

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:	2024/62/91594/W
Site Address:	1, Dryclough Avenue, Crosland Moor, Huddersfield, HD4 5JU
Description:	Erection of single storey side and rear extensions
Recommending Officer:	Laura Yeadon

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: 07-Aug-2024

Officer Report

[Weblink](#)

Site Description

1 Dryclough Avenue is a detached bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from brick and has a concrete tiled roof and uPVC openings. The property benefits from amenity space to the front, side and rear with a clad panel to the front of the property which is a common feature within the street scene. To the rear of the property is a single storey detached garage which is accessed via a driveway served from a dropped crossing off Dryclough Avenue. There are trees close to the rear boundary of the site, within the curtilage of No. 1B which are protected via Tree Preservation Orders.

Surrounding development consists of mainly detached bungalows of similar design and construction materials and some of which have been extended.

Description of Proposal

The application is for the erection of single storey side and rear extensions. It appears on the proposed layout plan that the existing garage would be removed from the site.

Single storey side extension

It is proposed that the single storey side extension would be located on the northern (side) elevation of the property, projecting towards the roadside. The extension would project 6 metres and would be set in from the boundary with the roadside by approximately 1 metre. The eaves would connect to the existing eaves with a pitched roof formed which would be set down from the existing ridge by 0.2 metres. The proposed construction materials are to match the existing.

Single store rear extension

The proposed single storey rear extension would project from both the existing dwelling and the proposed extension. The extension would project a total of 3.5 metres from the rear elevation and would have an eaves height and overall height which would be a continuation of the existing dwelling and proposed side extension. The proposed construction materials would be to match the existing.

History of negotiations/amendments received

No negotiations have taken place as it was considered that to amend the scheme to a scale likely to be considered acceptable would involve a substantial re design of the proposal.

Relevant Planning History

None

Representations

We are currently undertaking the legal 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 18th July 2024

Parish/ Town Council – not applicable

As a result of the public consultation period seven representations have been received with the summary of comments set out below:

Impact on amenity

- Mirror image of existing house which would constitute a complete different/unprecedented frontage to the rest of the dwellings in the avenue
- No. 1 is already sited closest to its boundary and would be reduced to approx. 1.5m
- Out of character with the bungalows within the cul-de-sac
- Planned major expansion makes it a potential for a HMO with the associated comings and goings and consequent disturbance and noise
- Infringe on privacy due to extension being built close to the boundary where there does not appear to be enough room for shrubs etc to soften the effect
- Builders materials/rubbish/litter have been left outside the property boundaries and is an eyesore

Impact on highway safety/parking

- Further vehicles to the property would constitute an exacerbation of existing erratic parking on the narrow street
- Existing problems with inconsiderately parked vehicles blocking driveways and additional parking will only exacerbate the problem
- Due to the works on another property, it has been difficult to use the turning area due to vehicles relating to the works being parked in it
- Concerns regarding parking for a proposed 4 bedroom house as the road is narrow and will prevent access to neighbouring drives
- 3 out of 4 bedrooms would be en-suite and therefore potential number of tenants allowed to reside in the property would also increase, potentially increasing the congestion with parking
- Land for the dwelling would be taken up by the extension with no room for off-road parking and as the plot is on a blind bend, on road parking would be illegal and dangerous

- No space to the rear for off-road parking

Other concerns

- No 24 under same ownership is not currently being built to plan and bears no resemblance to what was approved
- If No. 1 goes same way there will be 4 years of disruption to a quiet street, building materials dumped on pavements used by parents taking children to nearby schools and the finished property is likely to bear no resemblance to the submitted plans
- Ongoing work to No. 24 for the last 5 years causing disruption
- Already have parking problems with school traffic, football traffic and various other users of the recreation ground

Consultation Responses

None required

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety
- LP 22 - Parking
- LP 24 – Design
- LP 33 - Trees
- LP 51 – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- House Extensions and Alterations SPD

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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on 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 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of

the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – 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.”
- Principle 2 – 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 detail.”

With specific regard to the House Extensions and Alterations SPD the other Key Design Principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of side and rear extensions, the SPD states:

Single storey side extension

In Section 5.17 of the SPD refers to the general rules, where single storey side extension should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

Single storey rear extension

Section 5.1 followed by 5.2 of the SPD refers to the general rules, where a rear extension should:

- Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;
- Be set behind the original building, and not projecting beyond the sides;
- Maintain external access to the rear garden;
- Respect the original house and garden in terms of its size and scale;
- Use appropriate materials which match or are similar in appearance to the original house; and
- Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.

Section 5.6 of the SPD specifically refers to single storey rear extension which 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 above listed policies and guidance within the SPD are taken into account within sections below of this report.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. 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.

Paragraph 4.5 of the SPD relates to the impact a scheme has specifically on the original house it explains that proposal should normally be smaller in scale than the original property and set back from the existing building line. It goes on to explain under paragraph 4.6 that where extensions seek to differ from the existing design and roof pitch (amongst other things) that proposals will be considered on a case by case basis.

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

'b) Planning policies and decision 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'

In this instance, turning to the proposed side extension, this would enlarge the property to the north, with a roof line that would be marginally set down from the roof of the existing dwelling by approximately 0.2 metres. The roof line would be pitched with a gabled front and rear elevation to replicate the existing dwelling.

However, with regard to the specifics in relation to side extension under sub-section 5.17 of the SPD, the extension would have a width of 6 metres along the full depth of the north elevation which is more than two thirds of the width of the house (which is 7 metres in width). The extension would lie flush with the front elevation and is not set back. As such, the proposed works would not comply with the with current adopted guidance. No information has been submitted to 'justify' the overall size of the works.

In terms of the single storey rear elevation and its compliance with the SPD, this would not project more than 4 metres from the rear elevation of the property and is not within 1 metre of a boundary. As this would project beyond to the rear of both the original house and proposed extension, this part of the proposal is not considered to be subservient and is therefore also contrary to the SPD.

Due to the overall design and style of extensions proposed, the design of the extension, whilst visually appearing as replication of the existing house would result in a design which gives the appearance of an additional attached property which would be out of character with the street scene which is characterised by detached dwellings. In terms of the impact on the host dwelling, such a large structure in such a prominent position on a bend within the cul-de-sac neither respects or compliments the character of the host dwelling. The works, when viewed cumulatively with the rear extension would result in a contrived appearance which would almost double the width of the original dwelling and would not constitute subservient design, contrary to the Key Design Principle 2 of the SPD.

The proposed materials of construction would match those on the existing dwelling and would therefore comply with Key Design Principle 9 of the SPD and Policy LP4 of the Kirklees Local Plan.

The extensions are not considered to relate satisfactorily to the host building and would not have an acceptable impact on visual amenity and would not accord with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan nor complying with Key Design Principle 2 the Supplementary Planning Document on House Extensions (SPD), sub-paragraph 5.17 of the

SPD and policies within Chapter 12 of the National Planning Policy Framework.

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.

Paragraph 135 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

The property does not appear to have been previously extended. The submitted proposed layout plan indicates that the amenity space to the front and rear would be retained with the amenity space to the side lost to the proposed side extension. The rear amenity space would be reduced due to the presence of the rear extension however it would appear that the driveway to the rear of the property would be retained. It is noted that sub-paragraph 4.22 of the House Extensions and Alterations SPD states that normally, front gardens will not normally be considered adequate useable private amenity space due to the lack of overall privacy for occupants. In this case the retained level of amenity space is considered to be acceptable.

In terms of the impact on neighbouring properties, there are dwellings surrounding the site. the adjacent property No. 3 Dryclough Avenue, would be separated from the proposed rear extension by their driveway and single storey garage with the 45 degree line not cut and therefore there would be minimal harm to this property. in addition there are no proposed openings within the south side elevation which would impact on this dwelling in terms of overlooking.

Beyond the rear elevation of the application site there is a detached dwelling known as 1B. This property is sited close to the boundary and is set on a lower ground level. The separation distance between the application site and this neighbour would be reduced by the presence of the rear extension with the distance reduced by 3.5 metres which would separate the openings within the proposed extension and the openings within the elevation closest to the shared boundary to approximately 9.5 metres. Whilst this falls short of the prescribed separation distances, it is important to note that the property hosts full permitted development rights and could therefore construct a 4m single storey rear extension without the requirement of planning permission (subject to conditions).

As such, it is considered that, the impact on this property is acceptable. The facing dwellings would not suffer from harm from a loss of privacy or from overshadowing or being overbearing as no separation distances would be reduced and the closest dwellings facing the side elevation of the proposed extension would retain a separation distance of approximately 21 metres which would comply with the requirements of the SPD.

Therefore, it is considered that the proposed extensions are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

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.

In this case it is proposed that the property would have 4 no. bedrooms and therefore 3 no. parking spaces are required to be achieved, off-street, in order to comply with the SPD. It appears on the proposed layout plan that the detached garage would be removed from the site. The driveway and existing garage appear to extend approximately 15 metres which would provide space for 2 no. vehicles to sit comfortably on the driveway. Whilst on-street parking is not ideal, there are no on-street parking restrictions along the Avenue and therefore, in this case, it is not anticipated that the works would result in a development that would be so harmful to highway safety that there would be sufficient justification to refuse the application on the basis of the level of parking which could be provided. As such as it is considered that the highway safety impact, and provision of parking, would be acceptable and the proposal complies with Policies LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the SPD.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

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 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.

A Climate Change Statement has been submitted with the application which outlines the proposed mitigation measures to be incorporated into the development.

6 – Representations:

7 representations have been received with the following being a summary of comments and LPA response:

Impact on amenity

- Mirror image of existing house which would constitute a complete different/unprecedented frontage to the rest of the dwellings in the avenue
- No. 1 is already sited closest to its boundary and would be reduced to approx. 1.5m
- Out of character with the bungalows within the cul-de-sac
- Planned major expansion makes it a potential for a HMO with the associated comings and goings and consequent disturbance and noise
- Infringe on privacy due to extension being built close to the boundary where there does not appear to be enough room for shrubs etc to soften the effect
- Builders materials/rubbish/litter have been left outside the property boundaries and is an eyesore

Response: Matters relating to amenity have been assessed above. Should the property have 6 occupiers or less, there would be no requirement for planning permission for the property to operate as a HMO.

Impact on highway safety/parking

- Further vehicles to the property would constitute an exacerbation of existing erratic parking on the narrow street

- Existing problems with inconsiderately parked vehicles blocking driveways and additional parking will only exacerbate the problem
- Due to the works on another property, it has been difficult to use the turning area due to vehicles relating to the works being parked in it
- Concerns regarding parking for a proposed 4 bedroom house as the road is narrow and will prevent access to neighbouring drives
- 3 out of 4 bedrooms would be en-suite and therefore potential number of tenants allowed to reside in the property would also increase, potentially increasing the congestion with parking
- Land for the dwelling would be taken up by the extension with no room for off-road parking and as the plot is on a blind bend, on road parking would be illegal and dangerous
- No space to the rear for off-road parking

Response: Matters relating to highway safety have been assessed above

Other concerns

- No 24 under same ownership is not currently being built to plan and bears no resemblance to what was approved
- If No. 1 goes same way there will be 4 years of disruption to a quiet street, building materials dumped on pavements used by parents taking children to nearby schools and the finished property is likely to bear no resemblance to the submitted plans
- Ongoing work to No. 24 for the last 5 years causing disruption
- Already have parking problems with school traffic, football traffic and various other users of the recreation ground

Response: The works to No. 24 are not a material planning consideration for this particular application. Each application is addressed upon its own merits. Any breaches in planning control could be directed to the Planning Enforcement Team to investigate.

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 development proposals do not accord with the development plan and/or 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 consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/91594

Officer Recommendation: Refuse

1. The proposed extensions, by virtue of their size, scale and design, would be not be subservient in relation to the host property and would be of an incongruous appearance which fails to harmonise with the character of the host property and wider street scene contrary to policies LP1, LP2 and LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, and paragraph 135 of the National Planning Portal Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-13118975v1		4 th June 2024
Existing elevations and floor plan	24-018-01		4 th June 2024
Proposed elevations and floor plan	24-18-02		4 th June 2024
Proposed location and layout plan	24-018-03		24 th June 2024
Climate Change Statement	13 th June 2024		13 th June 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 negotiations have taken place as it was considered that to amend the scheme to a scale likely to be considered acceptable would involve a substantial re design of the proposal.

Report Dated: 6th August 2024

Coal – none

