

**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:	2024/62/91616/E
Site Address:	2, Kensington Way, Gomersal, BD19 4FB
Description:	Erection of single storey rear extension with front porch
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the approval 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: 01-Aug-2024

OFFICER REPORT

Site Description

2 Kensington Way is an art stone, new build dwelling which is a detached property on the entrance into the new housing development. The dwelling occupies a perpendicular position relative to the road with a drive and gardens to the front, side and rear.

There are open fields to the north side with similar residential properties to the south side and rear.

Description of Proposal

The applicant is seeking permission for a porch to the front with a single storey side/ rear extension.

The porch would be open sided with art stone plinths and a pitched roof with tiles. This would project 1.2m with a width of 3.2m.

The extension at the rear would project 5m from the original rear wall of the property, across the back of the dwelling for 4.1m before altering to a canopy across the main house. The extension would also extend beyond the side wall and parallel 0.6m from the rear of the garage for 5.43m. The roof over the extension would be pitched with the roof over the canopy being lean to.

The walls would be constructed using art stone with tiles for the roof covering.

Relevant Planning History

2023/91484 - erection of porch and side & rear extensions - refused

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 do not comply with the House Extensions & Alterations SPD in terms of design and scale with no justification being submitted. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 25/07/2024

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
- **LP 30** – Biodiversity

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
- Chapter 15 – Conserving and enhancing the natural environment

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.

Planning permission was refused last year. The current proposals have altered the scale and design and shall be assessed below.

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.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Front porch

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be

given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The porch is small in scale and would be constructed using matching materials with the use of art stone for the columns and tiles for the roof covering. The porch is therefore considered to be acceptable in terms of visual amenity.

Side and rear extension

As this proposal is for a side and rear extension, the following paragraphs of the House Extensions & Alterations SPD are of relevance. Paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. Paragraphs 5.1, 5.2 & 5.6 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.

It is noted that the size of the extension has been reduced since the previous refusal, the roof design has also been simplified and that the link from the house into the garage has been removed. However, the scale of the extension together with the design of the pitched roof and canopy would form a poor relationship with the main house in a position of prominence. Although it is noted that the materials include artificial stone for the walling with tiles for the roof covering, which would match the main house, the overall design and scale is considered to still result in the formation of an incongruous feature in a position of prominence from multiple viewing points in the area and therefore is considered to be unacceptable in terms of visual amenity.

Having taken the above into account, the proposals have not overcome the previous reason for refusal and would result in unacceptable harm in terms of visual amenity as the roof design and overall scale, in a position of prominence, would result in the formation of an incongruous feature which would be out of the character with the host property and the wider street scene. The proposals therefore fail 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.

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.

Given the position of the dwelling, some distance from any neighbouring dwelling, the proposals would not result in any harm in terms of overbearing, overshadowing or overlooking.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying 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. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

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 porch to the front and single storey extensions to the side and rear of 2 Kensington Way 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 side and rear extension, by reason of the overall design and scale would result in unacceptable harm in terms of visual amenity due to the formation of an incongruous feature which would be out of the character with the host property and the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

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: 2024/90000

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed side and rear extension, by reason of the overall design and scale would result in unacceptable harm in terms of visual amenity due to the formation of an incongruous feature which would be out of the character with the host property and the wider street scene. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	1045292	07/06/2024
Existing & proposed plans	1	1045297	07/06/2024
Existing & proposed plans	2	1045296	07/06/2024
Existing & proposed plans	3	1045295	07/06/2024
Proposed elevations	4	1045293	07/06/2024
Climate change statement	-	1045298	07/06/2024

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 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 do not comply with the House Extensions & Alterations SPD in terms of design and scale with no justification being submitted. Amended plans have not been sought.

Report Dated

31/07/2024

