

**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:	2024/62/90285/E
Site Address:	48, Roberttown Lane, Roberttown, Liversedge, WF15 7LY
Description:	Erection of two storey 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: 11-Apr-2024

OFFICER REPORT

Site Description

48 Roberttown Lane is a double fronted dwelling with stone on the front elevation and render to the sides and rear with gardens to the front, side and rear. The dwelling has a single storey projecting element at the front and a porch style extension to the rear.

There are open fields at the front with wooded areas to both sides and two dwellings at the rear.

Description of Proposal

The applicant is seeking permission for a two/three storey rear extension.

The extension is proposed to project 6m from the original rear wall of the property with lower ground accommodation, a ground floor and first floor across the full width with a perpendicular & asymmetrical roof.

The walls would be constructed using stone with some render detailing and tiles for the roof covering.

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. The submitted plans raise significant concerns in terms of the size of the extension, which would not be subservient and would not represent a proportionate addition to the dwelling which is within the green belt. Amended plans have not been sought as the alterations/reductions required to bring forth an acceptable scheme would be significant.

Representations

The application was advertised by neighbour letters, which expired on 25/03/2024

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 Green Belt 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 57** – Extension, alteration or replacement within Green Belt

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 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such it will be assessed having regard to Policy LP57 of the KLP and chapter 13 of the NPPF which advise that development in such areas should be considered having regard to their impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element, setting out that extensions should not create disproportionate additions to the original building.

In terms of making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. The proposal shall now be assessed against all other material planning considerations, including green belt, visual and residential amenity, as well as highway safety.

Green belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

Paragraphs 154 and 155 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 154 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard

standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

When assessing whether extensions are disproportionate, the scale and design need to be considered. The location of the host property is semi-rural with only the property at the rear in the immediate vicinity. The scale of the rear extension is the same size as the house itself and as such would not be considered to be acceptable in terms of scale. Due to the design and resulting mass, the main house would not remain the dominant element of the site, the works proposed would represent a disproportionate addition to the dwelling and would therefore represent inappropriate development in the Green Belt given its proposed scale contrary to Local Plan policy as well as the NPPF.

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.

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.

It is noted that the proposed plans indicate that the extension would be constructed using a combination of stone and render, which would match the main house. The design itself is a little irregular with the asymmetrical shape although this would not be considered in itself to be justification for refusing the scheme. However, the size of the extension would be significant with a projection almost equal to the depth of the house. The scale would not be proportionate to the main house and as such is not considered to be acceptable in terms of its scale detracting from the original host building as well as the area. The proposals are therefore not considered to be acceptable in terms of visual amenity or Local Plan Policy LP24.

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.

There are no properties to the sides which could be affected by the works proposed.

Impact on 44 -46 Roberttown Lane

The neighbour to the rear occupies a position some 21m from the site. With the projection of the extension proposed at 6m with accommodation across three floors together with the neighbour occupying a slightly lower land level and having a single storey nature, the extension would result in an overbearing impact with potential for loss of privacy.

With regards to the impact on the neighbouring 44-46 Roberttown 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.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any other nearby 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 rear of the property would represent a sufficient provision for at least three vehicles.

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 two/three storey extension to the rear of 48 Roberttown 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 projection, height and overall scale would form a disproportionate addition and as such would constitute inappropriate development in the green belt. To permit the proposals would be contrary to Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the National Planning Policy Framework.

The proposed extension by reason of the design, projection and scale would be out of proportion with the main house which would be detrimental to the character of the dwelling. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed extension by reason of the projection and height would result in an overbearing and oppressive impact on the bungalow to the rear with potential for overlooking. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3& KDP6 of the House Extensions & Alterations SPD and 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: 2024/90285

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extension by reason of the projection, height and overall scale would form a disproportionate addition to the host building and as such would constitute inappropriate development in the green belt. To permit the proposals would be contrary to Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the National Planning Policy Framework.
1. The proposed extension by reason of the design, projection and scale would be out of proportion with the main house which would be detrimental to the character of the host dwelling. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed extension by reason of the projection and height would result in an overbearing and oppressive impact on the dwellings to the rear along with potential for overlooking and loss of privacy to the occupants. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3& KDP6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	008	1028068	15/02/2024
Existing ground floor	01	1027478	15/02/2024
Existing first floor plan	02	1027479	15/02/2024
Existing basement	00	1027477	15/02/2024
Existing elevations	003	1029081	15/02/2024
Proposed basement	04	1027480	15/02/2024
Proposed ground floor	05	1027481	15/02/2024
Proposed first floor	06	1027482	15/02/2024
Proposed elevations	007	1029082	15/02/2024
Proposed site plan	008	1028069	15/02/2024
Climate change statement	-	1028070	15/02/2024

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 submitted plans raise significant concerns in terms of the size of the extension, which would not be subservient and would not represent a proportionate addition to the dwelling which is within the green belt. Amended plans have not been sought as the alterations/reductions required to bring forth an acceptable scheme would be significant.

Report Dated

04/04/2024