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:	**2024/62/90862/E**
Site Address:	24, Woodlands Crescent, Gomersal, Cleckheaton, BD19 4SP
Description:	Erection of single storey side and rear extensions 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: 28-May-2024

OFFICER REPORT

Site Description

24 Woodlands Crescent is a detached bungalow with a brick front elevation and rendered to the sides and rear. The property has an existing side and rear extension on the north western corner and a detached outbuilding at the rear. There is a hardstanding to the front and a tarmac drive to the side of the dwelling with a larger, enclosed garden to the rear.

The property is location on a residential street with a mix of single and two storey properties in varied styles and palettes.

Description of Proposal

The applicant is seeking permission for a single storey side and rear extension with associated alterations.

The side extension would be set back 2m from the front wall of the property, would be constructed up to the boundary with an initial projection of 3.1m from the side wall of the property and continues along the shared boundary with an overall length of 15.1m. The extension would wrap around part of the rear elevation with a projection of 3.6m beyond the original rear wall of the property. The roof form would be pitched in line with the main roof to the side, then a perpendicular pitched roof at the rear.

The plans also show the roof over the existing side and rear extension being altered to a pitched roof form.

The walls would be constructed using brick with 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 scheme does not comply with the House Extensions & Alterations SPD as the extension would form a disproportionate addition to the house and would result in an overbearing & oppressive impact on the

amenity space of the adjacent property. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 13/05/2024

As a result of the above publicity, two representations have been received. The material planning matters raised are summarised as follows:

- Overshadowing given the length of the build on the shared boundary.
- The lack of gap between the host property and the neighbouring dwelling would be out of character.

Although other matters, such as devaluation may have been raised, only material planning matters can be considered.

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

- **LP 30** – Biodiversity

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

Assessment

<u>Principle of development</u>:

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.

<u>Impact on visual amenity</u>:

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 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 proposal under consideration consists of three distinct elements which shall be addressed below.

Side extension

Paragraphs 5.15 & 5.16 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension would be set back from the front of the property by 2m which is considered to be in line with the SPD. The width of the extension is considered to be acceptable relative to the main house. It is noted that the adjacent dwelling does have their own extension with a first floor on piers. However, as the properties do not share a particularly linear relationship, the lack of gap together with the set back and the single storey nature of the extension is considered to form an acceptable relationship. The materials include the use of brick for the walling with tiles for the roof covering which is considered to be acceptable. On balance, the side extension is considered to be acceptable in terms of visual amenity.

Rear extension

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.

The proposed extension at the rear would have a significant projection along the shared boundary with an irregular, angled footprint which would form a disproportionate addition to the dwelling thereby failing to comply with KDP2 of the SPD. Despite the use of matching materials, the rear extension would result in a disproportionate addition to the dwelling and is not considered to be acceptable in terms of visual amenity.

Roof alterations over existing extension

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 alterations to the roof over the existing extension to change it from a flat roof to a pitched roof would represent an enhancement. The use of matching materials would form an appropriate relationship with the main house. The

roof alterations are therefore considered to be acceptable in terms of visual amenity.

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.

Impact on 22 Woodlands Crescent

The side extension would align with the neighbour's side extension and outbuilding with no additional impact. However, the central section with the gable would run along the side of the neighbour's amenity space and would have an overbearing and oppressive impact along with some overshadowing in the late afternoon. There are no windows proposed in the extension which could overlook the adjacent dwelling.

With regards to the impact on the adjacent 22 Woodlands Crescent, 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 26 Woodlands Crescent

The alterations to the roof over the existing extension would raise the height of the dwelling close to the shared boundary with the adjacent dwelling to the south-west. The neighbour, however, has an outbuilding along the shared boundary which would screen much of the potential for any overbearing impact or overshadowing. There are no windows in the extension which would overlook the neighbouring property.

With regards to the impact on the adjacent 26 Woodlands Crescent, 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.

Impact on 19 Woodlands Crescent

The neighbouring property on the opposite side of the road occupies a position some 23m from the site. Given the separation between the dwellings, the proposed works would result in no overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 19 Woodlands Crescent, 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.

Impact on 9 Fusden Lane

The neighbouring property to the west occupies a position 21m and has an angled relationship relative to the host property. Given the spatial relationship between the properties, there would be no overbearing or overshadowing. The windows proposed in the extension would have views towards the boundary treatment between the properties together with the separation are considered sufficient to minimise any potential overlooking.

With regards to the impact on the neighbouring 9 Fusden Lane, the scheme is considered to be acceptable 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.

Impact on 1 Lilac Grove

The neighbouring property to the rear occupies a position some 33m from the host property. Given the substantial separation together with the single storey nature of the dwelling, there would be no overbearing, overshadowing or overlooking.

With regards to the impact on the 1 Lilac Grove, the scheme is considered to be acceptable 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.

Having considered the above factors, the proposals would result in an overbearing and overshadowing impact on the adjacent 22 Woodlands Crescent, thereby failing to comply 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 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, 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.

There are no other matters for consideration.

Representations:

Two representations have been received. The material planning matters raised are summarised as follows:

- Overshadowing given the length of the build on the shared boundary – **Response:** *This is a material consideration relating to residential amenity. As the neighbour has their own extension to the side and a detached outbuilding, together with the applicants own garage which would be replaced, only the central element would have an additional impact on the neighbour's amenity space. However, whilst the extension is single storey, the roof would be at a height of 4.5m from the ground level to the apex to the west of the neighbouring property with some potential to result in overshadowing in the later afternoon.*
- The lack of gap between the host property and the neighbouring dwelling would be out of character – **Response:** *This is a material*

consideration relating to visual amenity. The street is made up of a mix of single and two storey properties, the adjacent house has already extended up to the shared boundary. As the proposed extension is set back from the front, a single storey addition and does not occupy an explicitly linear position relative to the adjoining property, the lack of gap is not considered to be a reason to fail the application.

Although other matters, such as devaluation may have been raised, only material planning matters can be considered.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 24 Woodland Crescent 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 rear extension, when considered in terms of both its projection and the cumulative extensions, would form a disproportionate addition to the dwelling. To permit the rear extension 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 rear extension, by reason of its projection and position along the shared boundary with the adjacent 22 Woodlands Crescent would result in an overbearing and oppressive impact on the neighbour's amenity space as well as overshadowing in the late afternoon. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, 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: 2024/90862
Officer Recommendation: Refuse
Reasons for refusal

1. The proposed rear extension, when considered in terms of both its projection and the cumulative extensions, would form a disproportionate addition to the dwelling. To permit the rear extension 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 rear extension, by reason of its projection and position along the shared boundary with the adjacent 22 Woodlands Crescent would result in an overbearing and oppressive impact on the neighbour's amenity space as well as overshadowing in the late afternoon. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, 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	00100	1034712	02/04/2024
Existing site plan	00110	1034711	02/04/2024
Existing elevations	S120A	1034717	02/04/2024
Existing floor plans	S110A	1034716	02/04/2024
Proposed site plan	00111	1034718	02/04/2024
Proposed elevations	20400	1034721	02/04/2024
Proposed floor plans	20100	1034720	02/04/2024
Proposed roof plan	20101	1034719	02/04/2024
Climate change statement	-	1034994	02/04/2024

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 scheme does not comply with the House Extensions & Alterations SPD as the extension would form a disproportionate addition to the house and would result in an overbearing & oppressive impact on the amenity space of the adjacent property. Amended plans have not been sought.

Report Dated 23/05/2024