

**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:	2024/62/92378/E
Site Address:	5, Dearnfield, Upper Cumberworth, Huddersfield, HD8 8NX
Description:	Erection of two storey side extension, single storey rear extension and first floor 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: 23-Oct-2024

OFFICER REPORT

Site Description

5 Dearnfield is a detached, brick built property with a drive and gardens to the front, garage attached to the east side, gardens to each side and to the rear.

The property is located on a residential street with a mix of property types surrounding.

Description of Proposal

The applicant is seeking permission for a first floor extension on the east side of the dwelling, a single storey extension to the rear of the property and a two storey extension on the western side of the dwelling with associated roof alterations. The overall width of the dwelling would increase from 6m (8.7m with garage) to 12.7m and an original depth of 8.8m to 10.5m.

Relevant Planning History

None

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 would result in an incongruous property within the street scene given the scale and design and would not form a subservient addition to the property. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 11/10/2024

As a result of the above publicity, 6 representations have been received. The matters raised are summarised as follows:

- The extensions would not be in keeping.
- The extensions would overdevelop the site and be disproportionate.
- Loss of privacy.
- Overshadowing.
- Parking.

- Lack of site notices.
- Potential for non-domestic use.

Denby Dale Parish Council have been notified and have responded with no objections.

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 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.

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.

Although the proposal under consideration consists of a number of distinct elements, the proposals shall be assessed, as a whole, below.

The development proposals include extensions to both sides of the dwelling as well as to the rear. Paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD are relevant. The SPD requires the side extension 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. Paragraphs 5.1, 5.2

& 5.6 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.

Also of relevance is Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, **design, roof pitch** or detailing, proposals will be considered on a case by case basis.”

The scope of the works would significantly alter the character of the host property. Whilst it is noted from the site visit that Dearnfield has some diversity and variation of property styles, the proposals would significantly increase the scale, bulk and massing of the existing building. The works are not considered to form subservient additions to the dwelling with the addition of extensions to both sides and to the rear. Furthermore, the amalgamation of roof forms over and above the original roof would have a contrived and unsympathetic appearance. It is appreciated that the materials proposed would match the main house. However, the overall alterations are of a scale and design that are not considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals would cause significant harm in terms of visual amenity for the host dwelling and the wider street scene given the unsympathetic design, substantial scale and lack of harmony with the host dwelling and surroundings. 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.

There are no properties directly to the front or rear of the property which could be affected by the works proposed.

Impact on 4 Dearnfield

The side and rear extensions would reduce the space between the host property and the adjacent property to the west. However, this would for the most part align with the side elevation of the neighbouring property, which has limited openings, none of which appear to serve habitable spaces. As such, the potential for overshadowing or overbearing is limited. Furthermore, there are no windows proposed in the side elevation and the openings in the rear elevation would have views into the applicants own amenity space. As such, there would be no significant overlooking.

With regards to the impact on the adjacent 4 Dearnfield, 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 6 Dearnfield

The host property occupies a slightly elevated position relative to the host property. The proposals would see the massing increased close to the shared boundary. Whilst there is a degree of angling between the properties and the windows closest to the host property serve a utility room on the ground floor and bathroom/ensuite at first floor, the bulk would have an overbearing and oppressive impact on the amenity space of the adjacent property along with potential for overshadowing in the late afternoon.

With regards to the impact on the adjacent 6 Dearnfield, 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.

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 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:

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.

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:

6 representations have been received. The material planning matters raised are summarised as follows:

- The extensions would not be in keeping – **Response:** *this is a material consideration as it relates to visual amenity. The design is considered to be out of character.*
- The extensions would overdevelop the site and be disproportionate – **Response:** *this is a material consideration as it relates to visual amenity. The works proposed would not overdevelop the site given its site. However, the extensions proposed would be disproportionate.*
- Loss of privacy – **Response:** *this is a material consideration as it relates to residential amenity. The impact on the neighbouring properties has been considered and would not result in any significant overlooking.*
- Overshadowing – **Response:** *this is a material consideration as it relates to residential amenity. The relationship with the adjacent no. 4 is such that the extensions would align with the side elevation of the neighbour to the west with limited potential for overshadowing. However, the relationship with the adjacent no. 6 is closer and the extensions would align with the amenity space of the neighbour to the east with potential for overshadowing in the late afternoon.*
- Parking – **Response:** *this is a material consideration as it relates to highway safety. Parking is adequate for the property.*
- Lack of site notices – **Response:** *Site publicity has been carried out in accordance with the requirements set out in the Development Management Charter (neighbour letters sent to properties which share a boundary has been carried out with letter sent on 06/09/2024)*

- Non-domestic use – **Response:** The application has not applied for a change of use.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to extend and alter 5 Dearnfield 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 extensions and alterations, due to the design and scale would not form subservient additions to the property and would result in a contrived and unsympathetic appearance which would be harmful to the character of the host property and the surrounding 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 property extension, by reason of its bulk and proximity to the adjacent 6 Dearnfield would result in an overbearing and oppressive impact on the amenity space of the adjoining neighbour together with potential overshadowing in the late afternoon. 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: 2024/92378

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extensions and alterations, due to the design and scale would not form subservient additions to the property and would result in an unsympathetic appearance which would be harmful to the character of the host property and the surrounding 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 property extension, by reason of its bulk and proximity to the adjacent 6 Dearnfield would result in an overbearing and oppressive impact on the amenity space of the adjoining neighbour together with potential overshadowing in the late afternoon. 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
Location plan	01	1055487	28/08/2024
Existing plans	02	1055490	28/08/2024
Proposed plans	03	1055489	28/08/2024
Supporting statement	-	1055488	28/08/2024
Climate change statement	-	1055621	28/08/2024

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 would result in an incongruous property within the street scene given the scale and design and would not form a subservient addition to the property. Amended plans have not been sought.

Report Dated

15/10/2024

