

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:	2024/62/90637/E
Site Address:	8, Westfield Court, Mirfield, WF14 9PT
Description:	Demolition of existing garage and erection of two storey side and single storey side and rear extensions with dropped kerb and associated alterations
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: 13-May-2024

Officer Report

2024/90637 - 8, Westfield Court, Mirfield, WF14 9PT

Site Description

8 Westfield Court is a detached, two storey property in Mirfield. It sits in a residential area which is characterised by spacious borders, the street layout and styling of the property types. Currently the site contains the dwelling, a double garage, a large residential rear garden and modest front garden. The property on the site is constructed with brick exterior walls which fall under a cross-pitched roof, clad in concrete roof tiles. The property group features large dwellings, many of which have been extended whilst retaining the prevailing spacious character of the immediate area.

Application Proposal

The applicant is seeking planning permission for the demolition of existing garage and erection of a two-storey side and single storey side and rear extensions with dropped kerb and associated alterations.

Two Side Extension

- A two storey, side extension will be formed of a rectangular footprint which extends to the rear. The works will remove the existing garages, which will be replaced by another double garage on the ground floor. A prominent gable-end will be built as a feature on the front elevation.
- Dimensions; ~5.10m(w) x ~9.20(d). Eaves height of ~4.80m, ridge height of ~7.00m.
- Features will include a single front facing window, rear facing windows.

Adjoining Single Storey Rear Extension

- A single storey rear extension will adjoin the two-storey element, it will have a mono-pitched roof.
- Dimensions; ~5.60m(w) x ~3.30m(d). Eaves height of ~2.60m, roof height of ~3.90m.
- The extension will have 4 patio windows, 3 skylights.

Single Storey Side Extension

- A single-storey side extension will be constructed on the south-west elevation, it will be set back from the front of the property by ~2.50m and form a wrap around connecting to a rear extension. It will have a mono-pitched.
- Dimensions; ~10.00m(w) x ~2.00m(d). Eaves height of ~2.60m, roof height of ~3.70m
- Features include one window on the front elevation, with two large windows and three skylights on the side elevation.

Adjoining Rear Extension

- A single-storey rear extension will form the additional wrap around, it has a mono-pitched roof.
- Dimensions; ~7.50m(w) x ~3.30m(d). Eaves height ~2.60m, ridgeline height of ~3.80m
- There will be 5 patio windows and 3 skylights.

Single Storey Rear Extension

- A link extension will adjoin the two other rear extensions, it will have flat roof and a sky lantern.
- Dimensions; ~4.60m(w) x 3.30m(d). Roof height ~3.00m, lantern height ~3.60m

Front Extension

- There will be an infill front extension between the two gable facades with a mono-pitched roof.
- Dimensions; 4.80m(4.30) x 1.20m(d). Eaves height of ~2.40m, roof height of ~3.30m.
- There will be three windows and a door on the front elevation.

Other Alterations

A 1.00m boundary wall will be erected on the front boundary of the property.

Materials

The extension will be formed of matching brick and grey smooth roof tiles. Windows will be Upvc.

Drop Curb

A licence to introduce a drop-curb should be sought by contacting Highways before any construction begins - <https://www.kirklees.gov.uk/beta/transport-roads-and-parking/dropped-kerbs.aspx>. There would not be an objection to such works by the case officer.

Public Representations

Neighbourhood notification letters were sent out to advertise the application, which expired on 19 April 2024. As a result of the publicity, there were 5 representations. Full comments can be viewed on the Kirklees planning website. A summary of the planning related comments are as follows;

- The scale and massing is not in keeping with the streetscene.
- There will be an impact to the character of the area, impacting its open nature.
- The building size would be disproportionate to the size of the plot and adjacent properties.
- Loss of privacy to properties to the rear of the site.
- Loss of outlook from neighbouring properties

These factors will be assessed in the visual amenity and residential amenity sections of the report.

Consultation Responses

None.

Amendments/Negotiations

Within the planning process it was considered that there would be a significant impact from the proposal therefore amended plans were requested, to overcome issues relating to spacing, massing and scale. This was relayed by email to the planning agent. Subsequently amended plans were received. Within the House Extensions & Alterations Supplementary Planning Document, paragraph 1.11 indicates designs should comply with the guidance set out within the document, therefore, the planning agent was given an opportunity to amend the proposal to accord with the guidance.

Relevant Planning History

Application Site – None

6 Westfield Court

2022/91820 - Erection of two storey side extension, a porch to the front, a single storey and a two storey rear extension and other external alterations – Full permission granted.

2020/93764 - Erection of two storey extension and other external alterations – Full permission granted.

10 Westfield Court

2015/92976 - Erection of two storey side extension – Full permission granted.

9 Westfield Court

2017/91186 - Erection of extensions and replacement of flat roof with pitched – Full permission granted.

Policy & Legislation

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

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 and Beautiful Places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Material Considerations

- Kirklees House Extensions & Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD (2019)

Assessment

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Representations
- 6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on visual amenity:

The National Planning Policy Framework (2023) sets out to achieve a high level of design. Paragraph 131 outlines this ethos, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'

Paragraph 133 continues this theme by indicating that 'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.'

Kirklees Planning Authority have published such guidance within their House Extensions & Alterations Supplementary Planning Document (2021), it expands Policy LP24 (design) of the Kirklees Local Plan. Within which, criterion a) & c) are relevant.

a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

In principle, any extension that significantly increases the volume of a house, should retain the character of the host dwelling and character of the street and area. Extensions should respect the site context when viewed from the roadside. Alterations that will be visible should make a positive contribution architecturally, working in harmony with the surrounding built and natural environment.

Character of the area

The spacing and green nature form the prevailing open character of the immediate area. Dwellings are set within substantial residential plots between which is greenery, shrubs and trees. A sense of space is formed either by single-storey garages or side spaces. The proposal would substantially reduce the sense of space by infilling side space. Not only would there be a physical reduction in space, but there would also be a perceptual decline in the sense of openness as the massing of the north-western is significantly increased. In terms of its impact, the development would therefore not respect the spatial layout of the area which provides its character. It would appear cramped given the significant elevation and encroachment into the borders of the plot.

There are significant extensions in the immediate area, including the two adjacent properties. Extensions do not form additions that form competing masses at both sides of the property, they are set further back, relative to this proposal and side space has been retained.

It would therefore be contrary to LP 24 (a) as the development does not respect the character of the immediate area.

Bulking and Massing

In respect of the scale of the extensions, Key Design Policy 2 of the House Extension & Alterations Supplementary Planning Document, outlines that they '*should not dominate or be larger than the original house*'. The existing house has an 'L' shaped footprint, the principal elevation contains a dominant gable-end and a side projection which is set in from the adjoining facade. Extensions will form a block shaped footprint by infilling the gaps to the projection, whilst forming a competing gable-end feature on the north-western wing, in addition, the length of these wings will be further increased by the single-storey extensions. In simple footprint terms, the extensions represent a 67% increase to the dwelling, whilst a considerable amount of the additional mass is a vertical increase.

The increase in footprint is significant. In comparison to its immediate neighbours, the scale of the dwelling is considerable, it would project rearwards by ~3.70m, have infill extensions and form additional vertical massing to these properties which further departs it from the existing building group.

In consideration of its appearance extensions should be sympathetic to the existing building, by appearing subservient. A two-storey side extension will be built on the north-west elevation. It features a large gable-end, mirroring the feature on the opposite side of the dwelling. It will be marginally set down and back from its opposite feature. The extension does not present a design that could be assessed as subservient to the host dwelling. It is a considerable

height and forward of the link section whilst adjoining other additional extensions. The prominent gable-end feature on the front of the dwelling is stark, creating two towers which set within the streetscene will creating a dominating feature.

It would therefore be contrary to Policy LP24 (c) due to the increase bulking and massing of the proposed dwelling which does not respect the size of the host dwelling or its neighbours.

Summary

The proposal will therefore reduce the sense of openness that provides the prevailing character of the streetscene both physically and perceptively. In addition, the bulk and mass of the extensions do not respect the size and form of the original property, whilst creating prominent features that dominate the streetscene. To allow the development would contrary to the thrust of Chapter 12 of the NPPF, the Policy LP24 (a & c) of the Kirklees Local Plan and Key Design Principle 1 & 2 of the House Extensions & Alterations Supplementary Planning Document.

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 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 6 Westfield Court

In terms of privacy, there will be side windows facing towards this property from the single-storey ground extension. There is a tall wooden fence as a boundary treatment which will obscure the views towards the property. The large floor to ceiling window projects past the side elevation of No. 6 by ~3.10m, it will have

an angled view of the side of the property, however there are no habitable windows on this elevation, therefore there will be no impact.

In terms of an overbearing impact, loss of light or outlook, the additionally massing closest to the neighbour will be formed of a single storey side extension only. It has a pitched roof and will retain a 1.00m space to the boundary. Due to this, there will not be a negative impact from the side extension.

Impact on 8 Westfield Court

In terms of privacy, there is one ground floor level window on this elevation that serves a hallway. There is a retaining wall between the properties and the ground level changes. In addition, there are no windows on the side elevation of the neighbouring property, therefore there will be no impact to privacy.

In terms of an overbearing impact, loss of light or outlook, there will be a significant first-floor mass increase on this elevation. A 2.00m space will be retained to the side. The eaves height of this elevation will be ~4.70m. Whilst this is a great increase, the side space at No. 8 serves as access to the rear and is not functionable outdoor amenity space. The rearward projection will be formed of a single storey section, therefore there will not be a loss of light to habitable rooms, loss of outlook or an overbearing impact. There may be a slight loss of sun in the afternoon, however the change in ground height and pitched roofs will mitigate against this.

Impact on 27, 29 & 31 Westfields Road

These properties are to the rear of the site.

In terms of privacy, there will be new openings in the rear of the property, including on the first-floor level. These properties are ~25.00m away from the rear single storey extension. Although there will be additional windows facing this direction, the distance will mitigate any impact to privacy. Additionally, there are already first-floor windows on the property facing this direction.

Due to distance, there will not be a change to privacy, light outlook, or an overbearing impact.

Impact on Highway Safety

The number of bedrooms will increase by one, however the total number of bedrooms is unclear as the agent has only provided existing floor plans for the

ground floor. There is room for two cars to park on the driveway with an additional two in the garage, which is sufficient.

Environmental Matters

Biodiversity

The development is for extensions that will affect the eaves of the dwelling. Whilst the property is not located in an area which is known to include bat habitats, a cautionary note should be added that if bats are found during the development, then work must cease immediately 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.

Representations

In consideration of the 5 representations that were received, the works would constitute development that does not accord with the prevailing character of the area, there is considerable bulk and massing which does not accord with the building group or the host dwelling. The impact to neighbouring occupants is not considered to be detrimental to residential amenity for the reasons outlined in the report.

Conclusion

This application for the erection of extensions and associated works at 8 Westfield Court 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 to design and harm in terms of visual amenity, the proposed works should be refused.

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 proposed development, due to the design and scale would be detrimental to the open character of the streetscene by way of infilling the gaps to the boundary and appearing cramped within the plot. As such it would erode a sense of space between houses which is a positive characteristic of the street-scene. This does not promote good design and is contrary to policy in 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.
1. The extensions, by way of height and scale, would have a detrimental impact to the host dwelling and streetscene, appearing incongruous and dominant, it is contrary to 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	Version	Date Received
Location plan	LP	-	05 March 2024
Existing elevations	2024 / 442 / 01	-	05 March 2024
Existing elevations & ground floor plan	2024 / 442 / 02	-	05 March 2024
Proposed front elevation	2024 / 442 / 03	3	01 May 2024
Proposed rear elevation	2024 / 442 / 04	3	01 May 2024
Proposed left side elevation (a)	2024 / 442 / 05	3	01 May 2024
Proposed right side elevations	2024 / 442 / 06	3	01 May 2024
Proposed left side elevation (b)	2024 / 442 / 07	3	01 May 2024
Proposed ground floor plan	2024 / 442 / 08	3	01 May 2024
Proposed first floor plan	2024 / 442 / 09	3	01 May 2024
Proposed site plan	2024 / 442 / 10	3	01 May 2024
Extended block plan	BP(b)	-	11 April 2024
Climate change statement	CCS	-	05 March 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. Amended plans were requested in line with House Extensions & Alterations Supplementary Planning Document, however they were not sufficient in overcoming the Officer's concerns.