

**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:	2024/62/91415/E
Site Address:	17-19, Broomer Street, Ravensthorpe, Dewsbury, WF13 3DE
Description:	Erection of two storey rear extension
Recommending Officer:	Jennifer Booth

DECISION - REFUSE

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.

Julia Steadman

AUTHORISED OFFICER

Date: 12-Jul-2024

OFFICER REPORT

Site Description

17-19 Broomer Street was formerly two properties which have been altered to form a single home. The front of the building is stone with brick for the side and rear walls. The property has a small, enclosed area to the front and an open yard at the rear.

The surrounding properties are similar in terms of age.

Description of Proposal

The applicant is seeking permission for a two-storey rear extension.

The extension is proposed to project 3m from the original rear wall of the property and would extend across the full width of the dwelling with a flat roof form.

The walls would be constructed using brick.

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 proposals would result in unacceptable harm to the amenities of the neighbouring 21 Broomer Street in terms of overbearing and overshadowing habitable room windows. The proposals therefore fail to comply with the SPD. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 02/07/2024

As a result of the above publicity, no representations have been received.

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

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

Assessment

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 & 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.

Impact on visual amenity:

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 on to 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.

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.

Although the size of the extension is considerable relative to the modest yard area to the rear of the dwelling, it would be similar to other such extensions in the area. Whilst flat roof forms are not generally considered to represent good design, there are also a number of similar extensions in the vicinity. As such, the scale and design would not be out of character with the area. The walls are proposed to be constructed using brick which would match the main house. On balance, the extension could be considered to be satisfactory 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.

There are no properties directly to the rear which could be affected by the works proposed.

Impact on 15 Broomer Street

The adjoining property has their own rear extension. As such, the extension proposed would result in no overlooking overshadowing or overbearing.

With regards to the impact on the adjoining 15 Broomer Street, 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 23 Broomer Street

The proposed extension would be very close to the neighbouring property to the north east which has a window in the side elevation. Given the proximity to this window, the extension would result in an overbearing impact. It appears likely from the site visit that this window serves a kitchen/dining room given the limited footprint of the dwelling.

With regards to the impact on the adjacent 23 Broomer Street, 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 21 Broomer Street

The extension would be less than 4m from the habitable room windows in the primary elevation of the neighbouring property. As such, there would be an unacceptable overbearing and oppressive impact on the amenities of the

occupiers of the neighbouring property. Furthermore, with the position of the extension to the south west, there would be overshadowing in the afternoon.

With regards to the impact on the adjacent 21 Broomer Street, 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.

Having considered the above factors, the proposals would result in unacceptable overbearing and oppressive impacts on both 21 & 23 Broomer Street 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, and it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would not be so significant as to result in the failure of this application on these grounds. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extensions & Alterations SPD.

Other matters:

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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a two storey extension to the rear of 17-19 Broomer Street 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 extension to the rear, by reason of the projection, height and proximity will result in an overbearing impact on habitable room windows of 21 & 23 Broomer Street and overshadowing in the afternoon. To permit the proposals would be contrary to Policy LP24

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: 2024/91415

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extension to the rear, by reason of its projection, height and proximity to habitable room windows, would result in an overbearing and overshadowing (in the afternoon) impact on the occupants of nos.21 and 23 Broomer Street. To permit the proposals, which would be unduly harmful to residential amenity, would be contrary to Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & site plan	1	1042158	20/05/2024
Floor plans	2	1042163	20/05/2024
Front & rear elevations	3	1042162	20/05/2024
Side elevations	4	1042161	20/05/2024
Climate change statement	-	1042160	20/05/2024

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 proposals would result in unacceptable harm to the amenities of the neighbouring occupants at 21 and 23 Broomer Street in terms of overbearing and overshadowing habitable room windows. Due to the significant concerns with the proposals along with the availability of the House Extensions and Alterations Supplementary Planning Document, amended plans have not been sought in this instance.

Report Dated

10/07/2024