

# **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:         | <b>2024/62/91472/W</b>                            |
| Site Address:         | 12, Edge View, Golcar, Huddersfield, HD7 4BZ      |
| Description:          | Erection of extensions and associated alterations |
| Recommending Officer: | Lucy Taylor                                       |

### **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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 22-Jul-2024**

## **Officer Report.**

**Reference:** 2024/91472

**Location:** 12, Edge View, Golcar, Huddersfield, HD7 4BZ

**Proposal:** Erection of extensions and associated alterations

## **Site Description:**

12 Edge View is a semi-detached bungalow located in Golcar, Huddersfield. The external walls of the property are faced in brick and the property has a tiled hipped roof. Within the wider curtilage of the site, the property benefits from a detached garage structure, a driveway and outdoor amenity space.

The property is located within a residential area, where there is a sense of similarity established with regard to property type and exterior appearance.

## **Description of Proposal.**

Planning permission is sought for the erection of extension and alterations.

The extension to the host dwelling would project from the eastern elevation, with the following dimensions:

- Projection (length) – 9.5 metres
- Width – 7 metres
- Maximum height – 6.4 metres

A single storey flat roofed extension is proposed to the northern elevation of the property, with the following dimensions:

- Projection (width) – 1.4 meters
- Length – 10.6 metres
- Maximum height – 3.8 metres

The external walls of the extensions would be faced in brick to match the existing property.

The existing roof above the property is to be replicated and replaced as new. New concrete roof tiles are to be installed to match existing tiles.

Fenestration detailing would consist of roof lighting, windows, access doors and a garage door.

In addition, a dormer is proposed to be erected between the eastern roof elevation of the host property and the roof of the extension, with the following dimensions:

- Depth - 3.6 metres

- Width – 3.7 metres
- Height – 2.2 metres

The dormer would be faced in timber cladding.

### **History of Negotiations / Amendments Received.**

The case officer did not enter into negotiations with the applicant or planning agent as, given the reasons for refusal as set out within this officer's report, it was considered that the number of amendments required would be outside of the remit of this planning application (reference 2024/91472).

### **Relevant Planning History.**

It is not considered that there is any relevant planning history at the application site or to neighbouring properties.

### **Representations.**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired: 19<sup>th</sup> July 2024.

In response to publicity, one objection was received. This objection set out the following, summarised, concerns:

- Worries and stress which would occur during the build.
- Very difficult to see from plans how close the proposed extension is from neighbouring properties.
- Will not allow any machinery, workmen or builders onto neighbouring property to carry out this extension.

### **Consultation Responses.**

No consultations were deemed necessary.

### **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 for Kirklees is the Local Plan (adopted 27th February 2019). The site is unallocated within the plan, as such the following policies are considered relevant to the consideration of this application:

#### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP51 – Protection and Improvement of Local Air Quality

### **Supplementary Planning Documents:**

- Highways Design Guide SPD (2019)
- House Extensions and Alterations SPD: The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

### **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, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Sustainable and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

### **Assessment.**

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

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

## **1) Principle of Development**

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*  
Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

## **2) Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘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...’*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

- Key Design Principle 1 – Local character and street scene - *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 – Impact on the original house - *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 detail.*

Section 5.7 of the Council's adopted House Extensions and Alterations SPD sets out specific guidance for bungalows, with paragraph 5.31 setting out that: *‘Careful consideration should be given to two storey and first floor extensions to bungalows. These can cause a negative impact on the street scene and character of the area through changing the height, rhythm or form of a roof in relation to the rest of the street scene.’*

Paragraph 5.32 goes further and sets out that: *‘Increasing the height of the property by amending the roof pitch or eaves height will significantly affect the character and proportions of the building and will impact on the surrounding street scene...and is usually unacceptable where the roof pitches and heights in the street scene are consistent.’*

The two-storey extension proposed to the host property would not appear as a subservient addition, with the length of the host property measuring approximately 12.45 metres and the length of the extension meaning approximately 9.5 metres, meaning that the extension is greater in length than 2/3 the length of the host dwelling. In addition, the height of the extension would be significantly greater in height than the ridge height of the existing dwellinghouse. For these reasons, it is concluded that the two-storey extension proposed to 12 Edge View would present undue levels of bulking and massing, with the impacts of this exacerbated further given the prominent siting of this proposed extension within the site, visible from public vantage points.

Whilst officer's note the presence of dormers within the streetscene to neighbouring properties, it is considered that the erection of the dormer as proposed under this application would contribute to the incongruous appearance of additions to the host property, appearing as a contrived and cramped addition between the two roofing forms.

The proposed single storey flat roofed extension would span across the entire northern elevation of the property. Whilst officer's note the presence of a flat roofed porch to the existing property and similar features to neighbouring properties, particularly those along Edge View, these are of a smaller size/scale to that proposed as part of the development under this planning application.

Cumulatively, these design factors would result in the extensions appearing cramped within the site and overtly oppressive within the streetscene.

It is therefore concluded that the proposed development would not comply with the policies within Chapter 12 of the NPPF, Policies, LP1, LP2 or LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

### **3) Impact on Residential Amenity**

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *"...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal would see the loss of existing outdoor space at 12 Edge View; however, officer's note the retention of garden amenity space at the property. As such, the proposal is considered to accord with Principle 7 of the House Extensions and Alterations SPD.

#### **No. 19 Warwick Avenue:**

This property is located to the east of the application site.

The proposed two-storey extension would meet the shared boundary with this property but would retain a separation distance of approximately 4 metres from the siting of the property of No. 19 itself. Given that the extension is to be adjacent to the driveway of No. 19 and is to retain a separation distance of

approximately 4 metres from the nearest elevation of the neighbouring dwelling, it is concluded that, on balance the scheme would not result in significant impacts of undue overbearing or overshadowing.

Officers also note that there would not be an increase in the extent of glazing facing directly towards No. 19 Warwick Avenue. Therefore, it is concluded that the proposal would not result in undue impacts of overlooking.

#### No. 10 Edge View:

This property adjoins the application site to the south.

The proposed two-storey extension would retain a separation distance of approximately 0.5 metres from the shared boundary and this extension would cut a line of 45-degrees across the entire rear elevation of No. 10 Edge View and beyond.

The proposal would see a significant level of bulk and massing along the shared boundary with no.10 and taking account of the size and scale of the extension it is concluded this would have a significant impact upon the outlook of the occupiers of no.10 as well as the levels of light to the openings within the rear of no.10.

Therefore, it is concluded that the proposed two-storey extension would result in undue levels of overbearing and overshadowing to the neighbouring property, as well as to the rear garden amenity space which serves No. 10.

For the reasons set out in this report, the proposed development to 12 Edge View is considered to cause undue harm to the residential amenities of neighbouring properties, specifically the overbearing and oppressive impacts that would occur for the occupiers of No. 10 Edge View.

The scheme therefore fails to comply with policies LP24(b) of the Kirklees Local Plan, Key Design Principle 6 of the House Extensions and Alterations SPD and policies within Chapter 12 of the NPPF.

#### **4) Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The extensions would result in a 2 bedroomed property.

The proposed extensions would result in the loss of the existing detached garage at 12 Edge View and would also result in the loss of some of the existing on-site parking amenity space. However, officer's do note that an

integrated garage is included as part of the proposal, which is considered to compensate for the loss of the existing detached garage structure.

Paragraph 4.42 of the House Extensions and Alterations SPD sets out that:

*‘Proposals should maintain appropriate access and parking arrangements, including for bicycles. The number of parking spaces required are dependent on the size of the property and the prevailing local characteristics and will be considered on a case-by-case basis. An initial point of reference for residential development is as follows: 2 to 3 bedroom dwellings provide a minimum of 2 off-street car parking spaces, 4+ bedroom dwellings provide 3 off-street parking spaces’*

It is considered that the retained driveway and integral garage at 12 Edge View would provide sufficient levels of on-street parking. In addition, it is noted that existing vehicle access to and from the property in conjunction with the highway would remain as existing.

The proposal is therefore concluded to be comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the House Extensions and Alterations SPD, Highways Design Guide SPD and policies within Chapter 9 of the NPPF.

## **5) Other Matters**

### Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

As part of this application, a Climate Change Statement was submitted, which set out various mitigation measures. Considering the small-scale of the proposed development, it is considered that the proposed development would

not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## **6) Representations**

In response to publicity, one objection was received. This objection set out the following, summarised, concerns:

- Worries and stress which would occur during the build.

*Officer Response: The impacts of the construction phase of development are not considered to be a consideration that can be afforded significant weight in the determination this application given the scale of the development. It is considered that in this case it would be reasonable of the LPA to include an informative note with regards to recommended construction working times.*

- Very difficult to see from plans how close the proposed extension is from neighbouring properties.

*Officer Response: Noted. This officer's report sets out a full assessment of the impacts of the proposal to neighbouring properties within Assessment section 3, 'Impact on Residential Amenity'. This section includes details of separation distances.*

- Will not allow any machinery, workmen or builders onto neighbouring property to carry out this extension.

*Officer Response: This is not considered to be a consideration that can be afforded significant weight in the determination of this planning application given the scale / nature of the proposal and alternative access arrangements which could be utilised.*

## **7) 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 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 considerations.

The proposal is considered to have an unacceptable visual impact upon the host property and wider locality as a result of the size/scale and design of the extensions.

The proposal is also concluded to have an unacceptable impact upon the residential amenity of the occupiers of No. 10 Edge View, as a result of the extensions, the occupiers of these neighbouring properties would experience an unacceptable level of overbearing and overshadowing, and the extensions would be unduly oppressive.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

**Recommendation: Refuse**

**Decision Authorisation: Delegated Powers**

**Application Number: 2024/91472**

**Officer Recommendation: Refuse Permission**

**Reasons for Refusal:**

1. The proposed development by reason of its design, scale and massing would fail to be subservient to the original dwelling and would appear out of keeping to the host dwelling, having a harmful impact upon the character and appearance of the dwelling and wider street scene. The development would therefore be contrary to Policy LP24 parts (a) and (c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and national Policy set out in Chapter 12 of the National Planning Policy Framework.
2. By reason of its close proximity scale, massing and design, the proposed development would have an unacceptable overbearing and overshadowing impact, and be unduly oppressive, to the occupiers of No. 10 Edge View contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

| Plan Type                                     | Reference | Version | Date Received |
|-----------------------------------------------|-----------|---------|---------------|
| Location Plan                                 | LOC       | -       | 24.05.24      |
| Existing Floor Plans                          | (100)01   | -       | 24.05.24      |
| Existing Site Plan                            | (100)03   | -       | 24.05.24      |
| Existing Elevations                           | (100)02   | -       | 24.05.24      |
| Proposed Lower and Upper Floor Plans Combined | (100)05   | -       | 24.05.24      |
| Proposed Site Plan                            | (100)04   | -       | 24.05.24      |

|                                             |         |   |          |
|---------------------------------------------|---------|---|----------|
| Proposed Lower and Upper First Floor Plans  | (100)07 | - | 24.05.24 |
| Proposed Lower and Upper Ground Floor Plans | (100)06 | - | 24.05.24 |
| Proposed Elevations                         | (100)08 | - | 24.05.24 |
| 3D Views                                    | (100)10 | - | 24.05.24 |
| Indicative 3D and Cut Sections              | (100)09 | - | 24.05.24 |
| Climate Change Statement                    | -       | - | 24.05.24 |

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not enter into negotiations with the applicant or planning agent as, given the reasons for refusal as set out within this officer's report, it was considered that the number of amendments required would be outside of the remit of this planning application (reference 2024/91472).

**Report Dated:** 22.07.24