

**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:	2024/62/90059/E
Site Address:	54, Craven Lane, Gomersal, Cleckheaton, BD19 4QU
Description:	Raising of eaves and ridge height to form first floor accommodation and erection of single storey rear extension with 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: 15-Mar-2024

OFFICER REPORT

Site Description

54 Craven Lane is a detached property with a bungalow appearance from the front and two storey appearance at the rear given the topography of the site. The dwelling has been extended two storey to the rear with a conservatory on the lower ground level.

There is hard standing at the front with parking for up to 3 vehicles and a longer enclosed garden to the rear.

The surrounding properties are residential with some diversity in terms of style. The neighbour to the north east is similar in scale appearing as a bungalow with roof ridge parallel to number 54. There are two storey properties, and bungalows repeated in the street which naturally step down in the street. The dwelling to the south west is a dormer bungalow with variation to the design of the roof. There is a modest 1.5 storey dwelling and bungalows further to the south west set above the application site.

Properties vary in terms of materials with the use of brick, stone, render and cladding in the area.

Description of Proposal

The applicant is seeking permission for extensions upwards and to the rear, new materials for the dwelling, alterations to the glazing design at the front, a single storey rear extension with terrace above.

The eaves height of the dwelling would be increased to 4.3m at the front with the overall height increasing to 6.6m. The depth of the new first floor would be increased from the agreed 9m under the class AA to 15.6m. The upper levels to the rear form an enclosed balcony, the sides of which have been altered to provide glazed screening on each side.

The lower ground floor rear extension has been reduced from the initially proposed projection of 3.7m to 3.4m with a terrace formed above with a 1m glazed balustrade on the rear and amended plans have been received which alter the initially proposed 1.8m timber screen on the side towards the adjacent 56 Craven Lane to 1.9m obscure glazed panels on each side. The angle of the pitch roof would be increased, lowering the eaves height from the agreed class AA.

The walls would be an off white render with dark clad timber detailing. The roof would be covered with grey tiles.

Relevant Planning History

1987/902343 - two storey rear extension - approved

2023/93278 - class AA to extent upwards - agreed

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 scale of the increase would not be subservient to the main house which together with the use of inappropriate materials would form an incongruous feature within the street scene. Furthermore, there would be harm caused in terms of overbearing, overshadowing and overlooking of the neighbours.

The agent has provided amended plans with very minor alterations which only overcome the overlooking concerns. As all other issues remain, the agent has been notified that the application is being refused.

Representations

The application was advertised by neighbour letters, which expired on 20/02/2024

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 11 – Making efficient use of land
- 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 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 the proposal under consideration consists of a number of distinct elements, the proposals as whole shall be addressed below.

The scope of the works would significantly alter the character of the host property. Whilst it is noted from the site visit that Craven Lane has some diversity and variation with the property style, the proposals would significantly increase the scale, bulk and massing of the property. This would not form a subservient addition to the dwelling. Whilst it is noted there are other two storey buildings located within the street, these are not within the immediate building group nor are they of a similar character. The scale and mass increase is not comparable to anything within the vicinity so whilst weight may be afforded to some increase, beyond what maybe considered subservient, the proposed development would not be sympathetic within the street scene nor be akin to any other building. Furthermore, the mass and bulk increase created by the additional extension to the rear, beyond that approved under the Class AA, would appear obtrusive when viewed in context more than doubling the existing building, tripling the original. The site sections submitted do not address concerns, more highlight the significance of the increase, particularly to the rear. Due to the elongation of the existing dwelling any increase at the rear, both the two and single storey further exacerbates the resulting obtrusive development that would be out of character with the area. The vertical emphasis created by the amount of glazing further detracts from the prevailing character.

Whilst the NPPF paragraph 124e supports opportunities to use airspace above existing residential properties, allowing upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, being well designed this is not considered to be the case in this instance. The substantial increase, including the three storey rear elevation, would appear obtrusive being out of keeping with existing neighbouring development as well conflicting rather than complementing the street scene. For these reasons the development cannot be supported.

The 3D shadow plans submitted appear misleading as the proposed rear 3 storey elevation of number 54, aligns with the rear elevation of neighbour 56,

with the single storey protruding further beyond. The plans do not alleviate officer concerns regarding the development.

Whilst weight can be afforded to the fall-back position (class AA) the plans highlight the significant increase in scale and mass beyond that which could be constructed, for the reasons set out the development cannot be supported.

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 use of render for the majority of the walling with dark timber clad accents would be similar to the neighbouring property. However, despite the diversity in the area, there is nothing of such significant scale and appearance as proposed and as such the proposed materials should be reconsidered. Should the development be considered acceptable further discussion regarding the extent of use of alternative materials would need to be discussed or conditioned.

Having taken the above into account, the proposals would cause significant harm in terms of visual amenity to both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property nor would it be 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.

There are no properties directly to the rear of the host property which could be affected by the works proposed.

Impact on 52 Craven Lane

The neighbouring property to the south west occupies a slightly elevated position relative to the host property. Given the increase in height above the existing rear extension would result in additional massing approx. 4.5m beyond the original rear wall of the host property, the extension would result in an overbearing impact on the amenity space of the adjacent neighbour. It is

noted that there are outbuildings along the shared boundary which mitigate some of the impact and that amended plans have altered part of the rear wall to include glazed screening. However, given the overall scale of the extensions proposed, the overbearing impact is considered too significant.

The terrace to be formed over the lower ground floor extension has been amended to include 1.9m obscure glazed screening and as such would now not result in any significant overlooking.

The balcony proposed at the second floor level to the rear would be enclosed with obscure glazed screening which would result in views into the applicant own garden area and no loss of privacy.

With regards to the impact on the adjacent 52 Craven 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 56 Craven Lane

The adjacent neighbour to the north east occupies a parallel position with a similar footprint albeit at a slightly lower level. As the increase in height would be parallel to the neighbour's footprint, there would be limited impact in terms of overbearing and overshadowing. There are two windows in the side elevation towards the front of the neighbouring property which may be affected. However, this section of the increase has already been agreed through the Class AA application. The windows towards the rear are high level and appear to serve the property in a secondary capacity.

The rear extension and terrace would have screening to preserve privacy. However, the projection and what is in effect two storey height with the land level difference, would have an overbearing impact and result in overshadowing in the middle of the day for the rear window closest to the shared boundary and the neighbour's amenity space. It is noted that the agent has amended the timber screening to obscure glazing which is an improvement and there is a modest separation between the dwellings. However, the land level difference between the properties with the host property occupying an elevated position will cancel out the benefits of the glazed screening.

The balcony proposed at the second floor level to the rear would be enclosed with obscure glazed screening which would views into the applicant own garden area and no loss of privacy.

With regards to the impact on the adjacent 56 Craven 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 37 Craven Lane

The property on the opposite side of the road occupies an angled position with their side elevation facing the site with a separation of some 26m. Given this relationship, the works proposed to the host property would not result in any overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 37 Craven 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 acceptable.

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 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 parking area to the front of the property would not be affected by the proposed extension and with 3 parking spaces, 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 for extensions and alterations to 54 Craven Lane 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 extension, by reason of the scale, bulk and massing would result in the formation of an incongruous feature harmful in terms of the character of the host property and the wider street scene. 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 lower ground floor extension with screening to the terrace above would result in an overbearing impact and overshadowing in the middle of the day on the rear window and amenity space of the adjacent 56 Craven Lane. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

The proposed increase in the height of the dwelling, in particular the area above the existing extension would result in an overbearing impact amenity space of the adjacent 52 Craven Lane. 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: 2024/90059

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed development, by reason of the design, scale, bulk and massing would significantly increase the original building resulting in the formation of an incongruous development that appears out of scale and character and obtrusive within the wider street scene. 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 lower ground floor extension with screening to the terrace above would result in an overbearing impact and overshadowing in the middle of the day on the rear window and amenity space of the adjacent 56 Craven Lane. To permit the proposals would be detrimental to the occupants contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.
3. The proposed development, due to the increase in height and position adjacent to the neighbouring 52 Craven Lane would result in an overbearing impact to amenity space. To permit the proposals would be detrimental to the occupants 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	(EX)002	1024219	09/01/2024
Block plan	(20)002	1024221	09/01/2024
Existing plans	(EX)001	1024220	09/01/2024
Proposed plans	(20)001	1024222	09/01/2024
Climate change statement	-	1024218	09/01/2024

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 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 scale of the increase would not be subservient to the main house which together with the use of inappropriate materials would form an incongruous feature within the street scene. The changes required to form an acceptable

scheme would be too significant under the scope of this application. As such, the agent has been notified and amended plans have not been requested.

Report Dated

26/02/2024