

**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:	2024/62/91747/E
Site Address:	1, Chadwick Crescent, Dewsbury, WF13 2JF
Description:	Erection of single storey front, two storey side and single and two storey rear extensions
Recommending Officer:	Jennifer Booth

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: 22-Aug-2024

OFFICER REPORT

Site Description

1 Chadwick Crescent is a detached modern dwelling with a long garden and drive to the front/side leading to a detached garage at the rear and an enclosed rear garden.

The property is located within a development of similar properties although there have been some extensions and alterations.

Description of Proposal

The application is seeking planning permission for a single storey front extension and two storey side extension and single & two storey rear extension.

The single storey front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including the area to the front of the proposed two storey side extension. The roof form would be lean to for the most part although there is a proposed porch detail to be centrally situated which would have a pitched roof form and an additional depth taking it to 2m from the original front wall of the dwelling.

The two storey side extension is proposed to project 2.7m from the original side wall of the dwelling and would extend the depth of the property to a total of 13.6m including in line with the proposed rear extension with a pitched roof form.

The single and two storey rear extension is proposed to project 6m from the original rear wall of the property on the ground floor reducing to 4m at first floor and would extend across the width of the dwelling. The roof form is proposed to be a perpendicular pitch over the first floor element and lean to over the ground floor element.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

Relevant Planning History

2020/94307 - Erection of single and two storey rear extension, single storey side extension, front extension and rear dormer - Approved

2020/93508 – Larger home notification for 6m rear extension - Agreed

2019/94123 - Erection of single storey front extension and two storey side/rear extension - Withdrawn

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 fail to comply with the SPD and would result in a significant overbearing and oppressive impact on the adjacent 15 Infirmary Road. Furthermore, no information has been provided with regards to the protected trees within the site. Due to the significant amendments that would be required to render the scheme acceptable, a decision has been made on the plans originally submitted.

Representations

The application was advertised by neighbour letters, which expired on 08/08/2024

As a result of the above publicity, 11 representations have been received. The material planning matters raised are summarised as follows:

- The scale and design of the extensions would be out of character with the area.
- Creation of terracing effect
- Overdevelopment
- Potential impact on the neighbouring Conservation Area.
- Loss of privacy.
- Overshadowing.
- Overbearing impact.
- Noise & Disturbance.
- Impact on protected trees.

Although other matters such as devaluation of property may have been raised, only material planning matters can be considered and addressed.

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 27** - Flood risk
- **LP 30** – Biodiversity
- **LP 33** – Trees
- **LP 53** - Contaminated land

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.

These issues along with other policy considerations will be addressed 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 three distinct elements which shall be addressed below.

Single storey front extension

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 scale of the front extension is considered to be acceptable relative to the size of the host property. The materials proposed would utilise stone for the walling with tiles for the roof covering which would match the main house. The front extension is therefore considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance 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.

The two storey side extension is neither set back nor set down and there would be no gap to the boundary. However, it is noted that within the street scene, the host property does not follow a linear relationship with the adjacent property to the west and as such the set back is not considered as visually important to preserve space and could, on balance, be considered to be justifiable in terms of the SPD. The width of the extension is also considered to be proportionate to the main house. The materials proposed include the use of stone for the walling with tiles for the roof covering which would match the host property.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 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.

The ground floor has already been agreed through the larger home notification scheme. The first floor has a projection which is in line with the SPD for a detached property with its projection of 4m. A modest amenity space would be retained. The materials proposed include the use of stone for the walling with tiles for the roof covering. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Summary

Although the individual elements of the scheme could be supported, cumulatively the works proposed would not form subservient additions to the property and would result in changes to the character of the host property which would not be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions would cumulatively not form subservient additions to the property and would adversely alter the character of the dwelling thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, 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.

Impact on 15 Infirmary Road

The front extension is set at a lower level and further forward than the alignment with the adjacent neighbour and would be a single storey addition to the dwelling. Given this relationship, it is unlikely to impact on the amenities of the occupiers of the adjacent dwelling.

It is appreciated that the neighbouring property to the west does occupy a position which is elevated to the host property and that there has been extensions erected, with a two-storey side extension and single storey rear extension. The relationship between these properties is a little unusual as the rear of the neighbour faces onto the side of the host property in very close proximity, with less than 14m between the main rear elevation of the neighbour and the existing side elevation of the applicant's property. It is also noted that the neighbour does have an extant permission to further extend their property, that being a single storey extension directly to the rear of the original house. It is appreciated that most of the windows in the side elevation would be on the ground floor and appear to serve non habitable spaces or as secondary openings with limited opportunities for overlooking and the single window at first floor serves a bathroom. As such, there would be no loss of privacy. However, the side extension would reduce the limited space between the properties and would form a long, two storey wall which would be overbearing and oppressive in terms of the rear elevation and the amenity space of 15 Infirmary Road.

With regards to the impact on the adjacent 15 Infirmary Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 11 Infirmary Road

The neighbouring property at 11 Infirmary Road is set back sufficiently from the host property so that there would be no significant impact on the amenities of this neighbour given the spatial relationship.

With regards to the impact on the neighbouring 11 Infirmary Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 3 Chadwick Crescent

The adjacent neighbour to the west occupies a lower position than the host property and is positioned closer to the road. As such, the host property already has 3m of two storey walling beyond the level of the neighbours rear elevation. The proposed extension to the rear of the dwelling would increase this by 6m on the ground floor. This element has already been agreed through a larger home extension approval. However, the 4m proposed at first floor, with a resultant 7m two storey wall, would create an overbearing and oppressive impact. Furthermore, given the neighbours position at a lower level to the east of the host property, there would be additional overshadowing of the neighbour's amenity space and windows in the afternoon.

With regards to the impact on the adjacent 3 Chadwick Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 46 Chadwick Crescent

The front of the property faces towards the side boundary of the property opposite. Given the separation of 30m together with the limited scale of the front extension, Officers are satisfied that there would be no significant impact upon the amenities of the occupiers of the neighbouring 46 Chadwick Crescent.

With regards to the impact on the neighbouring 46 Chadwick Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 45 & 47 Oxford Road

The protected trees along the rear boundary would screen the extension from the neighbours to the rear along with the 30m separation distance. Given the separation between the host property and the neighbours to the rear, there will be no harm caused to the amenities of the occupiers of the neighbouring 45 & 47 Chadwick Crescent.

With regards to the impact on the neighbouring 45 & 47 Oxford Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are considered to result in significant adverse impacts upon the amenities of the neighbouring 15 Infirmary Road in terms of an overbearing and oppressive impact and 3 Chadwick Crescent in terms of overshadowing, overbearing and an oppressive impact. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (b) as it does not promote good design as it does not minimise the impact on residential amenity of neighbouring occupiers as well as, 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 enlarge the property significantly and result in the loss of an existing parking area to the side of the dwelling. 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 altered. 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

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Notwithstanding this, in the event that planning permission were approved, a cautionary note is recommended that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

Protected trees

The property is part of a modern, development which is interspersed by wooded areas, all of which benefit from a general tree preservation order, including a number of trees within the gardens of the property. The trees close to the side of the host property all have a high degree of prominence and are in good health, offering a valuable feature with regards to the character of the area. Consequently, the mature trees of the area, inclusive of the trees within the grounds of the host property, play a major role in softening the appearance of the buildings within Chadwick Crescent and make a very significant contribution to the character of the area.

The single storey front extension is proposed within close proximity to a number of healthy trees within the curtilage of the dwelling and, as such, the extension has potential to be within the root protection area. Furthermore, although the extension is single storey, it could potentially result in encroachment on the canopy especially when taking into account the proposed roof lights. No information has been submitted and therefore as the

potential harm to the protected trees could likely impact upon their viability and irrevocable damage leading to loss, the proposed side extension would not be acceptable in terms of policy LP24 and LP33 of the KLP.

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:

11 representations have been received. The material planning matters raised are summarised as follows:

- The scale and design of the extensions would be out of character with the area – **Officer Response:** *This is a material consideration relating to visual amenity. The scale of the extension would be substantial. However, the properties on this development are larger family homes.*
- Creation of terracing effect - **Officer Response:** *This is a material planning consideration and is addressed in the Visual Amenity section above.*
- Overdevelopment - **Officer Response:** *This is a material consideration and has been addressed in the Visual Amenity section of the above report.*
- Potential impact on the neighbouring Conservation Area – **Officer Response:** *Although it is noted that the Northfields Conservation is nearby, it is not at a distance to be affected by the works proposed.*
- Loss of privacy – **Officer Response:** *This is a material consideration relating to residential amenity. The position of the openings within the extensions together with the spatial relationships between the host property and the surrounding neighbours has been considered and there would be no loss of privacy.*
- Overshadowing – **Officer Response:** *this is a material consideration relating to residential amenity. The impacts are considered to be acceptable in terms of overshadowing as outlined in the residential amenity section of this report.*
- Overbearing impact – **Officer Response:** *this is a material consideration relating to residential amenity. The impacts are considered to be acceptable in terms of overshadowing as outlined in the residential amenity section of this report.*
- Noise & Disturbance – **Officer Response:** *Although this is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not therefore justify a reason for refusal. However, in the event that*

planning permission was approved, a note would be added reminding the applicant of the appropriate hours of work in line with Legislation.

- Impact on protected trees – **Officer Response:** *No information have been submitted in respect of the protected tree and has been addressed in the Other Matters section above.*

Although other matters such as devaluation may have been raised, only material planning matters can be considered.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the front, two storey extension to the side and single & two storey extension to the rear of 1 Chadwick Crescent 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 cumulative impact of the front, side and rear extensions would not form subservient additions to the host property and would alter the character of the dwelling. As such would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

The proximity of the side extension together with the two storey height would result in a substantial massing along the shared boundary which would have an overbearing and oppressive impact on the adjacent 15 Infirmary Road with respect to the neighbour's rear windows and rear amenity space. The proposal therefore fails to comply with policy LP24 of the Kirklees Local Plan, KDP6 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

The elevated position of the extension together with the 4m projection of the rear extension proposed would result in an overbearing and oppressive impact on the adjacent 3 Chadwick Crescent. Furthermore, there would be significant overshadowing of the neighbour's amenity space throughout the afternoon which would affect the neighbour's windows and amenity space. This would be contrary to policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and chapter 12 of the NPPF.

The proposed single storey front extension could have the potential to harm the root systems of the adjacent protected trees and result in pressure to prune or even fell the protected trees. Insufficient information has been supplied by the agent which would illustrate the harm could be either justified

or sufficiently mitigated. The proposal, therefore, fails to comply with LP33 of the KLP and advice within chapter 15 of the NPPF.

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 development proposals do not accord with the development plan and 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

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2024/91747

Officer Recommendation: Refuse

Reasons for refusal

1. The cumulative impact of the front, side and rear extensions would not form subservient additions to the host property and would alter the character of the dwelling. As such would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.
2. The proximity of the side extension together with the two storey height would result in a substantial massing along the shared boundary which would have an overbearing and oppressive impact on the adjacent 15 Infirmary Road with respect to the neighbour's rear windows and rear amenity space. The proposal therefore fails to comply with policy LP24 of the Kirklees Local Plan, KDP6 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.
3. The elevated position of the extension together with the 4m projection of the rear extension proposed would result in an overbearing and oppressive impact on the adjacent 3 Chadwick Crescent. Furthermore, there would be significant overshadowing of the neighbour's amenity space throughout the afternoon which would affect the neighbour's windows and amenity space. This would be contrary to policy LP24 of the Kirklees Local Plan, KDP5 & KDP6 of the House Extensions & Alterations SPD and chapter 12 of the NPPF.
4. The proposed single storey front extension would have the potential to harm the root systems of the adjacent protected trees and result in pressure to prune or even fell the protected trees. Insufficient information has been supplied by the agent which would illustrate the harm could be either justified or sufficiently mitigated. The proposal, therefore, fails to comply with LP33 of the KLP and advice within chapter 15 of the NPPF.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	1	1046789	01/07/2024
Site plan	2	1046788	01/07/2024
Front and rear elevations	6	1046795	01/07/2024
Side elevations	5	1046791	01/07/2024
Existing floor plans	3	1046793	01/07/2024
Proposed floor plans	4	1046792	01/07/2024
Street scene	7	1046794	01/07/2024
Climate change statement	-	1046975	01/07/2024

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 fail to comply with the SPD and would result in a significant overbearing and oppressive impact on the adjacent 15 Infirmary Road. Furthermore, no information has been provided with regards to the protected trees within the site. Due to the significant amendments that would be required to render the scheme acceptable, a decision has been made on the plans originally submitted.

Report Dated

09/09/2024