposed to be constructed in matching materials to the host dwelling, are single storey and of limited projection in comparison to the host dwelling. Therefore, the introduction of a porch would not have an unacceptable impact on the character of the host properties or the street scene.

It is considered that additional windows into the principal elevation would have an acceptable impact on the host dwellings.

Finally, the proposal would include a two storey rear extension to both properties. Section 5.1 of the HEASPD refers to two storey rear extensions and states they should not exceed 50% of the area of land around the original house, not project more than 3m, not exceed an eaves of 3m when within 1.5m of the boundary and be set off of shared boundaries by 1.5m.

The proposed two storey extensions would project a maximum of 3m beyond the rear elevation of the dwelling, they would not be set off of the shared boundary with 9 Lees Avenue or no 11 Lees Avenue; however, this is considered acceptable in this instance as it reflects the existing development at no.9 Lees Avenue. Officers consider that sufficient amenity space would be retained if the extensions received planning permission.

Having taken the above into account, the proposed roof alteration & dormer to no.13 and the introduction of dormers to the principal elevation of both dwellings would result in the formation of an incongruous feature which would be out of character with 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.

The alterations to the roof of no.13, the rear dormers, front dormers and windows to the principal elevation would have no impact on the neighbouring properties in terms of overlooking, overshadowing or overbearing.

Two storey rear extension and porch.

9 Lees Avenue: is attached to no.11 as part of the terraced row.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The extension would be constructed along the shared boundary with No.9 and as such would have an overbearing and oppressive impact. Furthermore, the neighbouring no. 7 has their own extension. As such, the proposed extension at the rear of 11 would enclose the rear elevation of the adjoining dwelling. Therefore, it is considered that the proposal would have a significantly harmful effect for the occupiers of no.9 in terms of overbearing.

The porch alterations would have a limited projection beyond the principal elevation and therefore no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The proposal would project 3m beyond the rear elevation of no.11 which is not significantly different to the existing extension at no.9. Therefore, no significant issues would arise regarding overbearing. The porch would be single storey and of limited projection; therefore, no significant concerns would be raised regarding overbearing.

15 Lees Avenue: adjoins the application site property to the east. The properties do not physically adjoin.

Overlooking: The proposal would feature one side facing window relating to a landing. It is considered that this is not a habitable room and therefore could be conditioned to be obscured.

Overshadowing/loss of light: The proposal would not extend beyond the side elevation of no.13 and would therefore retain existing separation distances. The proposal would not reside within the 45 degree visibility splay of any habitable rooms at no.15 and therefore no significant issues would arise regarding overshadowing/loss of light. The porch alterations would have a limited projection beyond the principal elevation and therefore no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The proposal would not extend closer to no.15 than the existing dwelling. It is therefore considered that there is sufficient separation distance to mitigate any significant overbearing impact. The porch would be single storey and of limited projection; therefore, no significant concerns would be raised regarding overbearing.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals would allow for some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and 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:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to alter the roof form at 13 Lees Avenue and introduce a front dormer into no.11 and 13 Lees Holm 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 proposed roof design, rear dormer and front dormers would result in the formation of an incongruous feature which would be out of character with the host property and the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

The proposed extension to the rear of 11 Lees Avenue, would by reason of its projection and position along the shared boundary, result in an overbearing and oppressive impact on the rear windows and amenity space of the adjoining 9 Lees Avenue. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, 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: 2023/93462

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed roof design, rear dormer and two front dormers would result in the formation of an incongruous feature which would be out of character and detrimental to the host property and the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.
2. The proposed extension to the rear of 11 Lees Avenue, would by reason of its projection and position along the shared boundary, result in an overbearing and oppressive impact on the rear windows and amenity space to the detriment of the occupants of the adjoining 9 Lees Avenue. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, 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	Date Received
Existing and Proposed Floor Plans and Elevations	01	27/11/2023

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

The scheme does not comply with Policy LP24 of the Kirklees Local Plan and the House Extensions & Alterations SPD in terms of the design and would result in the formation of an incongruous feature in the area. Amended plans have not been sought.

