

**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:	2024/62/90455/W
Site Address:	33, Leaffield Close, Sheepridge, Huddersfield, HD2 1EE
Description:	Erection of single storey rear extension
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-May-2024

Officer Report

Site Description

2024/90455 – 33, Leaffield Close, Sheepridge, Huddersfield, HD2 1EE

The application site relates to a two-storey semi-detached dwellinghouse at the end of a close. It is faced in cream painted render, black painted brick to base and roofed with a hip design in tile. It enjoys a driveway and front amenity garden and a significant side/rear outside amenity space. The garden slopes to the northwest away from the host.

It has an existing outrigger to the rear which is flat roofed extending from the rear 4.5m overall with a separation distance of 3.6m to no. 34; a 1.5 storey height section extends 2.9m from the rear. It is within a residential area with urban greenspace designated land to the north (ref: UG40, All Saints College, Lower Fell Greave/Bradley Gate/Dyson Woods, Bradley).

Description of Proposal

Erection of single storey rear extension

All figures are approximate and in metres.

It is proposed to erect a single-storey rear extension with a flat roof, which would be the full span of the host with no separation distance to the shared boundary.

It would be 6m from the rear x 6.2m width and a roof height of 3.9m measured from ground level adjacent to the host with a full height of 4.3m at its rear, given underbuild.

The southeast elevation would be windowless and on the shared boundary of no. 34. There would be openings to the rear and to the northwest side with access enabled by external steps. No railings are indicated.

This would have matching elevation materials of painted pebble dash render and brick to match. This would serve to extend a second living room to the host, add a utility room, shower-room and hallway.

History of negotiations/amendments received

The case officer considered the application on review and sought amendments to reduce the impact to the neighbour by limiting the projection to 4m and to have a 1m separation distance to shared boundary. Whilst additional details have been provided, early advice was given to reduce the impact to the neighbour and to enable a development that could adequately achieve a planning balance. This was requested twice (28/02/2024 and 02/05/2024). No response was received so Officers proceeded to determination to ensure that the Decision was issued prior to the end of the Planning Guarantee period.

Relevant Planning History

No previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which had a final expiry date of 03/04/2024.

No representations have been received.

Consultation Responses

No technical consultees required.

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 land for development on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 34 – Conserving and enhancing the water environment**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- House Extensions and Alterations SPD (2021)

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, 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- 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

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Key Design Principles 1 and 2 of the House Extensions and Alterations SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, and LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. LP24 also requires extensions to be “*subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Relevant to this is the Kirklees House Extensions and Alterations SPD 2021, which aims to ensure future development of extensions and alterations is of high-quality

Paragraphs 5.1-5.6 of the SPD (pages 23-24) provides specific advice on rear extensions and single-storey rear extensions which is used as a guide.

Generally, they should preserve an external passageway to the rear garden, a garden of reasonable size and be set behind the original building. The proposal would comply with all those.

It would comply with the SPD guidance of a maximum height of 4m when taken from the rear elevation however will modestly exceed this towards the rear of the extension which on balance would be acceptable given the sloping ground.

It would conflict with the advice set out in that it would be 6m exceeding the recommended 3m limit for semi-detached dwellings and would not have a 1m gap to the boundary adjacent to the neighbour. The host is 8.4m depth and the extension would extend more than double this 3m depth presenting a visually overbearing protrusion to the neighbour and a dominant addition to the host. In conjunction with its opposite outrigger, the design without a property gap to boundary would appear to have a tunnelling effect increasing the unwelcome and oppressive impression of overbearing.

The proposed materials and flat roof design would harmonise with the host and therefore be acceptable. However, this would not sufficiently reduce its overall visual impact to the host as a dominant addition.

Whilst the proposal would be to the rear of the host, and of limited visual impact to the locality, the proposal would appear incongruous in the streetscene with neighbouring properties having more limited infill rear extensions to the side of their outriggers.

As such, the proposal, by virtue of its excessive projection from the rear elevation with no separation distance to the shared boundary with no. 34 to reduce its massing, would not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling and its

locality. The proposal is therefore contrary to Policies LP02 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that 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. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The proposed extension would affect no. 34 only. Whilst the extension would be sited closely to the shared boundary this would be to the northwest of the neighbour and would have a limited impact on overshadowing. There would be no additional overlooking from this scheme.

As previously mentioned, the proposal would have a visually overbearing effect to this neighbour, close to the shared boundary with tunnelling. In addition, it would have a significant curtailment of the present 45° field of outlook enjoyed from this neighbour’s adjacent main rear window and would introduce a blank featureless wall which would appear visually dominant. This is the only main ground floor window to the rear of this neighbour so on balance of probabilities it appears to be a habitable window. As such, it would have an unacceptable impact on overbearing to a habitable window.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the proposal would still retain a substantial, outdoor private amenity space available to future and present occupiers for excellent standards of privacy. The supporting documentation regarding the 'need' for the extension has been noted and given consideration. The case officer endeavoured to proactively engage with the agent to seek amendments to the scheme to overcome the issues arising, but no amendments were received.

When considering the unacceptable overbearing impact to the only significant window at rear for No.34 Leaffield Close's residential amenity, the proposal is therefore contrary to Policy LP24b) and c) of the Kirklees Local Plan, Key Design Principles 4 and 6 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site, nor intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and does not seek to extend its off-street parking area with development limited to the rear within a substantial soft surfaced garden therefore this would have no conflict with Policy LP28 of the Kirklees Local Plan, Key Design Principle 14 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, LP 30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely

that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal would be on an existing hard surface with no impacts to existing vegetation or biodiversity. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with KDP 12-13 of the SPD and LP30 of the Kirklees Local Plan.

Contaminated and unstable land

The site is within a Hazardous Material Site (outer H0396) and in a Low Risk Coal Area for development. The Health and Safety Executive was formally consulted and raised no objections so the proposal is considered acceptable in this regard.

As a householder development, Officers was able to refer to standing advice on Coal Risk. Should the proposal be otherwise acceptable, Officers would attach an informative to advise applicants of the potential risks to discharge duties under LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

The proposal, by virtue of its excessive projection from the rear elevation with no separation distance to the shared boundary with no. 34 to reduce its massing, would not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling and its locality. The proposal is therefore contrary to Policies LP02 and LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

The proposal would have an unacceptable overbearing impact to the only significant window at rear for No.34 Leafield Close's residential amenity, the proposal is therefore contrary to Policy LP24b) and c) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the NPPF.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2024/90455

Officer Recommendation: Refuse

Reasons

1. The proposal, by virtue of its excessive projection from the rear elevation with no separation distance to the shared boundary with no. 34 to reduce its massing, would not be of a subservient design and would appear as an incongruous and discordant addition to the original dwelling and its locality. The proposal is therefore contrary to Policies LP02 and LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and Government Policy contained within Chapter 12 of the National Planning Policy Framework.
1. The proposal would have an unacceptable overbearing impact to the only significant window within the ground floor rear elevation of no. No.34 Leaffield Close. This would have an undue impact on the residential amenity of the occupiers of this property. The proposal is therefore contrary to Policy LP24b) and c) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and Government guidance contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing Block Plan, Existing and Proposed Floor, Elevation and Section Plans.	Drawing no. 01.	Unamended	19/02/2024
Climate Change Statement	-	-	19/02/2024

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 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 case officer considered the application on review and sought amendments to reduce the impact to the neighbour by limiting the projection to 4m and to have a 1m separation distance to shared boundary. This was requested twice (28/02/2024 and 02/05/2024). No response was received so the application was determined on the submitted scheme.

08/05/2024

Report Dated: