

**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:	2024/62/91230/E
Site Address:	12-14, Fall Lane, Hartshead, Liversedge, WF15 8AR
Description:	Erection of rear extension and external 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: 24-Jun-2024

Officer Report

2024/91230 - 12-14, Fall Lane, Hartshead, Liversedge, WF15 8AR

Site Description

12-14 Fall Lane is a two and three storey, end terrace in the village of Hartshead. The building is built with stone exterior walls, which fall under a cross-pitched roof clad in stone roof tiles. The building first appears on the 1893 OS Country Series maps held by the Council. The building's rear projection appears on this map and is thought to be original. It features historic architectural features including bay windows, stone corbels and a stagecoach entrance.

The dwelling benefits from a modest front outdoor area, which has been converted into a driveway and an extended rear garden that is long and narrow.

The building is part of a traditional row of terraces. Properties to the south-east are more modern, detached dwellings.

Proposal Description

The applicant is seeking planning permission for a rear extension and modification to the front bay windows.

The rear extension will project ~5.00m on the basement and ground-floor level and ~3.70m on the first-floor. It will have a width of ~6.40m. It will have an eaves height of ~7.70m and a ridgeline height of ~9.70m. The extension will feature a gable-end roof.

There will be a high amount of glazing on the rear face of the building including a gable end window, a large window above the coach entrance and several large windows on the rear elevation of the extension.

Materials will be natural stone exterior walls with a charred cladding on the single-storey gable-end. Roofing materials will match the existing stone tiles.

Relevant Planning History

Application Site

2009/92849 – Erection of balcony – Full permission granted.

Consultation Response

None.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on the 17-Jun-2024. No representations were received.

Amendments/Negotiations

None.

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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 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, rear extensions should respect the host dwelling in terms of scale and architectural design. They should not appear overly dominant and should appreciate the proximity to neighbouring dwellings.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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.*'
- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states '*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 rear extension will form an addition to the rearward projection of the dwelling. It will prolong the rearward projection a further ~5.00m at the basement and ground floor level and a further ~3.70m at the first-floor level. The extension is formed of cubed additions, with the ground floor level extension been set in by ~2.35. It will feature a balcony which is accessed on the first-floor level. The extensions therefore would have large massing to the rear of the dwelling. In terms of volume, the rearward projection would have a ridgeline of ~10.00m, a projection from the stage terrace section of the dwelling of ~7.50m and a width of ~6.50m. In consideration of this element, the height of the rear face is considerable, as it includes a basement level. Considering the dimensions of this section of the building, the additions should assimilate with the host dwelling to provide a harmonious appearance. However, due to the size of the elevation and its top-heavy ridgeline the extension would dominate the built form of the host dwelling.

The architectural design of the extension is modern in its approach due to its shaping, the charred cladding materials, balcony and its glazing. In part, due to its features the extension does not harmoniously assimilate with the host building. The cuboid like additions appear as incongruous additions to the historic dwelling which is further exacerbated by the materials and contemporary approach.

As the extension will adjoin the existing rearward projection, its appearance will heavily dominate the dwelling which is exemplified in the footprint of the dwelling. The rear projection will therefore be the dominate element of the building.

The rear garden of the dwelling opens out onto the surrounding valley. It can be viewed from the rear of dwellings on Hartshead Lane. The rear elevation is therefore highly visible, including from vistas within the Green Belt.

In terms of architectural features, the plans include a significant increase in glazing with large rectangular openings being formed as well as a gable window. Such a significant amount of glazing, when viewed in context of the rear of the historic terrace row and host dwelling would appear out of character. Given they are large and appear superfluous on the rear elevation, they would significantly alter the character of the area.

In addition to this, a charred cladding is proposed on the frame of the window above the stagecoach opening and wrapped around the gable end. The material will have a dark appearance, as there are outstanding issues, it was not considered necessary to contact the applicant to attain if the material was timber or a composite. However, the cladding would appear dark, outlining the

top of the floor of the building. It would contrast when set against the natural stone. This would magnify the bulk and mass of the rearward extension. It would therefore appear stark in the landscape.

In addition to the extension, the bay windows would be extended on the front elevation of the dwelling. The alteration would add a characterful addition to the front façade and is acceptable.

In summary, the proposed plans, by reason of its scale, mass and architectural design, would fail to accord with Key Design Principle 1 & 2 of the House Extension & Alterations Supplementary Planning Document and Policy LP 24 of the Kirklees Local Plan.

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 16 Fall Lane

14 Fall Lane is south-east of the application site. No 14. projects rearward of the application dwelling, in part due to a basement level extension. In terms of privacy, there are additional rearward windows and a balcony. New windows will be formed ~5.00m & ~3.70 further than the current windows. These will have views into the neighbour garden. The rear extension of No 14 provides a break between the garden space and the new openings, in addition the garden is already overlooked therefore the relationship will not alter. In terms of the balcony, the viewing platform is at a significant height which will overlook the garden space, it would create an overlooking impact from an elevated platform. It would be conditioned that a privacy screen is erected on the south-east aspect of the balcony to protect from this relationship.

In terms of an loss of light, outlook or an overbearing impact, there is a side facing window that is thought to light a utility room. A utility room is class as a non-habitable room. The view of which is already partially block by the boundary wall. The ground floor element of the extension is stepped in, allowing a flow of light into this room. The relationship is therefore acceptable.

Impact on 10 Fall Lane

This property is to the north-west of the application site. In terms of impact to privacy, again, there will be a modest decrease in distance from the windows to the garden space of No. 10. This property is distanced a further ~3.00m due to the stagecoach entrance. The garden space is already overlooked by windows; therefore the existing relationship will remain. In terms of the balcony, as it projects from the first-floor and has an overlooking view into the garden space it would be conditioned that the balcony has a privacy screen to protect residential amenity.

In terms of an loss of light, outlook or an overbearing impact, due to the separation distance there will be no impact.

There are no other properties to consider.

Impact on highway safety

The number of bedrooms will not increase from a result of the extension. Parking to the front of the dwelling will remain as existing.

In terms of bin storage, side access will remain.

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 Supplementary Planning Document.

Environmental matter

Ecology

The development is for alterations which will affect the eaves of the property. 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.

Conclusion

The application for the erection of extensions and associated works at 12-14 Fall Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations Supplementary Planning Document, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity, the proposed extension is considered to be unacceptable.

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

Reason(s) for Refusal

1. The proposed development, due to size, design, materials and roofline, would increase the bulk and massing of the dwelling, visually dominating the host dwelling whilst appearing incongruous due to its appearance when viewed from the rear, which would be detrimental to the character of the terrace row and appearance of the host dwelling. To allow the proposal would form additions being contrary to the aims of Policy LP24 (a & c), as well as Principle 1 & 2 of the Kirklees House Extensions & Alterations SPD and the advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site location plan	23025-00100	-	29 April 2024
Existing floor plan	2307-S110	-	29 April 2024
Existing elevations	2307-S120	-	29 April 2024
Proposed site plan	23025-01100	-	29 April 2024
Proposed lower ground floor plan	23025-20100-P02	Rev P02	29 April 2024
Proposed ground floor plan	3025-20101-P01	Rev P01	29 April 2024
Proposed first floor plan	23025-20102-P01	Rev P01	29 April 2024
Proposed elevations – 01	23025-20400-P04	Rev P04	29 April 2024
Proposed elevations – 02	23025-20401	-	29 April 2024
Climate change statement	CCS	-	29 April 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. No amendments were sought.