

**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:	2023/62/93513/E
Site Address:	191, High Street, Hanging Heaton, Batley, WF17 6DP
Description:	Erection of rear extension and associated 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: 27-Feb-2024

OFFICER REPORT: 2023/93189

Site Description

The site at no. 191 High Street is a detached dwelling constructed from brick for the external walls, tiles for the roofing materials and upvc for the windows. The dwelling has a ground floor and first floor bay window. The site has a small area of amenity space to the front of the dwelling and a larger area to the rear of the site.

Surrounding the site is predominantly residential with many of the dwellings having been extended. To the southwest of the site, there are several listed buildings.

The site is unallocated. The green belt boundary runs to the north and north-east of the application site.

There is a residential development being constructed to the north/east of the dwelling.

Description of Proposal

The application is seeking permission for the erection of a two storey rear extension which would project 6m beyond the rear elevation of the existing dwelling, have a width of 9.8m. The proposal would have a maximum height of 9.4m with an eaves height of 7.6m (this would match the eaves height of the existing dwelling but due to the change in ground levels would extend a floor below the main dwelling).

This would feature a dual hipped roof with a central gully.

The proposal would be constructed with bricks matching the existing dwelling with the exception of the lower ground floor which would feature a rendered finish.

Relevant Planning History

2015/91917 – Erection of extensions APPROVED (no. 191)

2016/92587- Erection of first floor side extension. Conditional full permission (no.191)

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. No alterations were requested.

Representations

The application was advertised by neighbour letters, which expired on 22/2/2024

As a result of the above publicity one objection was received.

- Scale of proposal not being in keeping
- Overshadowing/loss of light
- Failure to comply with the SPD
- Incorrect boundaries

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 property is located in a predominantly residential area. The neighbouring properties are similar in terms of size, age, design, and construction materials and the property is different to the dwellings within its immediate building group.

As previously highlighted, the site has previously been extended.

Section 5.8 of the HEASPD refers to two storey rear extensions should:

- be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary; be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre; and not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The proposed extension would have a projection of 6m beyond the rear elevation of the host dwelling. It is considered that the scale and mass of the proposed rear extension would fail to integrate with the host property and would be an obvious dominant addition. When considered in the context of the 'original dwelling' there has been significant alterations on site which when coupled with the proposed extension would not be in keeping with the character of the host dwelling or the prevailing character of the area.

It is considered that the proposal would not retain a significant amount of private amenity space when considering the scale of the alterations and would represent an overdevelopment of the site.

Having taken the above into account, the proposed extension would appear to be out of character with the host dwelling and the wider street scene. The proposal would 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.

193 High Street: adjoins the application property to the south

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The proposal would be located to the north of 193. 193 Currently has a side facing window but this is in line with the existing dwelling. It is considered that due to the orientation of the dwelling and the existing relationship, no significant issues would arise regarding overshadowing/loss of light or overbearing.

Plot 55 of application 2021/62/91871: adjoins the application property to the north.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light/overbearing: The proposal would not fall within the vertical or horizontal 45 degree visibility splay of any habitable windows at the future dwelling and despite the scale of the property, there is a sufficient separation distance between the dwellings to not raise any significant issues regarding overshadowing/loss of light or overbearing for the private amenity space of the dwelling. Therefore no significant issues would arise to the future occupiers of this address.

Due to the scale and location of the proposal, it is considered that no other properties would be affected by the proposal.

Having considered the above factors, the proposal is 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 result in the intensification of the domestic use of the site due to the existing dwelling featuring five bedrooms and the proposal not outlining the number of extra bedrooms created. The site currently has a driveway which can accommodate 3 parking spaces and would be retained. The proposal would not result in the loss of any parking spaces onsite, it is considered that due to no spaces being lost as a result of the proposal, the proposal is considered to comply 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.

Proposed conditions

Non as the application is recommended for refusal.

Conclusion:

This application 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 alterations would be out of character with the host property and the wider area and the proposed extensions would dominate the host property and represent an over development on site. To permit the proposals would accord 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.

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: 2023/93513

Officer Recommendation: Refuse

Reasons

The proposed extension, due to scale, mass and form would appear discordant, overly prominent and domineering to the host dwelling, appearing incongruous and overdeveloping the site. The proposal would fail to respect the character of the host dwelling and would be read as a discordant and disproportionate feature within the wider in area. The proposal fails to meet Kirklees Local Plan Policy LP24 in terms of the character of the host property and the criteria of the House Extension Supplementary Planning Document, particularly Key Design Principle 1 & 2 in terms of impact on the character of the area and the original house.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	230908.2	13/11/2023
Existing and Proposed	230908.1	13/11/2023
Location Plan		13/11/2023
Proposed Site Plan	230908.3	13/11/2023

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. No alterations were required due to the scale of alterations required being out of the scope of the application.