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:	**2024/62/91835/W**
Site Address:	45, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ
Description:	Demolition of existing rear extension and erection of replacement two storey rear/side extension, first floor extension over existing garage and roof lift with associated works
Recommending Officer:	Edward Cheseldine

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Aug-2024

Officer Report

2024/91835 - 45, Cumberland Avenue, Fixby, Huddersfield, HD2 2JJ

Site Description

45 Cumberland Avenue is a two-storey detached dwelling in Fixby. The building is constructed in red-brick with stone window features. The dwelling has a hipped roof clad in concrete roof tiles, it features a forward projection with a hipped roof feature. The dwelling is accompanied by an adjoining double garage. There is a generous residential garden space formed of a front and rear outdoor area.

The dwelling is situated within a cul-de-sac street, nonetheless, the property has front facing relationship with the roadside. The residential plot forms a triangular shape due to the cul-de-sac.

In terms of the character, dwellings comprise of differing materials and architectural styles. The building group is formed of large dwellings and 1.5 storey dwellings. There are a variety of styles including mock Tudor, modernist and contemporary builds. Particular to the character is the space between the buildings and surrounding greenery which forms a leafy suburban characteristic to the street. This is complimented by the treelines that fall behind properties.

In terms of boundary treatments, properties generally have low brick walls with shrubbery and vegetation or low railings which gives the street an open appearance.

Proposal Description

The applicant is seeking planning permission for the demolition of existing rear extension and erection of replacement two storey rear/side extension, first floor extension over existing garage and roof lift with associated works.

Side Extension to the North

There will be a two-storey side extension projecting to the north which will be ~5.20m(w) x ~13.85m(d), with an eaves height of ~5.47m and ridgeline height of ~8.20m.

The extension will feature a double garage, side door and balcony to the rear. The balcony will have depth of ~1.70m.

Side Extension to the South

There will be a two-storey side extension projecting to the south which will be ~5.15m(w) x ~6.00m(d), with an eaves height of ~4.95m and a ridgeline height of ~8.00m.

The extension will feature a single storey protrusion with a balcony which has a depth of ~1.65m.

Rear Extension

A two-storey rear extension will be formed which will project ~7.70m from the original elevation. It will be ~20.00m in width when considering the additional side extensions, with an eaves height of ~5.00m and a ridgeline height of ~8.30m.

The rear elevation will be heavily glazed with sash type openings and floor to ceiling windows. A large rear roof dormer with floor to ceiling windows will be installed within the roof space. It will step out onto a balcony.

Boundary Wall

A boundary wall will be constructed to the front of the property. It will be formed of brick. A ~12.30m section of the wall will be ~1.80m in height, constructed with solid brick. Other sections include the use of columns (2.175m(h)) and railings. A 1.825m(h) electric gate will be installed to finish the boundary treatment.

Additional Features

In addition, the following features are proposed:

- Hardstanding surfacing will be laid to the front of the property, it is indicated within the plans that surfacing will accommodate the parking of 5 vehicles.

- An apron formed around the dwelling would be constructed.

- A covered porch would be erected on the front elevation of the property. It would be constructed in natural stone.

- 8 Rooflights would be installed on the roof of the original dwelling.

- The application form proposes a roof lift as part of the extensions. The height of the original roof will not change, however the hipped roof will have an extended rearward projection, altering the roof form to a mansard style roof.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on 13-Aug-2024. As a result, 3 representations were received. Full comments can be viewed on the Kirklees planning website. A summary of the comment is as follows:

- The cul-de-sac end of Cumberland Avenue is an area of Huddersfield which has a cohesion about it which should be retained.
- The proposals are totally out of keeping with the style and particularly the scale of the other houses on this part of Cumberland Avenue.
- The total floor space is double the area of the neighbouring houses.
- The proposals shows seven bedrooms. Potentially 14 people could be living in the house. The plans state that there will be parking for five vehicles. With 14 people in the property there will be more than five vehicles.
- It is reasonable to expect that the approval of this application will result in very substantial additional traffic in what is already a very narrow street.
- The proposal does not comply with Key Design Principle 3, Privacy.
- The proposal disregards paragraph 4.10 of the House Extensions & Alterations Supplementary Planning Document. The proposed extension completely disregards this, with the eastern windows of the proposed ground floor sitting room and first floor master bedroom 1 only being approx. 11 metres from the living room windows of number 43.
- The proposed windows on the south side of the extension will directly overlook the garden of number 43, breaching point 4.15 of the SPD which states: Side windows should not be included in extensions where they would unacceptably overlook neighbouring gardens.
- In both the sitting room and Master Bedroom 1, the east and south facing windows are secondary to large glazed doors to the west and therefore are not needed to provide light in the proposed rooms, but would have a detrimental effect on the privacy of the residents at number 43.
- The proposed extension will also include 2 balconies to the rear of the property, which will overlook the gardens of number 43 and 38, disregarding point 5.28 of the SPD.
- The scale of the extension is not in-keeping with the street scene and is substantially bigger than the original house, breaching ‘Key Design Principle 2.

- The extension will also breach point 5.1 of the SPD which states: [Rear extensions should be] set behind the original building, not projecting beyond the sides.
- The extension will breach point 5.8 of the SPD, generally, two-storey rear extensions should… not project out more than 4 metres for detached properties; not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary; be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre.
- The proposed extension will greatly overshadow the other properties on the avenue, failing to comply with 'Key design principle 1: Local Character and Street Scene'
- The proposed extension will give number 45 an overall footprint of 300m2, which is vastly bigger than that of the surrounding properties.
- The proposed boundary wall will also be much larger than those of the surrounding properties. The proposed drawings submitted to the planning application show the boundary wall to be 2175mm. The boundary walls to the surrounding properties are around 800mm.
- The completed property will not comply with Key Design Principle 1, as it will not be in keeping with the local character particularly with regards to the window form and architectural style.
- The proposal of raising the roof, will substantially change the building line of the surrounding houses.
- Key Design Principle 2 - concerns over the size and scale of the proposed extensions and overall size of the finished property.
- The scale of the extension is not in keeping with the street scene.
- It is considerably bigger than the original house.
- The extension projects 8m to the rear of the property. The size of the ground floor in the original property is 137.46m2 whilst the total area of proposed extensions is 160.06m2, this makes the extension considerably larger than the original footprint of the house.
- The size of the first floor in the original property is 84.85m2 whilst the total area of the proposed first floor extension is 182.79m2.
- The house would dwarf both neighbouring houses and our property which is a bungalow.
- The footprint of the property, once the extensions and alterations have been completed, will be 300m2. In comparison, the neighbouring properties are much smaller in size.
- Key Design Principle 3 - Of concern to the proposed extension is the lack of privacy it affords to No.38.
- The plans propose the extension to come out a total of 8m to the rear of the house and include 3 balconies. The balconies to the edges of the extension have an open aspect to both the rear and side of No.38, thus meaning the occupants will look directly into the house and overlook the garden, as well as the gardens of number 43 and the care home behind number 45.

- The balcony on the top storey will be higher than any of the rooflines in the immediate area and will therefore considerably overlook all adjoining and adjacent gardens and houses.
- Key Design Principle 4 - The planned first floor extension above the garage, addition of a side access door, balcony and additional windows, all of which are adjacent to No. 38, are all concerning in regard to privacy and light.
- The introduction of aforementioned door, windows and balcony will mean the occupants of number 45 will have a direct view into 2 habitable rooms, both of which are living rooms, in our property.
- Concerns the proposed 1st floor windows and balcony will be able to overlook into bathrooms and bedrooms of No. 38.
- Concerns about the amount of light the proposed extensions will block from 2 habitable rooms which are adjacent to the first-floor extension above the garage and 2 storey extension to the rear of No. 38.
- Key Design Principle 5 – No. 38 will receive little sunlight on the Winter Solstice. This is a direct result of the roof of No 45 being raised and the rear/side extension projecting over 8 metres to the rear of the property.
- Two living rooms, of No. 38, adjacent to the elevation of No 45, will be dark due to the proposed extension.
- Unable to enjoy natural light in these rooms, the rear garden and on the patio, of No. 38.
- Key Design Principle 6 - there is a sense of openness to the cul-de-sac at present.
- The outlook from adjacent windows if No. 38, to No 45, will predominantly be of the large extension and boundary wall.
- The proposed boundary wall to the sides and rear, which will be far larger than those of surrounding properties at 1.8m, will feel overbearing and affect outlooks.
- Presently, all houses in the cul de sac, have low walls around 0.8m – 1.1m at the front of the house and low fences as side boundaries. The size of the proposed boundary wall to the front of No 45 is 2.175m, this is vastly bigger than the surrounding properties. As per the point below, we will feel hemmed in by the size of both the extensions and boundary walls.
- These points go against point 4.20 When assessing the impact that an extension or alteration may have on an outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly ‘hemmed in’ by the proposals.
- Key Design Principle 12 - Due to the proximity of fields, woodland and large open gardens in the immediate area, we currently enjoy a biodiverse area with clear evidence of hedgehogs, foxes, bats and deer. Concerns over the alterations of the existing boundary fences and open gates to high brick walls and electric gate, as this will not allow free movement of such animals.

- Key Design Principle 14 - The soil around Cumberland Avenue has a high clay content, thus leading to much standing water and saturated gardens during wet weather and throughout the winter months. The water pump was situated under No 45 to stop flooding, with excess water being pumped out into a well/drain in the north side of the garden. We worry that should this pump not be reinstalled; it would lead to flooding of the neighbouring properties.
- Alongside the above point, the removal of garden at the front could cause additional surface water. We feel it is essential that permeable paving should be laid to minimise this risk.
- Key Design principle 15 - Currently, the original property at No 45 has 4 bedrooms and the occupants have 4 cars with space to park 3. The picture shows 5 car parking spaces being made to the front of the property, we don't feel this has been made clear in the planning documents. Presently, parking in the cul de sac is only possible if vehicles are parked on the pavement, which obstructs pedestrians. As the property will have 7+ bedrooms, and therefore space for visitors, there is a necessity for parking to be included in the proposed plans.

These comments will be assessed throughout the *assessment* section of the Officer Report. A summary paragraph will be included within the *representation* section of the report.

Amendments/Negotiations

Paragraph 1.11 of the House Extensions & Alterations Supplementary Planning Document specifies that, 'Proposals which depart from the guidance set out in this SPD will need to provide a full justification'. It is considered that the development significantly departs from the design principles outlined within the document and that overcoming the policies could not be achieved through minor amendments or justifications.

Relevant Planning History

Application site – None.

38 Cumberland Avenue

2017/93323 - Erection of two storey rear extension and installation of roof lights – Full permission granted

43 Cumberland Avenue

95/90558 – Erection of extensions – Full permission granted.

2000/90095 – Erection of conservatory and new roof to bay window – Full permission granted.

Consultation Responses

None required.

Policy & 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).

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 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 52** - Protection and improvement of environmental quality

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, 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 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 9 – Promoting Sustainable Development

- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations

- Kirklees House Extensions & Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD (2019)

Assessment

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Environmental matters
5) Representations
6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extensions and Alterations Supplementary Planning Document) 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on visual amenity:

The National Planning Policy Framework (2023) sets out to achieve a high level of design. Paragraph 131 outlines this ethos, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'

Paragraph 133 continues this theme by indicating that 'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.'

Kirklees Planning Authority have published such guidance within their House Extensions & Alterations Supplementary Planning Document (2021), it expands Policy LP24 (design) of the Kirklees Local Plan. Within which, criterion a) & c) are relevant.

a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

c. 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;

In principle, an extension that significantly increases the volume of a house, should retain the character of the host dwelling and character of the street. Extensions should respect the site context when viewed from the roadside. Alterations that will be visible should make a positive contribution architecturally, working in harmony with the surrounding built and natural environment.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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*.

- Key Design Principle 2 of the House Extensions & Alterations Supplementary Planning Document states *'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.*'

Character of the Area

The spatial layout and green nature of the street provides a prevailing sense of openness which is a positive characteristic of Cumberland Avenue. There is a distinctive green nature due to the shrubs and trees that are present within the front outdoor plots and backdrop of the properties. The open characteristic of the streetscene is enhanced by the low formed boundary treatments.

The proposal would substantially reduce the sense of space, by forming large side extensions within a triangular plot. Paragraph 4.20 of the House Extensions and Alterations Supplementary Planning Document states '*when assessing the impact that an extension or alteration may have, regard will be given to the established character of an area and the existing feeling of openness'.*

The front façade would be ~21.00m in width at a two-storey level. Although the south facing extension would be screened to some degree by its set back approach it would be present, leaving a nominal ~0.80m to the side of the plot. The extensions are two storeys in height, the north projecting elevation will subsume the existing garage which is single-storey. Garages and single-storey

projections are commonly found within the building group and whilst they extend the built form, the infilling of these small but important gaps would have a detrimental impact on the street scene at this point and this would significantly harm the character of the area whose attractiveness derives in part from gaps such as this.

The proposal is for a boundary wall and electric gate to the erected as a front boundary treatment. The design, height and materials of the wall would be out of keeping with the open frontages of this part of Cumberland Avenue. Whilst there is an open section, the high columns would add to the incongruity of the street. The juxtaposition of the height and design of the scheme would be an unsympathetic feature at odds with the prevailing appearance of the streetscene. As such it would cause unacceptable harm to the appearance of the general streetscene and area.

Landscaping to the front of the property would be confined to a thin trail of side space, which would be dominated by the hard surfacing that is ~13.00m wide at some points. Paragraph 4.43 of the House Extensions & Alterations Supplementary Planning Document states '*Where alternate parking areas are required in the property boundary, careful consideration should be taken to retain as much of the garden boundary and soft landscaping as possible. Proposals should not result*
in street scenes dominated by large areas of hard surfaces and parked cars'.

Although the number of car parking spaces is incidental to the number of proposed bedrooms, this should not be at the expense of the pleasant character of the area. Landscaping could be introduced which would not conflict with the parking, softening the appearance of the front area. An appearance dominated by hard surfacing and cars would appear utilitarian which coupled with the harsh boundary treatment would create a barren landscape to the detriment of the plot and the streetscene.

It would therefore be contrary to LP 24 (a) and Key Design Principle 1 & 2, as the development does not respect the character of the immediate built environment.

Bulking and Massing

In respect of the scale of the extensions, Key Design Policy 2 of the House Extension & Alterations Supplementary Planning Document, outlines that they '*should not dominate or be larger than the original house'*. The extensions would change the proportions and form of the house. It would become more dominant within the plot and in relation to the neighbouring properties. The ridgeline of the north projection is minorly set down, however considering it is not set back and its projection, the extension does not distinguish itself from the original building. In simple footprint terms, the extensions represent an 83% increase to the dwelling, whilst a considerable amount of the mass is a vertical addition. The increase in footprint is significant.

In comparison to its immediate neighbours, the scale of the dwelling is considerable. The dwelling to the north is a 1.5 storey dwelling with a hipped roof, it is read within the immediate context of the application dwelling. The neighbouring dwelling has been enlarged to the rear, however the width and height of the original dwelling have been retained. The rear extension is formed through a raised roof with the ridgeline creating a mansard style roof which exacerbates the application building's mass. The scale of the proposed dwelling would dominate the surrounding buildings by way of its vertical mass and width appearing bulky within the streetscene.

It would therefore be contrary to Policy LP24 (c) and Key Design Principle 1 & 2, due to the increase bulking and massing of the proposed dwelling which does not respect the size of the host dwelling or its neighbours.

Summary

The proposal will therefore reduce the sense of openness that provides the prevailing character of the streetscene both physically and perceptively. In addition, the bulk and mass of the extensions do not respect the size and form of the original property or its plot, whilst creating prominent features that dominate the streetscene. To allow the development would be contrary to the thrust of Chapter 12 of the NPPF, the Policy LP24 (a & c) of the Kirklees Local Plan and Key Design Principle 1 & 2 of the House Extensions & Alterations Supplementary Planning Document.

<u>Impact of Residential Amenity</u>

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 and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

- Key Design Principle 4, '*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.'*

Impact on 38 Cumberland Avenue

In terms of privacy, there are single ground floor and first-floor level windows which serve W/C areas and balconies that would host views towards No 38 and its private outdoor amenity space. In terms of these, it would be conditioned subject to an approval that the W/C windows are glazed to protect the privacy

of future and neighbouring occupants. In terms of the balconies, if the proposal was to be approved, high-level privacy screening would be introduced on the south elevations so the view would not intrude on neighbouring private amenity space.

In terms of a loss of light, outlook and overbearing impact, the side and rear extension would increase the mass of the north elevation. There would be ~2.65m to the shared boundary. The roof form of the side and rear extension is hipped, sloping the roof form away from the boundary. The area the extensions would project past is currently hard surfaced and used for car parking. It is considered the extensions would not cause an overbearing impact due to the areas use and the distance to the dwelling. There are several side facing windows and skylights incorporated into the side elevation of No 38. It is not considered there will be a loss of light or outlook from the extensions given the separation distance is satisfactory. The existing openings are on the ground-floor and face the boundary treatment, or are skylights that do not have a direct outlook No. 45. There is a sufficient separation distance that will allow a flow of light into the windows.

Impact on 43 Cumberland Avenue

This dwelling is orientated perpendicular to the application dwelling, however due to the triangular shape of the plots, the side elevation of the application property will run along neighbouring private outdoor amenity space. The north side elevation contains several openings, a skylight and a balcony.

First-floor windows will light a bedroom and the existing bathroom window will be modified. As with the other bathroom windows, it would be conditioned that it is obscurely glazed. The bedroom windows will have a view outward, towards private outdoor amenity space. Currently, there is a small picket fencing with a thin veil of shrubs and minor trees that serves as a boundary treatment. Due to the spatial layout of the site, the side windows would have a direct view into neighbouring private amenity space. Paragraph 4.15 of the House Extensions & Alterations Supplementary Planning Document states '*side windows should not be included in extensions where they would unacceptably overlook neighbouring gardens'.* The development would therefore be contrary to Key Design Principle 4 of the supplementary planning document.

Whilst the relationship between the application property and the garden space is close, the angular plot draws the majority of the mass away from the property boundary. The relationship is therefore acceptable in terms of the extension being overbearing. Due to the spatial layout of the two properties, there will not be a loss of light or outlook.

The relationship between the proposed side windows and No. 43 Cumberland Avenie is contrary to Policy LP24 (b) of the Kirklees Local Plan, as well as Principle 3 & 4 of the Kirklees Extension & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

There are no other neighbours that would be impacted by the development by way of distance.

Impact on Highway Safety

Paragraph 115 of the NPPF states, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Policy LP21 of the Kirklees Local Plan states, '*all proposals shall, a) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network.*

Policy LP22 of the Kirklees Local Plan goes on to state, 'the provision of parking will be based on the following principles f) *new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance.*

The Kirklees Highways Design Guide SPD offers guidance in terms of off-street parking. '*4+ bedroom dwellings provide three off-street spaces'.* The proposal will result in 4 additional bedrooms resulting in a 7 bedroom dwelling. 5 off-street spaces will be provided, which is considered sufficient. Side access will remain to accommodate bin storage at the rear. 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 Supplementary Planning Document.

Environmental matters

Ecology

The development is for alterations which will affect the eaves of the property. The property is located in an area that is known to include bat habitats, if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

The site is not in an area known to include other protected or notable species.

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.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following;

- The cul-de-sac end of Cumberland Avenue is an area of Huddersfield which has a cohesion about it which should be retained.
- The proposals are totally out of keeping with the style and particularly the scale of the other houses on this part of Cumberland Avenue
- The total floor space is double the area of the neighbouring houses
- The proposals shows seven bedrooms. Potentially 14 people could be living in the house. The plans state that there will be parking for five vehicles. With 14 people in the property there will be more than five vehicles.
- It is reasonable to expect that the approval of this application will result is very substantial additional traffic in what is already a very narrow street.
- The proposal does not comply with Key Design Principle 3, Privacy.
- The proposal disregards paragraph 4.10 of the House Extensions & Alterations Supplementary Planning Document. The proposed extension completely disregards this, with the eastern windows of the proposed ground floor sitting room and first floor master bedroom 1 only being approx. 11 metres from the living room windows of number 43.
- The proposed windows on the south side of the extension will directly overlook the garden of number 43, breaching point 4.15 of the SPD which states: Side windows should not be included in extensions where they would unacceptably overlook neighbouring gardens.
- In both the sitting room and Master Bedroom 1, the east and south facing windows are secondary to large glazed doors to the west and therefore are not needed to provide light in the proposed rooms, but would have a detrimental effect on the privacy of the residents at number 43.
- The proposed extension will also include 2 balconies to the rear of the property, which will overlook the gardens of number 43 and 38, disregarding point 5.28 of the SPD.
- Secondly, the scale of the extension is not in-keeping with the street scene and is substantially bigger than the original house, breaching 'Key Design Principle 2.
- The extension will also breach point 5.1 of the SPD which states: [Rear extensions should be] set behind the original building, not projecting beyond the sides.
- The extension will breach point 5.8 of the SPD, generally, two-storey rear extensions should… not project out more than 4 metres for detached properties; not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary; be separated

from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre.

- The proposed extension will greatly overshadow the other properties on the avenue, failing to comply with ‘Key design principle 1: Local Character and Street Scene’
- The proposed extension will give number 45 an overall footprint of 300m2, which is vastly bigger than that of the surrounding properties.
- The proposed boundary wall will also be much larger than those of the surrounding properties. The proposed drawings submitted to the planning application show the boundary wall to be 2175mm. The boundary walls to the surrounding properties are around 800mm.
- The completed property will not comply with Key Design Principle 1, as it will not be in keeping with the local character particularly with regards to the window form and architectural style.
- The proposal of raising the roof, will substantially change the building line of the surrounding houses.
- Key Design Principle 2 - concerns over the size and scale of the proposed extensions and overall size of the finished property.
- The scale of the extension is not in keeping with the street scene.
- It is considerably bigger than the original house.
- The extension projects 8m to the rear of the property. The size of the ground floor in the original property is 137.46m2 whilst the total area of proposed extensions is 160.06m2, this makes the extension considerably larger than the original footprint of the house.
- The size of the first floor in the original property is 84.85m2 whilst the total area of the proposed first floor extension is 182.79m2.
- The house would dwarf both neighbouring houses and our property which is a bungalow.
- The footprint of the property, once the extensions and alterations have been completed, will be 300m2. In comparison, the neighbouring properties are much smaller in size.
- Key Design Principle 3 - Of concern to the proposed extension is the lack of privacy it affords to No.38.
- The plans propose the extension to come out a total of 8m to the rear of the house and include 3 balconies. The balconies to the edges of the extension have an open aspect to both the rear and side of No.38, thus meaning the occupants will look directly into the house and overlook the garden, as well as the gardens of number 43 and the care home behind number 45.
- The balcony on the top storey will be higher than any of the rooflines in the immediate area and will therefore considerably overlook all adjoining and adjacent gardens and houses.
- Key Design Principle 4 - The planned first floor extension above the garage, addition of a side access door, balcony and additional windows, all of which are adjacent to No. 38, are all concerning in regard to privacy and light.

- The introduction of aforementioned door, windows and balcony will mean the occupants of number 45 will have a direct view into 2 habitable rooms, both of which are living rooms, in our property.
- Concerns the proposed 1st floor windows and balcony will be able to overlook into bathrooms and bedrooms of No. 38.
- Concerns about the amount of light the proposed extensions will block from 2 habitable rooms which are adjacent to the first-floor extension above the garage and 2 storey extension to the rear of No. 38.
- Key Design Principle 5 – No. 38 will receive little sunlight on the Winter Solstice. This is a direct result of the roof of No 45 being raised and the rear/side extension projecting over 8 metres to the rear of the property.
- Two living rooms, of No. 38, adjacent to the elevation of No 45, will be dark due to the proposed extension.
- Unable to enjoy natural light in these rooms, the rear garden and on the patio, of No. 38.
- Key Design Principle 6 - there is a sense of openness to the cul-de-sac at present.
- The outlook from adjacent windows if No. 38, to No 45, will predominantly be of the large extension and boundary wall.
- The proposed boundary wall to the sides and rear, which will be far larger than those of surrounding properties at 1.8m, will feel overbearing and affect outlooks.
- Presently, all houses in the cul-de-sac, have low walls around 0.8m – 1.1m at the front of the house and low fences as side boundaries. The size of the proposed boundary wall to the front of No 45 is 2.175m, this is vastly bigger than the surrounding properties. As per the point below, we will feel hemmed in by the size of both the extensions and boundary walls.
- These points go against point 4.20 When assessing the impact that an extension or alteration may have on an outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly ‘hemmed in’ by the proposals.
- Key Design Principle 12 - Due to the proximity of fields, woodland and large open gardens in the immediate area, we currently enjoy a biodiverse area with clear evidence of hedgehogs, foxes, bats and deer. Concerns over the alterations of the existing boundary fences and open gates to high brick walls and electric gate, as this will not allow free movement of such animals.
- Key Design Principle 14 - The soil around Cumberland Avenue has a high clay content, thus leading to much standing water and saturated gardens during wet weather and throughout the winter months. The water pump was situated under No 45 to stop flooding, with excess water being pumped out into a well/drain in the north side of the garden. We worry that should this pump not be reinstalled; it would lead to flooding of the neighbouring properties.

- Alongside the above point, the removal of garden at the front could cause additional surface water. We feel it is essential that permeable paving should be laid to minimise this risk.
- Key Design principle 15 - Currently, the original property at No 45 has 4 bedrooms and the occupants have 4 cars with space to park 3. The picture shows 5 car parking spaces being made to the front of the property; we don't feel this has been made clear in the planning documents. Presently, parking in the cul-de-sac is only possible if vehicles are parked on the pavement, which obstructs pedestrians. As the property will have 7+ bedrooms, and therefore space for visitors, there is a necessity for parking to be included in the proposed plans.

In terms of these, significant weight has been afforded to comments relating to, impact to the character of the area, impact to the original dwellinghouse and impact to privacy. The proposal would have a detrimental impact to the visual amenity of the street scene and the original dwellinghouse as well as a detrimental impact to the residential amenity of neighbouring occupants.

Conclusion

The application for the erection of extensions and associated works at 45 Cumberland Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations Supplementary Planning Document, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity and residential amenity, the proposed extension is considered to be unacceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refusal**

Reasons for Refusal

1. The proposed development, due to the design, scale, boundary treatment and hard landscaping would be detrimental to the open character of the streetscene by way of infilling the gaps, appearing cramped within the plot. As such it would erode the sense of space between houses and green attributes which is a positive characteristic of the street-scene. This does not promote good design and is contrary to policy in the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1. The extensions, by way of height and scale, would have a detrimental impact to the host dwelling and streetscene, appearing incongruous and dominant, contrary to the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The south facing windows, by virtue of their proximity and outlook would lead to a reduction in privacy levels for the current and future occupants, in relation to 43 Cumberland Avenue. Should side facing windows be built in such close proximity, it would be detrimental to the residential amenity of neighbours which is contrary to Policy LP24 (b) of the Kirklees Local Plan, as well as Principle 3 & 4 of the Kirklees Extension & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	(EX)002	Rev A	01 July 2024
Grouped plans and elevations – As existing	(EX)001	Rev A	01 July 2024
Grouped plans and elevations – Landscape and block plans	(20)002	Rev C	01 July 2024
Grouped plans and elevations – Proposed plans	(20)001	Rev E	01 July 2024
Climate change statement	-	-	01 July 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 has, 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.

Paragraph 1.11 of the House Extensions & Alterations Supplementary Planning Document specifies that, ‘Proposals which depart from the guidance set out in this SPD will need to provide a full justification’. It is considered that the development significantly departs from the design principles outlined within the document and that overcoming the policies could not be achieved through amendments or justifications.