

**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:	2024/62/90728/E
Site Address:	13, Warburton, Emley, Huddersfield, HD8 9QP
Description:	Erection of two storey rear and single storey front extensions with associated alterations
Recommending Officer:	Elenya Jackson

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: 09-May-2024

OFFICER REPORT

Site Description

13, Warburton, Emley, Huddersfield, HD8 9QP is a two-storey red brick detached dwelling which currently benefits from a driveway and private rear garden.

The immediate vicinity of the site is not uniform in design as there are variances in the principal elevation of the dwelling. However, the properties are constructed out of red brick and follow a consistent building line.

The site is within a high risk coal area

Description of Proposal

This application has been received for 'Erection of two storey rear and single storey front extensions with associated alterations'

The two storey rear extension

Two storey rear extension would extend 4m beyond the rear elevation of the dwelling and have a width of 8.4m.

This would feature side facing gable ends with a maximum height of 7.4m

Porch

The proposed porch would extend 1.6m beyond the front elevation of the host dwelling with a width of 2.7m. This would have a height of 3.8m with a pitched roof.

The proposal would also include the introduction of two side facing windows in to the north east elevation and two side facing windows in the south-west elevation.

The proposal would also include the rendering of the full property.

Relevant Planning History

2003/91541: Erection of conservatory. Conditional full permission

Representations

The application was initially advertised by neighbour notification letters, which expired on 23/04/2024

One objection was received raising the following concerns:

- Removal of vegetation
- The Proposed materials not being in-keeping
- Reduction in light
- Loss of privacy
- Stability implications for neighbouring dwellings

Denby Dale Parish Council raise concerns regarding overdevelopment.

Consultation Responses

No formal consultations deemed necessary

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
- **LP22**- Parking

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.

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

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
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extension & 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 Extension & Alterations SPD goes onto 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.

The two storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD refer to specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

Paragraph 5.8 of the House Extensions & Alterations SPD refers to two storey rear extensions and states that these should be:

- Proportionate to the size of the original dwelling
- Not project more than 4m in the case of detached properties
- Not exceed an eaves height of 3m if within 1.5m of a boundary
- Be separated from the boundary by 1.5m

The proposal would extend 4m beyond the rear elevation of the host dwelling, would be situated 1.3m away from the southern boundary and 4m from the northern boundary. The rear extension would not be overly prominent from the public realm. It is acknowledged by officers that the proposal would be 1.3m away from the southern boundary of the site; however, it is considered that from a visual perspective, this would be acceptable in this instance. The mass increase is quite substantial but taking into account the scale of the host along with other buildings in the vicinity the development would not appear incongruous and can be supported in this instance.

Porch

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The scale of the front extension is modest relative to the main house and would be considered to be acceptable.

Application of render to whole dwelling

As previously highlighted in the site description, the area is characterised by red brick dwellings with few variations in scale and design. It is considered that the application of render to the property would be an unsympathetic alteration to the host dwelling, the wider street scene and fail to be in keeping with the character of the area.

It is considered that, the proposal by reason of its out of keeping and overly prominent materials would fail to respect the character of the host dwelling and would be read as a discordant feature within the street scene and wider in area. Therefore, the proposal fails to accord with LP 24 of the KLP in terms of the character of the host property and the criteria of the House Extensions and Alterations SPD, particularly KDP 1 & 2 in terms of the character of the area and the impact on the house.

3 – 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 Extension & 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 rear which could be affected by the works proposed.

15 Warburton: adjoins the application site to the south

Overlooking: The proposal would feature one additional side facing window at ground floor level and one at first floor level relating to a bedroom. It is acknowledged by officers there is an existing side facing window; however, the additional window would be closer to the rear amenity space of no.15 and would create an additional overlooking relationship. Therefore, the proposal would result in an unacceptable overlooking relationship to the occupiers of no.15.

Overshadowing/loss of light/overbearing: The proposal would be set 1.3m away from the shared boundary between the properties; however, no.15 would be 3.4m away from the side elevation of the property and situated to the south. It is considered that due to the separation distance and the orientation of the properties, no significant issues would arise regarding overshadowing/loss of light or overbearing.

11 Warburton: adjoins the application site to the north.

Overlooking: The proposal would add extra windows into the side elevation of the property which would serve bathrooms and utilise an existing window which during the re configuration of the site would be amended from a bathroom to a bedroom. Having visited the site, officers consider that the first floor bedroom window would be inline with the main dwelling of no.11 and

would not result in a significant overlooking relationship. The ground floor windows would relate to a utility room, this is not considered a habitable room and therefore could be conditioned to be obscured.

Overshadowing/loss of light/overbearing: The proposal would be located 6.3m away from the main dwelling no.11. It is considered that no.11 benefits from its own extension which has an obscured side facing window and further rear projection is multiple aspect. It is considered that due to the separation distance of the properties when coupled with the obscured glazing of the extension or the multiple aspect detailing of the windows, no significant issues would arise regarding overshadowing/loss of light or overbearing.

It is considered that, due to the scale and location of the proposal, no other properties would be impacted from a residential amenity perspective.

It is considered that the proposal would have an unacceptable overlooking relationship into the private amenity space of no.15 Warburton contrary to Policy LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

4 – Impact on highway safety:

The proposals would result in an intensification of the domestic use; however, a formal consultation with KC Highways has not been conducted. There is an existing side projection on the dwelling which would be removed and enable the full driveway to be utilised. As the proposal would not displace parking arrangements on site, the proposal would comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is an extension 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.

6 – Representations:

As previously highlighted, one objection was received to the application. Officers will address the concerns raised below

- Removal of vegetation

Officer Response: The site is not known to be occupied by any protected flora or fauna and there are no tree preservation orders on site. As such, the removal of vegetation does not require planning permission in this instance.

- The Proposed materials not being in-keeping

Officer response: Officers have assessed the visual aspects of the proposal in section two of the report. The design and scale is considered acceptable, however, it has been considered that the proposed materials would not be in keeping with the host dwelling or character of the area.

- Reduction in light

Officer response: The design and scale of the development proposed is considered acceptable and is not considered to result in material overshadowing of any adjacent amenity space or accommodation.

- Loss of privacy

Officer response: Officers have assessed the proposals potential impact on the residential amenity of neighbouring residents. It is considered that there would be an increased level of overlooking for the occupiers of no.15.

- Stability implications for neighbouring dwellings

Officer response: This is a civil matter and would not be regulated by planning for an application of this size.

Whilst Denby Dale Parish Council have raised concerns regarding overdevelopment, due to the scale of the development along with the size of the plot the works would not result in overdevelopment of the site.

7 – Negotiations:

No alterations requested.

8 – Conclusion:

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. It is considered that the development proposals do not accord with the development plan and 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.

It is considered that due to the design, location and use of overly contrasting materials, the proposed alterations would be discordant, overly prominent and domineering to the host dwelling appearing incongruous within the street scene. The proposal would fail to respect the character of the host dwelling and would be read as a discordant feature within the street scene and wider in area. The proposal fails to meet KLP policy 24 in terms of the character of the host property and the criteria of the House Extension SPD, particularly KDP 1 & 2 in terms of the character of the area and the impact on the original house.

In addition, due to the introduction of a first floor window it would result in unacceptable impact to the residential amenity of the occupiers of No.15 Warburton contrary to Policy LP 24 of the Kirklees Local Plan, Key Design Principles 2 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/90714

Officer Recommendation: Refused

Reason

1. It is considered that due to the design, location and use of overly contrasting materials, the proposed development would appear overly prominent and dominant in relation to the original host dwelling, resulting in a discordant addition within the street scene and wider area. The proposal fails to meet Kirklees Local Plan policy 24 in terms of the character of the host property and the criteria of the House Extensions and Alterations SPD, particularly Key Design Principles 1 & 2 in terms of the character of the area and the impact on the original house.
1. Due to the introduction of additional first floor windows in proximity to the private amenity space of no.15 Warburton, the proposal would result in an unacceptable overlooking relationship to the immediate rear amenity space, contrary to Policy LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Proposed elevations	02	11/03/2024
Location plan		11/03/2024
Existing Plans	01	11/03/2024

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.

No further alterations were requested.