

**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:	2024/62/92251/E
Site Address:	18, White Lee Road, White Lee, Batley, WF17 8AA
Description:	Erection of detached store
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: 04-Oct-2024

OFFICER REPORT

Site Description

18 White Lee Road is a stone built, detached bungalow with a drive to the side, gardens to the front, side and rear.

There are residential properties of varying ages surrounding the site.

Description of Proposal

The applicant is seeking permission for the erection of a detached outbuilding to the front of the site.

The building would have a width of 6m and a depth of 4.2m with a flat roof form.

The outbuilding would be constructed using insulated steel panels.

Relevant Planning History

2021/93832 - erection of extensions and raised decking area to existing dwelling and detached garage - 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 outbuilding would form an incongruous feature in a prominent location and would result in overshadowing and overbearing of a bedroom within the main house. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 02/10/2024

As a result of the above publicity, one representation has been received questioning the type of store with no specific objection raised.

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 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.

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.

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

As per paragraph 5.30 an outbuilding should be subservient in footprint and scale to the original building and gardens, given the property is of a substantial size with a proportionate amenity space, the size of the outbuilding could be acceptable. However, the outbuilding is not set behind the building line and would be situated forward of the principal elevation of the property. It is noted that there are hedges around the site at present, however that is not considered to be sufficient to mitigate the visible presence of the outbuilding. The outbuilding would detract from the character of the host as well as the street scene and is not considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would cause significant harm to the visual amenity of both the host dwelling and the wider street scene given the position to the front of the main house, thereby failing to

comply with Policy LP24 of the Kirklees Local Plan, 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.

The spatial relationship between the host property and the neighbouring properties to the side and rear is such that the outbuilding proposed would not result in any overlooking, overshadowing or overbearing.

The outbuilding would be constructed in close proximity to a bedroom within the host property and would result in an overbearing and oppressive impact as well as restricting light into the bedroom. As such, the proposals fail to preserve the amenities of the occupiers of the bedroom within the host property.

Having considered the above factors, the proposals would result in overshadowing and an overbearing impact on the occupants of the front bedroom in the host property 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 will not result in any significant intensification of the domestic use. It is noted that there is parking to the rear of the property which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 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:

One representation has been received questioning the type of store with no specific objection raised. **Response:** *The store would be for domestic purposes.*

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a detached outbuilding to the front of 18 White Lee 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 outbuilding, by reason of its size and position to the front, would form an incongruous feature in the street scene which would be harmful to the character of the 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 outbuilding, by reason of its position and proximity to a bedroom within the main house would result in adverse living conditions for the occupant of the bedroom in terms of overbearing and overshadowing. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & 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: 2024/92251

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed outbuilding, by reason of its size and position to the front of the dwelling, would form an incongruous feature in the street scene which would be harmful to the character of the 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.
2. The proposed outbuilding, by reason of its position and proximity to a bedroom within the main house would result in adverse living conditions for the occupant of the bedroom in terms of overbearing and overshadowing. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 & 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
Proposed & existing plans	-	1054160	08/08/2024
Climate change statement	-	1054163	08/08/2024

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 outbuilding would form an incongruous feature in a prominent location and would result in overshadowing and overbearing of a bedroom within the main house. Amended plans have not been sought.

Report Dated 04/10/2024

