

**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:	2024/62/91665/W
Site Address:	29, Norwood Park, Birkby, Huddersfield, HD2 2DU
Description:	Erection of part first floor and part two storey extension to front with juliet balconies with associated alterations and works
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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 02-Sep-2024

The Site

29, Norwood Park is a two-storey detached dwelling located in Birkby, Huddersfield. The property is slightly elevated above the highway, and is constructed from stone with a concrete tile roof above. To the front of the dwelling is a driveway and small lawned garden, with a large lawned garden located to the rear.

The house is located in a cul-de-sac, where surrounding development consists of other large, detached dwellings where the prominent construction material is stone. A number of properties in the immediate area have been altered or extended in some way.

The Proposal

The application is seeking planning permission for erection of part first floor and part two storey extension to front with Juliet balconies with associated alterations and works.

The part first floor extension would be constructed above the existing ground floor projection, measuring approx. 9m in projection and 6.7m in width. The two-storey element adjoins this extension, projecting approx. 5m forward with identical width. The eaves would be approx. 5.5m in height with a ridge height of 7.5m.

The extensions would be constructed from stone with a gable roof above infilled with tiles.

With regard to fenestration, alongside the two Juliet balconies to the side/west facing elevation, the extensions propose glazing to the front and side elevations in the form of UPVC windows to match the host. An additional metal garage door is proposed to the west elevation of the extension.

Planning History

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

History of Negotiations

Amended plans were sought to reduce the development to a scale that would be considered acceptable. No amendment plans were received, therefore the application has been assessed on the basis of the scheme as submitted.

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: 18th August 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.

Paragraph 5.13 of the Council's adopted SPD relates to front extensions and details that as front extensions are highly prominent in the street scene and can erode the character of the area if they are not carefully designed, large extensions (single and two-storey) and conservatories on the front of an existing house will not normally be acceptable and are considered likely to appear particularly intrusive.

Paragraph 5.14 states front extensions 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 proposed extension would project forward ~5m from the existing front single storey elevation. This would be two storeys in height, with the ridge set down from the main host ridge height. The property is located on a slope and is elevated above the highway, with the proposed front extension set away from the highway by approx. 6m. The sloping front amenity space would require considerable engineering under build to facilitate the proposal, forming an extension in a manner which would appear both out of scale to the original house and incongruous within the street scene. The proximity to the highway,

combined with the elevated position of the host property would cause undue harm to the character of the host in introducing a visually dominant addition that would further erode the original character and design by introducing a substantial front projection that does not relate equally well to the main house with its bulk and massing brought closer to the highway.

It is also acknowledged that the materials proposed would match the main house with the use of brick for the walling within tiles for the roof covering however, this does not overcome the significant concern that the overall design and scale, particularly in terms of the overbearing impact on the street scene, is unacceptable in terms of visual amenity.

Within the street scene, it is noted that many neighbouring properties have been altered and extended in some way, and the proposal would appear somewhat obscured by the screening of existing trees and boundary treatments. However, the existing screening cannot be guaranteed in perpetuity. Therefore, the proposed development would introduce a design that is particularly overbearing and intrusive within the street, with a front elevation that projects forward the established building line. This would not appear in keeping with the appearance and character of the area, contrary to KDP 1 of the SPD.

To conclude, the proposal, by virtue of its siting, scale and design would add a discordant and overprominent feature that would detract from the original character and appearance of the host dwelling and the wider visual amenities of the area. The proposal is therefore contrary to Policies LP24 (a) of the Kirklees Local Plan, Principles 1 and 2 and paragraph 5.14 of the House Extensions and Alterations SPD and Chapters 12 of the NPPF.

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:

31, Norwood Park – located west of the application site

This neighbouring property to the side occupies a position elevated above the application site.

The proposed development would be set away from the shared boundary by approx. 12m. The extensions would not bring development closer to the shared boundary, however the development would increase the height and extend the existing single storey front projection. However, the taller element at its very highest point is restricted to 7.5m in height and is set well away from the shared boundary with no.31 by approx. 12m. This arrangement would therefore reduce the potential for any detrimental overshadowing or overbearing impact to occur from the increased height. For these reasons, any overbearing/overshadowing/overlooking impacts can be supported in this instance.

In terms of overlooking/ impact on privacy, the two Juliet balconies would directly face this dwelling, however any overlooking would be directed to the front driveway of No.31. Therefore, any overlooking impact would not be detrimental and can be supported in this instance.

Overall, it has been considered that there would be no significant impact upon these neighbours' amenity, due to the layout of the development proposed. As such, any overbearing, overshadowing and overlooking can be supported.

27, Norwood Park – located east of the application site

This neighbouring property to the side occupies a position at lower ground level to the application site.

The proposed works would be sited above and in front the existing single storey and therefore would not bring development closer to the shared boundary. Sunlight calculator software has been provided to confirm that any potential overshadowing will be concentrated to the side elevation of No.27 garden and will only potentially occur during a minimal time of the day in both the summer and the winter. Therefore, it is not considered to pose detriment to residential amenity or the living conditions within the neighbouring dwelling.

In terms of overlooking, the plans show no additional openings to be inserted into the eastern elevations, therefore no significant impact upon these neighbours' amenity would be created.

It is therefore considered that in terms of visual amenity, the proposed would comply 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 intensify the domestic use of 29, Norwood Park, proposing two additional bedrooms. The application seeks permission for an additional garage, taking the total number on site to 2. The site benefits from a large, hardstanding driveway to the front of the dwelling which could accommodate additional off-street parking. This is considered sufficient with regard to KDP 15 of the SPD.

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

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.

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:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on

the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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.

The proposal, by virtue of its siting, scale and design would add a discordant and overprominent feature that would detract from the original character and appearance of the host dwelling and the wider visual amenities of the area. The proposal is therefore contrary to Policies LP24 (a) of the Kirklees Local Plan, Principles 1 and 2 and paragraph 5.14 of the House Extensions and Alterations SPD and Chapters 12 of the NPPF.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/91665

Officer Recommendation: Refusal

Reason

1. The proposed development, by virtue of its siting, scale and design would add a discordant and overprominent feature that would detract from the original character and appearance of the host dwelling and the wider visual amenities of the area. The proposal is therefore contrary to Policies LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 and paragraphs 5.13 and 5.14 of the Council's 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	-	-	25/06/2024
Plans, Elevations and Views as Existing and Proposed	2408-01	-	25/06/2024
Climate Change Statement	-	-	25/06/2024

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.

Amended plans were sought to reduce the development to a scale that would be considered acceptable. No amendment plans were received, therefore the application has been assessed on the basis of the scheme as submitted.

Report Dated:

30/08/2024