

**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:	2024/62/91580/W
Site Address:	3, Weatherhill Crescent, Birchencliffe, Huddersfield, HD3 3QZ
Description:	Erection of two storey front and side and part single storey rear extension, single storey porch to front, dormer to rear, timber cladding, construction of retaining wall to create tiered garden and associated alterations
Recommending Officer:	Joanna Rednall

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: 07-Aug-2024

The Site

3, Weatherhill Crescent is a semi-detached bungalow located in Birchenclyffe, Huddersfield. The property is constructed from stone to the front elevation with pebble dash render to the side and rear. The roof is gable in design and infilled with tiles. The property benefits a small lawned garden to the front with a large lawned garden to the rear. To the side of the dwelling is a driveway. The property also features a small dormer within the rear roof slope.

The site is set within a wider residential area where properties vary slightly in design. The property is one of three pairs of semi-detached bungalows with the majority of dwellings being semi-detached two storey properties with hipped roofs. However, the predominant construction materials appear to be stone to the ground floor front elevations with pebble dash render/brick to the first floor and side elevations.

The site is unallocated on the Kirklees Local Plan.

The Proposal

The applicant is seeking planning permission for erection of two storey front and side and part single storey rear extension, single storey porch to front, dormer to rear, timber cladding, construction of retaining wall to create tiered garden and associated alterations.

Two storey front and side extension

The proposed two storey front and side extension would have the following dimensions:

- ~3.7 metre width
- ~4.5 metre eave height
- ~5.9 metre ridge height
- ~10 metre depth/projection

The exterior walls of this extension would be faced in timber/composite cladding with a gable roof above. The roof tiles would match those used on the host property.

In terms of fenestration, glazing is proposed to the front and side elevations. To the front elevation (first floor), one large gable end window is proposed in

an aluminium frame of grey colour finish. One velux roof light is proposed above.

Two windows are proposed to the side elevation (ground floor).

Internally, this extension would provide a garage and utility room to the ground floor as well as two bedrooms to the first floor.

Single storey rear extension

The proposed part single storey rear extension would have the following dimensions:

- ~3.7 metre width
- ~3.2 metre depth/projection
- ~3.8 metre height

The exterior walls of this extension would be faced in timber/composite cladding with a flat roof above. Glazing is proposed to the south and west facing elevations in the form of high aluminium windows in a grey frame.

Internally, this extension would serve a kitchen.

Single storey front porch extension

The proposed single storey front porch would have the following dimensions:

- ~2.5 metre width
- ~0.9 metre depth/projection
- ~2.6 metre eave height
- ~3.7 metre ridge height

The exterior walls of the porch would be constructed from pressed metal cladding. An aluminium door is proposed to the front elevation with glazing in the form of one long window and gable end window above.

Rear dormer

The rear dormer would be sited within the west-facing roof slope with the following dimensions:

- ~5.8 metre width
- ~3 metre projection
- ~2.4 metre height

The dormer would be constructed from pressed metal cladding with a flat roof and roof light above. Two windows are proposed within the south-facing elevation.

Internally, this dormer would serve a bathroom and bedroom.

Retaining wall to create tiered garden

A retaining wall is proposed to the rear garden. This would measure approx.. 1.9 metres in height and 10 metres in length. The wall would be constructed from concrete tumbled stone. The wall would be topped with pressed metal cladding.

Steps are proposed to the side to provide access down into the garden.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

History of Negotiations

No negotiations have been sought in the processing of this application as it was considered significant amendments would be needed to overcome the harm.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 22nd July 2024

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety

4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal 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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, 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. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Two storey front and side extension

Section 5.20 and 5.22 of the Council's adopted SPD relates specifically to two storey side extensions:

5.20 Two-storey side extensions should:

- *not take up all or most of the space to the side of a house;*
- *maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and*
- *be set back at least 500mm from the front wall of the house.*

5.22 Two-storey and first floor side extensions should:

- *ideally be visually smaller in relation to the original house;*
- *be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *have a roof design that follows the form of the existing roof; and*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.*

The design of the proposed two-storey side extension to 3, Weatherhill Crescent would be contrary to the design principles of the House Extension and Alterations SPD as set out above. The two-storey side element of the extensions would not appear as a subservient addition to the host property, presenting an undue extent of additional bulk/massing to the front and side of the dwellinghouse.

The projection of the side extension would retain a separation distance of 0.5 metres from the side/east facing boundary and would project forward of the principal elevation of the host property by approximately 0.9 metres. Cumulatively, these two design factors would result in the extension appearing cramped and overly dominant within the row of semi-detached bungalows. It is acknowledged that the roof design would reflect that of the host, and the ridgeline is set down from the host dwelling. However, this does not overcome the significant concern that the overall design and scale is unacceptable in terms of visual amenity.

It is also acknowledged that the materials proposed would not match the original house. The proposed timber cladding is not reflective or in keeping with the material palette within the surrounding street scene. Significant glazing is proposed to the front elevation, further adding to the obtrusive nature of the proposed works.

Having taken the above into account, the proposed two storey extension would cause significant harm in terms of visual amenity to both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Single storey rear extension

Paragraph 5.6 of the Council's adopted House Extensions and Alterations SPD relates specifically to single storey rear extensions:

Single storey extensions should:

- *be in keeping with the scale and style of the original house;*
- *not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *not exceed 4 metres in height;*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.*

The proposed single storey rear extension to 3, Weatherhill Crescent is considered to be of subservient size/scale. This element of the proposal adjoins the two-storey side extension, projecting approximately 3.2 metres beyond the rear elevation of the original house. The extension is designed with a flat roof that does not exceed 4 metres in height, and the footprint of the rear extension would allow for the retention of a reasonable amenity space.

Turning to the materials of the rear extension, the external walls are proposed to be faced in timber cladding. These materials would not form an acceptable relationship with the main house nor surrounding development. As such, the design of the rear extension would form an incongruous feature and would not therefore be considered acceptable in terms of visual amenity.

It is therefore considered that in terms of visual amenity, the proposed single storey extension would be contrary to Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

Single storey front porch extension

Paragraph 5.14 of the Council's adopted House Extensions & Alterations SPD states that single storey extensions on the front of a house will not normally be permitted unless:

- *The house is set well back from the pavement or is well screened; and*
- *The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and*
- *The materials and design match the existing features of the original house; and*
- *The extension would not unreasonably affect the neighbouring properties.*

The front extension proposed is single storey with a limited projection. The roof would be gable in design and infilled with matching tiles to the host property. The porch would be constructed from pressed metal cladding with an aluminium entrance door to the front. These materials would not match the

original house or the material palette within the local vicinity and would appear an incongruous addition. Although the property is set well back from the pavement by approximately 5.6 metres, this is not considered sufficient in overcoming the unacceptable visual impact the extension would have on the street scene.

It is therefore considered that in terms of visual amenity, the proposed front extension would be contrary to Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

Rear dormer

Section 5.27 of the Council's adopted House Extensions and Alterations SPD relates specifically to dormer extensions:

5.27 Dormer windows should:

- *relate to the appearance of the house and existing roof;*
- *be designed in style and materials similar to the appearance of the existing house and roof;*
- *not dominate the roof or project above the ridge of the house;*
- *be set below the ridgeline of the existing roof and within the roof plane; and*
- *be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.*

The proposal also seeks to provide a flat roof dormer to the rear roof slope of the existing dwelling. The property already benefits from a dormer to the rear of the property, adjoined to No.5. This dormer would be set back from the eaves of the roof by ~0.2 metres and set down from the ridge line by ~1.2 metres. The total width of the dormer would be approx. 5.8 metres and it would have a depth of around 3 metres. While the dormer is adequately set down from the ridge, the set back from the eaves is minimal and has a visually awkward appearance which would not form an acceptable relationship with the main house. The windows would also not be in alignment with existing dormer windows to the rear.

In addition, with the use of pressed metal cladding, the design of the rear extension would form an incongruous feature within the roof form and would not therefore be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the rear dormer lacks any substantial gap to maintain a sense of space from the eaves, and the window openings would not be in alignment with the existing dormer windows on the host property and neighbouring properties. It is therefore considered that in terms of visual amenity, the proposed dormer extension would be contrary to Policy LP24 of the Kirklees Local Plan, the adopted House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

Retaining wall to create tiered garden

Due to the topography of the site, land levels decline to the rear of the garden. A retaining wall, approx. 4.3 from the rear elevation of the original house is proposed. The wall is approx. 1.9 metres in height with a length of 10 metres. The wall would be constructed from concrete tumbled stone and topped with pressed metal cladding. The retaining wall would be constructed from similar materials to existing boundary treatments within the local area, and the proposed plans note similar tiered gardens in neighbouring properties No.1 and No.5 Weatherhill Crescent. The proposed retaining wall to create a tiered garden is therefore considered acceptable in terms of visual amenity.

Hardstanding to the front

The site frontage appears to be hard landscaped to provide parking. The proposals should retain some areas of soft landscaping to mitigate the impact a large area of parking can have within the street scene. It is noted, however, that neighbouring properties have similar areas to the site frontage and as such it may be difficult to substantiate a refusal with regards to this. The applicant should consider introducing areas of planting to improve visual amenity in this respect.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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 House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“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.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being No 1, No 5 and No.4 Weatherhill Crescent.

impact on No.1 Weatherhill Crescent

This property is located east and on a lower ground level to the application site. This neighbour is also set further back than the application property.

Given the limited scale of the front porch extension, there would be no overlooking, overshadowing or overbearing impact on the amenities of the occupiers of the adjacent dwelling.

The submitted plans show two windows to be inserted into the east-facing side elevation of the proposed side extension. Given these windows serve a garage and utility room, non-habitable rooms, they are not considered to be detrimental to the privacy of No.1 Weatherhill Crescent. A site visit also confirmed blank elevation to this wall of No.1, further working to mitigate any overlooking impacts.

The works would result in alterations at first floor level but the positioning of openings is not considered to reduce the amenity of the adjoining neighbour.

In regards to overbearing, it has been assessed that the proposal would intensify development to the side of the application site. The side and rear extension would be set in ~0.5 metres from the shared boundary to alleviate some of the harm. In addition, it has been assessed that the extensions would not project beyond the rear of No.1. As such any impact on overbearing/overshadowing is not considered to be detrimental.

Impact on No.5, Weatherhill Crescent

This property adjoins the application property to the west. It is considered that, due to the siting, the proposed two storey side and front extensions and single storey front porch would not cause undue harm to the amenities of this neighbour.

The proposed single storey rear extension would have openings facing this neighbour within the side elevation, sited approx. 8.2 metres from the conservatory at No.5. This distance is considered sufficient to meet the 45 degree rule from No.5's habitable windows, therefore would not cause undue harm to overshadowing/loss of light.

The works would result in alterations at first floor level but the positioning of openings is not considered to reduce the amenity of the adjoining neighbour.

Impact on No.4, Weatherhill Crescent

This property is located opposite the application site.

Given the setting and relationship between these two neighbouring properties within the streetscene and in turn, the extent of separation distance between (approx. 21m) the proposed site of development at 20 Mountjoy Road and the neighbouring property of 22 Mountjoy Road it is concluded that no detrimental overbearing / oppressive impact would result and that no overshadowing / impact upon privacy would occur.

It is therefore considered that in terms of visual amenity, the proposed would be contrary with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF 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 proposed development would increase the number of bedrooms on site from 3 to 4. section 4.6 of the Council's adopted SPD recommends for dwellings of 4+ bedrooms to provide 3 off-street parking spaces. The proposed plans indicate off-street parking spaces for two vehicles, with an additional space provided within the garage. With this being the case, proposed parking arrangements are considered to be acceptable.

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

The proposed plans have allocated space to the front of the property to accommodate bin storage and, in this respect, would comply with Key Design Principle 16 of the SPD.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

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.

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 design of the proposed extensions.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/91580

Officer Recommendation: Refusal

Reason

1. The proposed two-storey side and front extension, front porch extension, single storey rear extension and rear dormer, by virtue of scale, massing and design, result in the construction of an unsympathetic, incongruous and overly prominent form of development which would not represent a subservient addition failing to harmonise with the host building, detrimental to the character and appearance of the host property and wider local area. To permit this development would be contrary to Policy LP24 (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 Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	03/06/2024
Existing Site Plan	LZ-24-01-0100-Site Plan	-	03/06/2024
Existing Ground Floor Plan	LZ-24-01-1-0200-Ground Floor Plan	-	03/06/2024
Existing First Floor Plan	LZ-24-01-0201-First Floor Plan	-	03/06/2024
Existing East Elevation	LZ-24-01-0210-East Elevation	-	03/06/2024
Existing North Elevation	LZ-24-01-0211-North Elevation	-	03/06/2024
Existing West Elevation	LZ-24-01-0212-West Elevation	-	03/06/2024
Existing South Elevation	LZ-24-01-0213-South Elevation	-	03/06/2024
Existing Section 1	LZ-24-01-0220-Section 1	-	03/06/2024
Proposed Site Plan	LZ-24-01-1000-Site Plan	-	03/06/2024
Proposed Ground Floor Plan	LZ-24-01-1-2000-Ground Floor Plan	-	03/06/2024
Proposed First Floor Plan	LZ-24-01-2001-First Floor Plan	-	03/06/2024
Proposed East Elevation	LZ-24-01-2100-East Elevation	-	03/06/2024
Proposed North Elevation	LZ-24-01-2101-North Elevation	-	03/06/2024
Proposed West Elevation	LZ-24-01-2102-West Elevation	-	03/06/2024
Proposed South Elevation	LZ-24-01-2103-South Elevation	-	03/06/2024
Proposed Section 1	LZ-24-01-2200-Section 1	-	03/06/2024
Climate Change Statement	-	-	10/06/2024
Location Plan	0101	-	10/06/2024
Proposed Retaining Wall Elevation	LZ-24-01-2104-Retaining Wall Elevation	-	13/06/2024

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 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 amendments were sought as it was considered that they could not overcome the harm of the proposal.

Report Dated: 05/08/2024