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:	**2023/62/93763/E**
Site Address:	97, Bywell Road, Dewsbury, WF12 7LJ
Description:	Demolition of existing garage and erection of two storey extension to side
Recommending Officer:	Edward Cheseldine

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: 01-Mar-2024

Officer Report

2023/93763 - 97, Bywell Road, Dewsbury, WF12 7LJ

Site Description

97 Bywell Road is a two-storey, semi-detached property in Dewsbury. The property is constructed with red brick exterior walls, which fall under a pitched roof, clad in slate roof tiles. The property has a modest front and rear garden with one off street parking space to the front. There is a single garage attached to the side of the property which sits between the application dwelling and the adjacent, detached dwelling.

Properties in the area line Bywell Road in a linear fashion, they are formed with similar size plots. Due to this, the dwellings have a strong building line and are equally spaced out. Dwellings on the street are formed of semi-detached buildings and detached buildings, some have single driveways to separate the plots. Other properties have single garages within the space to the side, such as the application dwelling. The spatial outlay of the properties gives the street a sense of space, which provides a character of the area.

Application Description

The applicant is seeking planning permission for the erection of a two-storey side extension.

The extension will be ~2.70m (w) x ~7.35(d). It will have an eaves height of ~5.60m and a ridgeline height of ~7.60m. A side space of ~0.25m will be retained. The extension will be set back by ~0.50m. The ridgeline will be set down by ~0.20m.

It will have a pitched roof and stone cills and lintels. The extension will have matching materials to the dwelling.

Relevant planning history

Application site – None.

96 Bywell Road - 2003/94148 – Erection of two storey extension, canopy and porch – Full permission granted

94 Bywell Road - 2019/93281 - Erection of single and two storey side and rear extensions, erection of front porch – Full permission granted

92 Bywell Road - 2005/91188 – Erection of two storey extension – Full permission granted.

Public Representations

Neighbourhood notification letters were sent out to advertise the application, which expired on the 13 February 2024. As a result of the publicity there were no representations.

Consultation Response

None.

History of Negotiations

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
- **LP 30** – Biodiversity

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 20th 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
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

1) Principle of development
1) Impact of visual amenity
2) Impact of residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

<u>Principle of development</u>:

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 Alterations and Extensions 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.

<u>Impact on visual amenity</u>:

The extension is to form a two-storey side projection. Side extensions can have a significant impact on the character of the original house and street scene. The scale and height would reduce the sense of space repeated within the building group, precipitate a terracing effect and detracting from the local character of the area. Extensions should relate to existing buildings in terms of size, scale and form, appearing as natural enhancements to the streetscape. Existing

space between houses should be retained as they contribute positively to the appearance of the street scene and character of the area.

Bywell Lane is characterised by the residential nature of the street and spatial pattern of the dwellings. The uniformity of the dwellings in parallel rows with open garden space add to the street design. Within the immediate building group, properties have retained the original form of the dwellings, some of the dwellings have been extended.

Chapter 12 of the National Planning Policy Framework provides policy guidance for decision which, amongst other things, should support development which is sympathetic to the local area including the surrounding built environment (para. 130). Kirklees Local Policy supports good design considering proposals for extensions are subservient to the original building, are in keeping with the existing buildings in
terms of scale, materials and details (LP 24).

Two Storey Side Extension

Paragraph 5.20 & 5.22 of the House Extensions and Alterations Supplementary Planning Document states, two storey side extensions should;

- Ideally be visually smaller in relation to the original house;
- Not take up all or most of the space to the side of a house;
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- Be set back at least 500mm from the front wall of the house.

The side extension would project 2.70m, taking up the majority of the existing space to the side of the house. A minimal gap between the extension and property boundary will be left, which measures 0.25m. The extension is set back from the front wall of the house by 0.5m. Additionally, the extension is set down, however it is not considered this will appear subservient as the height difference is modest. The side extension would not be compliant when considered against paragraph 5.20 & 5.22 of the House Extensions and Alterations Supplementary Planning Document in terms of height. Furthermore, the extension does not retain an adequate gap to each boundary.

Such an extension would form a terracing effect within the street. There is an existing side garage that would be removed, however it is single storey with space maintained above. The height of the extension is only just set below the main ridgeline, the resultant gap would not be clearly perceived in view along the street and the three dwellings would appear connected with no separation. Whilst there are properties which are constructed to the property boundary, there are single drives or single-storey structures separating them.

The infilling of this small but important gap would therefore have a detrimental impact on the street scene at this point and this would significantly harm the character of the area whose attractiveness derives in part from gaps such as this.

There are properties on the street which have two-storey extensions to the side but these were formed before the Council's adoption of the House Extensions and Alterations Supplementary Planning Document (2021). The dominant character of the street is such that most properties maintain gaps. The cases are not directly comparable, and can be afforded minimal weight in this instance. Those previously constructed do not provide justification for overriding the harm that would be caused by this proposal.

Having considered the above factors, the proposals are considered to result in a significant, adverse impact upon the visual amenity of the streetscape by the lack of retaining a 1.0m gap to the property boundary and does not complying with Policy LP24 of the Kirklees Local Plan (a) as well as guidance set out in the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

<u>Impact on Residential Amenity</u>

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 and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

- Key Design Principle 4, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.'*

Impact on 95 Bywell Road

95 Bywell Road is the detached, dwelling adjacent to the application dwelling. In terms of privacy, there will be no windows facing towards it. Therefore there will be no impact to privacy. The extension will sit in line with the front elevation of No. 95. The rearward projection will be set behind the adjacent property by ~1.90m. Therefore, there will be no impact to light, outlook or there be an overbearing impact from the proposal.

No other properties will be affected by the development by way of distance, or the layout of the building group.

<u>Impact to Highways Safety</u>

The proposal will increase the number of bedrooms, turning the property from a 3 bedroom dwelling into a 4 bedroom dwelling. As part of the proposal, a

secondary parking space is shown to the front of the property. Where usually hardstanding to the entire front of dwellings should be avoided, in this instance there are many other examples in the street and as such would not be incongruous within the street.

Additionally, Bywell Road has free and sufficient parking if it is required.

As such, access and parking is acceptable in this instance.

Environmental Matters

Biodiversity

The proposal is for the construction of a two-storey side extension which will affect the main roof of the existing dwelling. Although the site is not situated in an area that is known to include bat habitats, if signs of bat habitats were found, expert advice should be taken 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.

Conclusion

This application to erect a two-storey side extension at 97 Bywell Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations SPD, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity, the proposed extension is considered to be unacceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refusal**

Reasons for Refusal

1. The two-storey side extension proposed by way of projection, height and proximity to the property boundary, would fail to maintain a 1.0 metre gap appearing a cramped within the plot resulting in a terracing effect in the street scene, detrimental to visual amenity and character of the area and contrary to paragraphs 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations – Block plan, proposed elevation & proposed floor plan	01	05/01/2024
Grouped Plans and Elevations – Location pla, existing elevations & existing floorplan	02	05/01/2024

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 has, 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 amendments have been considered.