# 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: | **2023/62/93565/E** |
| Site Address: | 2, Ravens Lodge Terrace, Scout Hill, Dewsbury, WF13 3EF |
| Description: | Erection of first floor rear extension |
| Recommending Officer: | Jennifer Booth |

**DECISION - REFUSED**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 29-Jan-2024**

## OFFICER REPORT

### Site Description

2 Ravens Lodge Terrace is a brick built, semi-detached dwelling with a two storey side extension, a single storey rear extension and a detached garage located to the rear. The property has a paved drive for two vehicles to the front with a small lawned area - access is taken from the road at the side of the property and a small yard area at the rear.

The surrounding properties are residential and of a similar age to the host property although there have been a number of extensions and alterations in the vicinity.

### Description of Proposal

The applicant is seeking permission for a first floor rear extension.

The extension would project 3m from the original rear wall, matching the projection of the existing single storey element and extending across the width of the original dwelling. The extension would adjoin the rear element of the existing side extension. The roof form would be a perpendicular pitch with a slightly different angle to the existing perpendicular pitch resulting in an uneven double gable.

The walls of the extension are proposed to be constructed using brick with tiles for the roof covering.

### Relevant Planning History

1999/90903 - erection of extensions - approved

### 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 first floor rear extension causes concerns in terms of the impact on the habitable room window of the adjoining property. Amended plans were not sought.

### Representations

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

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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

**Assessment**

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto 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.

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The property has had significant extensions already. That being said, the proposed first floor would not increase the footprint of the dwelling but would create additional mass. It is not considered that the additional extension would result in development that would appear out of scale with surrounding development. There are similar scaled buildings (extended) in the immediate vicinity. As such, the cumulative increase can be supported in this instance.

The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house. It is also noted that

there are a number of properties in the vicinity which have extended in a similar fashion. On balance, the first floor extension is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition 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 4 Ravens Lodge Terrace*

The first floor extension would be constructed along the shared boundary, close to the neighbour's bedroom window at first floor and would result in an overbearing and oppressive impact. There are no mitigating factors on or around the site.

With regards to the impact on the adjoining 4 Ravens Lodge Terrace, 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 1 Ravens Crescent*

The neighbour to the rear occupies an elevated position some 9m to the north west. The neighbouring property has a single window at first floor in their side elevation which faces towards the host property. This window appears to serve a landing area which is not considered to be habitable. The neighbouring property also has a detached outbuilding on the shared boundary. Given the spatial relationship between the properties, the first floor extension proposed would result in no loss of privacy, overshadowing or overbearing.

With regards to the impact on the 1 Ravens Crescent, 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.

Having considered the above factors, the proposals would result in an overbearing and oppressive impact on the first floor windows in the rear elevation of the adjoining property thereby failing 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. However, the property has parking to the front for two vehicles with an additional space at the rear and the garage. As such, the property is considered to have sufficient parking 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 erect a first floor extension to the rear of 2 Ravens Lodge Terrace 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 first floor rear extension, by reason of its projection and position along the shared boundary, would result in an overbearing and oppressive impact on the bedroom window of the adjoining dwelling, 4 Ravens Lodge Terrace. 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**: 2023/93565
**Officer Recommendation**: Refuse

**Reasons for refusal**

1. The proposed first floor rear extension, by reason of its projection and position along the shared boundary, would result in an overbearing and oppressive impact on the bedroom window of the adjoining dwelling, 4 Ravens Lodge Terrace. 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 | Web ID | Date Received |
|---|---|---|---|
| Location plan | 1 | 1020110 | 04/12/2023 |
| Existing and proposed plans | 2 | 1020111 | 04/12/2023 |
| Existing and proposed plans | 3 | 1020115 | 04/12/2023 |
| Existing and proposed plans | 4 | 1020113 | 04/12/2023 |
| Climate change statement | - | 1020114 | 04/12/2023 |

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.

The first floor rear extension causes concerns in terms of the impact on the habitable room window of the adjoining property. Amended plans were not sought.

**Report Dated** 23/01/2024