

**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:	2024/62/92374/E
Site Address:	13, Crescent Walk, Ravensthorpe, Dewsbury, WF13 3BG
Description:	Erection of part two storey and part single storey rear extension, two storey side extension, front extension, and loft conversion with dormer to front elevation
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: 16-Oct-2024

OFFICER REPORT

Site Description

13 Crescent Walk is a brick built, semi-detached dwelling with gardens to the front and rear, with a drive to the side.

The surrounding properties are similar in terms of age although there have been some extensions and alterations.

Description of Proposal

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

The front extension is proposed to project 1.5m from the original front wall of the property across the full width of the property, including to the front of the proposed side extension. The roof form is proposed to be lean to.

The two storey side extension would project 3.5m from the original side wall of the dwelling, with a 0.5m set back at first floor extending the remaining depth of the property. An initial gap of 0.8m would remain between the extension and the boundary. The roof form would be pitched.

The rear extension would project 3m from the original rear wall of the property, extending the full width of the dwelling including to the rear of the proposed side extension on the ground floor. The first floor would be inset 1.4m from the shared boundary with the adjoining property. The roof form would be lean to for the single storey element with a perpendicular pitched roof over the first floor.

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

Relevant Planning History

2024/90470 - erection of single storey front, two storey side and two storey rear extension - refused

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 have not overcome all of the reasons for refusal, in particular the reason relating to the impact of the rear extension on the neighbouring 53 The Crescent. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 08/10/2024

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
- **LP 27** - Flood risk
- **LP 30** – Biodiversity

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.

Planning permission was refused earlier this year for front, side and rear extensions. The current scheme has altered the design and dimensions and now includes a front dormer. The proposals shall be 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 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 four distinct elements which shall be addressed below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front extension proposed is single storey with a limited projection. The scale is therefore considered to be acceptable. The extension would be constructed using brick for the walling with tiles for the roof covering which would match the main house. It was also noted on the site visit that there are a couple of large porches on the front of the neighbouring properties on the same side of the road and larger front extensions on a few of the properties on the opposite side of the road. As such, this would not be out of character with the street scene. The front extension is therefore considered to be acceptable in terms of visual amenity.

Front dormer

Paragraph 5.26 of the House Extensions & Alterations SPD requires consideration of the wider area and surrounding buildings when considering whether a front dormer is appropriate. Dormers should be well-designed and small in scale.

The front dormer would be centrally sited within the original roof plane. The scale is considered to be modest in terms of the size and would be clad with vertically hung tiles which would allow for a suitable relationship with the host property. The front dormer is considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension would be set back at first floor with a corresponding set down of the roof and would allow for a gap of 0.8m to the outbuilding which would retain access to the rear and allow for some space to remain between the host property and the adjacent neighbour. The materials proposed include

the use of brick for the walling with tiles for the roof covering which would match the main house and the detailing proposed would be acceptable. It is also noted that there are other side extensions in the vicinity including to the side of the adjacent property and as such, the side extension proposed would not be out of character with the wider area. The side extension is therefore considered to have overcome the previous reason for the refusal and is 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 previous application failed in part due to the due to the roof form. Whilst the current proposal has improved the roof design to a degree and is now similar to the roofs over the rear extensions of the adjacent neighbouring properties, the footprint of the rear extension would be restrict the remaining space around the building. Where adjoining buildings have been extended they retain adequate space the neighbouring boundaries thereby avoiding an overly cramped form of development. The width proposed along with height and design results in a development that lacks subservience. Despite the use of brick for the walling with tiles for the roof covering which would match the main house, the rear extension is considered to be unacceptable in terms of visual amenity.

Having taken the above into account, although elements of the proposal including the front extension, dormer and side extension could be supported, the rear extension would not allow for the adequate retention of space to the rear boundary and as such results in harm in terms of visual amenity for the host dwelling and the character of the area, 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.

Impact on 11 Crescent Walk

Given the limited scale of the front extension, there would be no overlooking, overshadowing or overbearing impact on the amenities of the occupiers of the adjacent dwelling.

The front dormer would be set up within the roof plane with no opportunity for overbearing, overshadowing or overlooking.

The adjacent neighbour has side and rear extensions which would mitigate some of the impacts of the proposed side and rear extensions. It is however noted that there are two windows at first floor and in the gable of the adjacent property which could be affected given the proximity. The first floor window serves an ensuite and the gable window serves the room in the roof space in a secondary capacity. Given the existing extensions to the neighbouring property, there would be no significant overbearing or overshadowing. Furthermore, there are no openings proposed in the side elevation and the windows in the rear would look into the applicant's own garden and as such there are concerns in terms of privacy.

With regards to the impact on the adjacent 11 Crescent Walk, 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 terms 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 15 Crescent Walk

The limited projection of the front extension would result in no overbearing, overshadowing or overlooking to the adjoining property.

The front dormer would be set up within the roof plane with no opportunity for overbearing, overshadowing or overlooking.

The side extension would be located on the opposite side of the host property and as such, would result in no harm in terms of overbearing, overshadowing or overlooking.

The rear extension would have a projection of 3m and would be constructed up to the shared boundary with the adjoining dwelling on the ground floor with an inset at first floor level. Given the inset and the limited projection, there would not be significant potential for overshadowing or overbearing impacts. It is noted that the windows proposed in the rear would look into the applicant's own garden and would have limited potential to result in overlooking.

With regards to the impact on the adjoining Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in terms 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 53 & 55 The Crescent

The property has a very limited rear amenity space with a depth of less than 6.6m. As such, the proposed rear extension would be less than 4m from the boundary with the neighbouring 53 The Crescent and whilst the angling of the rear elevation of the neighbouring property prevents any significant impact, the proposed rear extension would result in an unacceptable overlooking of the neighbour's amenity space. The proximity of a two storey extension so close to the boundary would also form an imposing and overbearing impact on the neighbour's amenity space.

With regards to the impact on the on the amenity spaces of the neighbouring 53 & 55 the Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 20 Crescent Walk

The property on the opposite side of the road occupies a position some 20m from the site with the road in between. The limited dimensions of the front extension together with the front dormer and the side extension, neither of which would reduce the space between these properties, it is considered that there would be no overlooking, over shadowing or overbearing.

With regards to the impact on the neighbouring 20 Crescent Walk, 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 would result in significant overbearing impacts and overlooking of the neighbouring property 53 The Crescent. The proposals therefore fail 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 result in some intensification of the domestic use. However, there is a single parking space to the front of the property at present with potential to provide a second space which on balance can be 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the front, front dormer, two storey side extension and two storey rear extension at 13 Crescent Walk 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 rear extension, by reason of the extreme proximity to the rear boundary would result in unacceptable overlooking together with an imposing and overbearing impact on the amenity space of the neighbouring 53 The Crescent. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed rear extension, would result in very limited space to the rear boundary and as such would result in a cramped appearance which would be out of character with 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 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: 2024/92374

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed rear extension, by reason of the scale and design along with proximity to the rear boundary would result in unacceptable overlooking together with an imposing and overbearing impact on the amenity space of the neighbouring 53 The Crescent. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 & KDP6 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed rear extension, due to the scale and design would not appear subservient to the host, reducing the space to the rear boundary and appearing cramped which would be out of character with 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 Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	1	1055465	21/08/2024
Proposed site plan	2	1055466	21/08/2024
Floor plans	3	1055468	21/08/2024
Front & rear elevations	4	1055467	21/08/2024
Side elevations	5	1055471	21/08/2024
Roof plans	6	1055470	21/08/2024
Flood risk	-	1055462	21/08/2024
Climate change statement	-	1055463	21/08/2024

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 have not overcome all of the reasons for refusal, in particular the reason relating to the impact of the rear extension on the neighbouring 53 The Crescent. Amended plans have not been sought.

Report Dated

14/10/2024

