

# 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:         | <b>2023/62/93556/E</b>                                                                                                    |
| Site Address:         | 216, Woodlands Road, Batley, WF17 0QS                                                                                     |
| Description:          | Erection of two storey front and rear extensions and single storey side extension with balcony and associated alterations |
| 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: 25-Jan-2024**

## **OFFICER REPORT**

### **Site Description**

216 Woodlands Road is a detached, brick built dwelling with a single storey garage attached to the side. The property has a drive to the south east side, gardens to the front and north west side and a small tiered area to the rear.

The property is located on a residential street with properties of a similar age and materials palette although there are some variances in terms of design.

### **Description of Proposal**

The applicant is seeking permission for extensions and alterations.

The side extension for the south east side would replace the garage and porch with a projection of 7.5m, the full depth of the dwelling with no set back or set down. The roof form would be pitched with a perpendicular link at the rear and with a flat roofed section bridging the side extension and the original house towards the front.

The plans show a single storey side extension on the north west side which would be set back 5.1m from the front, projecting 1.8m with a depth of 6.3m. The roof form would be a lean to glazed roof.

The two storey rear extension would project 5m from the rear of the proposed side extension with a width of 7.8m. The roof form would be flat and the plans indicate a projecting balcony on the side with a width of 1.5m and a 1m glazed balustrade at the side and rear.

The plans show the property would be rendered both over the original house and the proposed extensions.

### **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. There are significant concerns with the proposals in terms of visual and residential amenity. The agent has been made aware that there are

no amendments which could be made to the scheme which would overcome the officer concerns.

## **Representations**

The application was advertised by neighbour letters, which expired on 19/01/2024

As a result of the above publicity, 10 representations have been received including 9 objections from neighbours and interested parties and 1 supporting comment from the applicant. The material planning matters raised are summarised as follows:

- The significant extensions and alterations would be out of character with the area.
- Overdevelopment of the plot.
- The flat roof design is poor quality.
- The rear extension would have an overbearing impact on the neighbour to the rear.
- The balcony would result in a loss of privacy for the neighbours at the side and rear.
- Lack of sufficient parking for the size of house proposed.

Although other matters may have been raised, such as devaluation of property, access and structural matters, these are not material planning matters and as such cannot 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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 6<sup>th</sup> 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
- Chapter 15 – Conserving and enhancing the natural environment

### **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.

Although there are a number of distinct elements within the scheme, given the overall changes proposed, the scheme shall be assessed as a whole.

The scale of the extensions proposed to the sides and rear of this property are significant and would not form subservient additions to the property. In particular, the side extension on the south side is more than the width of the original house and the rear extension would cover all of the very limited land at the rear of the dwelling. The scale is therefore not considered to be acceptable.

The design of the development would not reflect the character of the host property nor the surrounding dwellings. The flat roof form proposed over the rear extension would not represent good design. The scheme consists of extensions to both sides and the rear, with inappropriate design detailing and materials which are not in keeping with the dwelling and would form an incongruous and significantly harmful relationship with the surrounding area.

The use of render would be highly out of character given the surrounding properties are predominantly brick.

Having taken the above into account, the proposals would cause significant harm to the visual amenity of both the host dwelling and the wider street scene. Therefore, failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form subservient additions to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the 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.

#### *Impact on 214 Woodlands Road*

The adjacent neighbour to the south east has extended above their garage and the newer gable is blank. The original side wall of the neighbouring property has a full height window which would appear to serve the hall, stairs and landing which is set back from the boundary with the host property. Given this relationship, the two storey side extension proposed would not result in any significant impact on the adjacent neighbour in terms of overbearing, overshadowing or overlooking.

The single storey side extension proposed would be situated on the opposite side of the host property to this adjacent neighbour and as such, there would be no overshadowing, overbearing or overlooking.

The 5m rear extension would be close to the shared boundary. However, the land to the rear of the neighbouring property is tiered which would reduce the impact on the neighbours amenity space. Furthermore, the windows in the rear of the neighbouring property are set back from the shared boundary. As such, the proposed rear extension would result in no significant overbearing, overlooking or overshadowing.

With regards to the impact on the adjacent 214 Woodlands Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 218 Woodlands Road*

The two storey side extension would be located on the opposite side of the host property to the adjacent dwelling to the north west and as such would result in no overlooking, overshadowing or overbearing.

The single storey extension proposed is limited in terms of its size and would be set well back given the applicants garden is mainly located to the side of the property between the two dwellings. As such, there would be no overlooking, overbearing or overshadowing.

The rear extension and balcony would be set in from the side wall with a substantial separation of 16m to the shared boundary. As such, there would be no overbearing or overshadowing and any overlooking would be limited.

With regards to the impact on the 218 Woodlands Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring

occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

#### *Impact on 135 Upper Batley Lane*

There is a close relationship with the neighbouring property to the rear. Although this is off set to a degree in terms of the land levels. The rear extension would be sited at the rear of the proposed side extension which does not fully align with the dwelling to the rear. However, the rear extension would have an overbearing impact on the amenity space of the neighbour. Furthermore, the balcony proposed would result in overlooking into the neighbours amenity space and ground floor windows on their rear elevation.

With regards to the impact on the neighbouring 135 Upper Batley 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 unacceptable.

#### *Impact on 221 Woodlands Road*

The property on the opposite side of the road occupies a position some 25m from the host property. Given the substantial separation, the proposals would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the 221 Woodlands Road, 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 would result in an overbearing impact and overlooking of the neighbouring property to the rear, 135 Upper Batley Lane. The proposals therefore fail to comply 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 and the loss of the existing garage and a parking space. That being said, there is potential for parking for up to 3 vehicles to the front. As such, there is insufficient justification to refuse the proposals on highways grounds. Bin storage for the dwelling would also need to be re-sited. However, this could be achieved within the plot. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy

LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

*Biodiversity*

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

*Carbon Budget*

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

There are no other matters for consideration.

Representations:

10 representations have been received including 9 objections from neighbours and interested parties and 1 supporting comment from the applicant. The material planning matters raised are summarised as follows:

- The significant extensions and alterations would be out of character with the area – **Response:** *This is a material consideration relating to visual amenity which has been fully considered under the relevant section of this report.*
- Overdevelopment of the plot– **Response:** *This is a material consideration relating to visual amenity which has been fully considered under the relevant section of this report.*
- The flat roof design is poor quality– **Response:** *This is a material consideration relating to visual amenity which has been fully considered under the relevant section of this report.*
- The rear extension would have an overbearing impact on the neighbour to the rear– **Response:** *This is a material consideration relating to residential amenity which has been fully considered under the relevant section of this report.*
- The balcony would result in a loss of privacy for the neighbours at the side and rear– **Response:** *This is a material consideration relating to residential amenity which has been fully considered under the relevant section of this report.*
- Lack of sufficient parking for the size of house proposed– **Response:** *This is a material consideration relating to highway safety which has been fully considered under the relevant section of this report.*

Although other matters may have been raised, such as devaluation of property, access and structural matters, these are not material planning matters and as such cannot be considered.

#### Proposed conditions

None as the recommendation is for refusal.

#### Conclusion:

This application for extensions and alterations to 216 Woodlands Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposals, given the scale, design, bulk and materials proposed would not be in keeping with the host property or the surrounding dwellings. Furthermore, the level of development would subsume the host property and would not be subservient. 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 rear extension and balcony, by reason of the scale and position would result in an overbearing impact and a loss of privacy on the amenity space of the neighbouring 135 Upper Batley Lane. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 & 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:** 2023/93556

**Officer Recommendation:** Refuse

### Reasons for refusal

1. Due to the scale, design, bulk and materials proposed the development would not be in keeping with the host property or the surrounding dwellings. Furthermore, the level of development would dominate the host dwelling and not appear subservient to it. 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.
1. The proposed rear extension and balcony, by reason of the scale and position would result in an overbearing impact and a loss of privacy on the amenity space of the neighbouring 135 Upper Batley Lane. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 & KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

| Plan Type                 | Reference | Web ID  | Date Received |
|---------------------------|-----------|---------|---------------|
| Location plan             | P-01      | 1019931 | 01/12/2023    |
| Existing & proposed plans | P-02      | 1019938 | 01/12/2023    |
| Proposed elevations       | P-03      | 1019937 | 01/12/2023    |
| Climate change statement  | -         | 1019939 | 01/12/2023    |

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.

There are significant concerns with the proposals in terms of visual and residential amenity. The agent has been made aware that there are no amendments which could be made to the scheme which would overcome the officer concerns.

**Report Dated** 22/01/2024

