

**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:	2024/62/92263/E
Site Address:	95, Firthcliffe Parade, Littletown, Liversedge, WF15 6AW
Description:	Erection of two storey and single storey rear extension and two storey side 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: 07-Oct-2024

OFFICER REPORT

Site Description

95 Firthcliffe Parade is a brick and rendered, semi-detached dwelling with a drive to the front and gardens to the rear.

The property is located on a residential street with properties of a similar age and style.

Description of Proposal

The applicant is seeking permission for a two storey side extension and a single & two storey rear extension.

The side extension would be set back 0.5m from the front with a projection of 2m, extending the depth of the dwelling with a hipped roof form.

The rear extension would project 6m from the original rear wall on the ground floor and 3m at first floor, extending the full width of the property including to the rear of the proposed side extension on the ground floor with a 1.4m inset from the adjoining property at first floor. The roof form would be lean to on the ground floor with a hipped roof at first floor.

The submitted plans show the walls would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2005/90749 - single and two storey extensions to 93 & 05 Firthcliffe Parade - approved although not constructed

2024/91033 - larger home notification for 6m rear extension - agreed

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, in particular the side extension, would result in the loss of the sense of space between the dwellings and as such would form an incongruous feature thereby failing to comply with Policy. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 03/10/2024

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

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.

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 two distinct elements which shall be addressed below.

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.

It is noted that the plans show a set back and set down. However, paragraph 5.20 of the SPD requires a 1m gap to be retained between the side extension and boundary to ensure a sense of space and prevent the formation of a terracing effect. The properties on Firthcliffe Parade have a rhythm of spacing which would be interrupted by the extension proposed. It is noted that there are some similar extensions on the neighbouring other properties in the area. However, these were constructed prior to the adoption of the SPD and as only a couple of the properties on this street have extended in such a fashion with most of these occupying corner positions, and as such very limited weight can be afforded to these. There has been no change in context or character to justify the development proposed. It is also noted that the intention has been to construct the extension using brick and render for the walling with tiles for the roof covering which would match the main house. However, overall, the side extension is not considered to be acceptable in terms of visual amenity.

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 proposal includes a significant ground floor extension across the full width of the dwelling with a projection of 6m. However, this has already been agreed through the larger home notification scheme. The first floor extension would have a projection of 3m with a set in from the shared boundary with the adjoining dwelling. Overall this would not be out of character with the wider area. The materials proposed would match the main house and the detailing is considered to be appropriate. The proposals are therefore considered to be justifiable in terms of visual amenity.

Having taken the above into account, although the rear extension can be considered to be acceptable, the side extension lacks any gap to maintain a sense of space which would erode the sense of space between the properties and would be harmful to the character of the host property and the street scene. The proposals therefore fail 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 not 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 93 Firthcliffe Parade

The side extension would be constructed on the opposite side of host property to the adjoining dwelling and as such would have no potential to result in any overshadowing, overbearing or overlooking.

The rear extension would be constructed along the shared boundary on the ground floor with a projection of 6m. As this element of the proposals has been agreed through the larger home notification scheme, these impacts have already been agreed. The first floor would project 3m and would be set in from the shared boundary which mitigates the potential for any overshadowing or overbearing. The windows would look over the applicant's own amenity space with limited potential to result in additional overlooking over and above the existing relationship.

With regards to the impact on the adjoining 93 Firthcliffe Parade, 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 97 Firthcliffe Parade

The side extension would close the gap between the properties. However, the neighbours side elevation has no habitable room openings. There would be no overlooking, overshadowing or overbearing.

The rear extension would be constructed close to the shared boundary with the adjacent dwelling. The ground floor element of the proposals has been agreed through the larger home notification scheme, and as such these impacts have already been agreed. The first floor would project 3m. The gap between the properties is considered to mitigate the potential for any overshadowing or overbearing. The windows would look over the applicant's own amenity space with limited potential to result in additional overlooking over and above the existing relationship.

With regards to the impact on the adjacent 97 Firthcliffe Parade, 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 Firthcliffe Parade

The neighbouring property on the opposite side of the road occupies a position some 27m from the site. Given the substantial separation, the works proposed would have no detrimental impact in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 74 Firthcliffe Parade, 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 133 Leeds Road

The neighbouring property to the rear occupies a position some 46m to the rear of the site. Given the very substantial separation between the dwellings, the proposed side and rear extensions would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 133 Leeds 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 not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying 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 future occupants of 95

The extension is within a 45 degree angle of the window of bedroom 2 resulting in poor outlook for future occupants. Any future application should consider revising the internal layout to ensure a good standard of amenity is retained.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. 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 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:

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 two storey side and single & two storey rear extension at 95 Firthcliffe Parade 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 two storey side extension by reason of the scale, design and location would infill the existing gap thereby appearing discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape, adding an unsympathetic form of development that would detract from the host building and character of the area. To permit the side extension 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 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: 2024/92263

Officer Recommendation: Refuse

Reasons for refusal

1. The two storey side extension by reason of the scale, design and location would infill the existing gap disrupting the rhythm and character of existing development and eroding the sense of space, thereby appearing discordant and incongruous in the street scene, failing to respect the original form and layout of the street scape, adding an unsympathetic form of development that would detract from the host building and character of the area. To permit the side extension 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.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Site plans	1	1054286	12/08/2024
Floor plans	2	1054285	12/08/2024
Front & rear elevations	3	1054283	12/08/2024
Side elevations	4	1054282	12/08/2024
Climate change statement	-	1054281	12/08/2024

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, in particular the side extension, would result in the loss of the sense of space between the dwellings and as such would form an incongruous feature thereby failing to comply with Policy. Amended plans have not been sought.

Report Dated 04/10/2024

