

**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:	2024/62/92034/E
Site Address:	72, Savile Road, Savile Town, Dewsbury, WF12 9PJ
Description:	Raising of roof height and erection of second storey accommodation and erection of three storey rear extension
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.

Emma Thompson

AUTHORISED OFFICER

Date: 01-Oct-2024

OFFICER REPORT

Site Description

72 Savile Road is a stone built, mid terraced property with a small, enclosed area to the front and a modest yard at the rear.

The property is located on a main road with properties of a similar age and style to the front, sides and rear.

Description of Proposal

The applicant is seeking permission for a second floor and three storey rear extension.

The eaves height from the road is currently 6.5m, this would be increased to 8.7m with the eaves at the rear being currently 7.7m and the proposed increase to 9.8m. The overall height would be increased from 10.8m to 12.2m.

The rear extension would have a lower ground level and would project 3m from the original rear wall of the dwelling, extending across the width of the property with a pitched roof form.

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

Relevant Planning History

2019/93272 - increase in roof height to form third floor living accommodation - refused

2020/91134 - increase in roof height to form third floor living accommodation - approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The proposals do not comply with the SPD in terms of visual and residential amenity. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 17/09/2024

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 27** - Flood risk

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

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Planning permission was granted in 2020 for similar extensions upwards. There have been policy changes with updates to the NPPF and the adoption of the House Extensions & Alterations SPD in the interim. Furthermore, the proposals now include a rear extension as well as variations to the scale of the previous scheme. The proposals shall be fully assessed below.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

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

Raising the roof

Local design guidance for Savile Town suggests that second floor extensions can be accommodated whilst still respecting the character of the property. There are a number of examples of such second floor extensions raising the ridge above the original height of two storey dwellings within the surrounding area. However, in this instance, the extent of the extension proposed, with an additional full 2nd floor with rooms in the roof space, would exceed that of the neighbouring buildings and would therefore appear out of character within the area. The eaves height would be greater than that of the adjoining 74 Savile Road and the roof pitch does not tie in either with the original house or with the extensions to the adjoining properties. Furthermore, although it is appreciated that the neighbouring nos. 74 and 76 Savile Road have had some unsympathetic roof extensions in the past however, these were never granted planning permission and although they are beyond the timeframe to enforce, carry very little weight in the determination of this planning application. Moreover, the design and size of the second floor differs from that of the approval previously granted and the fenestration bears no resemblance to the arrangements in either the main house or the similar extensions to the adjoining properties, 74 & 76 Saviel Road. The current proposals for the second floor are therefore not considered to be acceptable in terms of visual amenity appearing incongruous in the street scene and contrary to Policy LP24 of the Local Plan.

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 property does not have any significant amenity space at present and the extension proposed to the rear of the property would cover much of the yard area. Although it is noted that there is a garage at the adjacent property, the three storey extension proposed would cover the limited yard area and form an incongruous feature given the height and odd appearance of the shallow pitched roof. As such and despite the materials proposed would match the main house and the existing extension, the rear extension is therefore considered to be unacceptable in terms of visual amenity.

Having taken the above into account, the second floor extension and the three storey rear extension would result in harm in terms of visual amenity for both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst

other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

It is noted that the raising of the roof of the original house would not have any significant impact on the residential amenity of neighbouring properties. This is because it would bring the dwelling no closer to the neighbours and the new windows would align above the existing windows offering no new opportunities for overlooking, particularly as the front elevation faces towards the entrance into Bottoms Road and the rear elevation which would be in line with the original rear wall of the dwelling would look out towards the side elevation of 2 Savile Grove.

Impact on 70 Savile Road

Although the rear extension would be built up to the shared boundary with the adjoining property to the north east, the neighbours windows are set away from the extension and there is an existing garage which would mitigate any overbearing, overshadowing or overlooking.

With regards to the impact on the adjoining 70 Savile 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 74 Savile Road

The extension would be constructed up to the shared boundary with the adjoining dwelling to the south west and would result in an overbearing impact on the rear windows and amenity space of the adjoining dwelling. It is noted that the extension would be to the north and as such, there would be limited potential for overshadowing and the fenestration proposed would not overlook the neighbour.

With regards to the impact on the adjoining 74 Savile 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 2 Savile Grove

The neighbour to the rear has their blank side elevation facing the site. As such, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 2 Savile Grove, 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 an overbearing impact upon the residential amenity of the adjoining 74 Saviel Road, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals would result in some intensification of the domestic use and it is noted that there is no off road parking provision nor is there any potential to form such a provision. However there are limited on street parking opportunities which are considered to represent a sufficient provision.

Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the side of 72 Savile Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed raising of the roof, due to the design and height, would appear out of character with the host property and the neighbouring dwellings within this row. Furthermore, the overall bulk and massing of the extension would not appear subservient to the original building and would therefore not promote good design. As such, the proposal would be detrimental in terms of visual amenity and contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed three storey rear extension by reason of the design and size would form an incongruous feature in the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The proposed three storey rear extension would, by reason of its projection, position and height, result in an overbearing and oppressive impact on the rear windows and amenity space of the adjoining 74 Savile Road. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/92034

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed raising of the roof, due to the design, height and window arrangement, would appear out of character with the host property and the neighbouring dwellings within this row detracting from the character and appearance of the host property as well as street scene. Furthermore, the overall bulk and massing of the extension would not appear subservient to the original building and would therefore not promote good design. As such, the proposal would be detrimental in terms of visual amenity and contrary to policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.
2. The proposed three storey rear extension by reason of the design and size would form an incongruous feature in the wider area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.
3. The proposed three storey rear extension would, by reason of its projection, position and height, result in an overbearing and oppressive impact on the rear windows and amenity space of the adjoining 74 Savile Road. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP6 of the House Extensions & Alterations SPD and advice within chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Existing plans	01	1051337	06/08/2024
Proposed plans	02B	1052574	06/08/2024
Climate change statement	-	1051340	06/08/2024
Flood risk statement	-	1052576	06/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The proposals do not comply with the SPD in terms of visual and residential amenity. Amended plans have not been sought.

Report Dated

30/09/2024