

**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:	<b>2024/62/92383/E</b>
Site Address:	5, Chestnut Avenue, Staincliffe, Batley, WF17 7DH
Description:	Demolition of existing garage and erection of two storey side and rear extensions and single storey front extension
Recommending Officer:	Elenya Jackson

**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: 22-Oct-2024**

## **OFFICER REPORT**

### **Site Description**

5, Chestnut Avenue, Staincliffe, Batley, WF17 7DH is two storey semi-detached dwelling which is set back from the street scene by a driveway and front garden.

The site benefits from ample amenity space with a detached garage to the southern elevation and a large rear garden.

The immediate vicinity of the site is not uniform in design in terms of scale or design and several properties benefit from extensions.

The site is within a low risk coal area.

### **Description of Proposal**

Erection of 2 storey side and rear extension and a single storey front extension

Two storey side and rear extension:

The proposed side extension would have a width of 3m, a depth of 9.4m, a maximum height of 7.7m and an eaves height of 5.8m. The proposal would not be set down and set back from the host dwelling.

Single storey front extension:

The single storey front extension would project 1.6m beyond the front elevation of the dwelling with a maximum height of 3.6m and an eaves height of 3.1m.

### **Relevant Planning History**

N/A

### **Representations**

The application was initially advertised by neighbour notification letters, which expired on 14/10/2024

One objection was received which raised concerns regarding highway safety.

### **Consultation Responses**

KC Highways: Informal consultation on 16/10/2024. Three parking spaces would be required on site. There is space to the principle elevation for three parking spaces to be provided on site.

### **Negotiations**

N/A

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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
- **LP22**- Parking
- **LP33**- Trees
- **LP53**- Contaminated and unstable land

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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.

### **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 6<sup>th</sup> 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

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

#### 1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

#### 2 –Impact on visual amenity:

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be an extension within a residential curtilage.

Key Design Principle 1 of the House Extension & Alterations SPD states 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 Extension & 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.

#### Two storey side extension:

Section 5.22 of the House extensions and alterations SPD refers to two storey side and first floor side extensions and states extensions should:

- Not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

Officers acknowledge that, the proposed extension would not be set down and back from the host dwelling and would be constructed in close proximity to the boundary of the site thereby not meeting the SPD. Officers have viewed the immediate vicinity of the site, No.3 and no.1 (a semi-detached pair) have extensions of a similar scale to the proposal.

Having reviewed the planning history for the site, these extensions were granted prior to the adoption of the HEASPD in 2021 and the extensions were permitted in 2011 & 2015. Therefore, these applications were not assessed under the current policy context and as such limited weight can be afforded to them. It should also be noted that no.1 is the end plot of Chestnut Avenue with no.85 Manor Road being perpendicular to no.1 creating a different relationship. This maintains a visual break in development within the street scene and does not create a terracing effect. In addition, the alterations to no.3 retained a visual space with the application property, preventing a terracing effect and still respecting the character of the area. The remaining properties within the street retain the sense of space which is an important feature creating openness and avoiding any terracing impact.

It is considered that, the introduction of a two storey side extension would interrupt the spacing of the street scene and create an unacceptable terracing effect from no.1 to no.7 Chestnut Avenue. It is considered that the proposed two storey extension would therefore fail to respect the character of the street scene or prevailing character of the area.

#### Single storey front extension:

Section 5.2 of the HEASPD refers to front extensions and states that they should be:

- set back from the pavement
- subservient to the original building
- matching materials
- not impact neighbouring dwellings

As previously highlighted, there are several dwellings within the vicinity which have a single storey front extension of similar scale and design. It is considered the proposal would not detract from the host dwelling or prevailing context of the site in this instance.

Having taken the above into account, this element of the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

### 3 – 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 Extension & 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.

7 Chestnut Avenue: is attached to the application property as a semi-detached pair.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The two storey extension would be screened by the host dwelling and set a sufficient distance away from no.7 to not raise any concerns regarding overshadowing/loss of light. The single storey extension would not project a significant enough distance to raise any significant concerns regarding overshadowing.

3 Chestnut Avenue: adjoins the application site to the south. The property has previously been extended and has three side facing windows.

Overlooking: The proposal would not feature any side facing windows.

Overshadowing/loss of light/overbearing: There is one side facing window which relates to the living room of no.3. The proposal would introduce a two storey blank elevation parallel to a single aspect ground floor living space. It is considered that this would result in an unacceptable impact on the living conditions of current and future occupiers of this property.

It is considered that the proposal would result in an unacceptable relationship with the neighbouring property and the occupants contrary to Policy LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees

House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

#### 4 – Impact on highway safety:

A formal consultation with KC Highways has not been conducted as the proposal would not significantly alter parking arrangements on site. Parking provision has not been satisfactorily demonstrated on site and officers have not requested additional information in this regard as there are concerns regarding the proposed development. It is possible that this could be resolved as neighbouring properties have extended their driveways to provide parking. It should be noted that any scheme should retain adequate soft landscaping.

The proposal would therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

#### 5– Other matters:

##### *Carbon Budget*

The proposal is an extension 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.

#### 6 – Representations:

One representation has been received which raised concerns regarding highway safety.

Officer response: KC Highways have been informally consulted on the above application and have not raise any significant concerns. For the number of bedrooms three parking spaces would be expected on site. Dwellings within the vicinity with similar scale of extensions demonstrate that three spaces can be accommodated on site. Whilst the extension is unacceptable it is likely that adequate parking arrangements can be made within the site curtilage.

#### 7 – Negotiations:

No revised plans have been requested during the application process relating to parking provision on site as the site would be able to accommodate the three spaces required and the application is to be recommended for refusal.

#### 8 – Conclusion:

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number: 2024/92074**

**Officer Recommendation: REFUSE**

**Reasons**

1. The proposed extension, by virtue of its scale, massing and close proximity to a shared boundary, would result in an overbearing and overshadowing impact to the side facing living room window at 3 Chestnut Avenue detrimentally impacting on the residential amenity of current and future occupiers of this property. To permit this development would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions and Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.
  
1. The two storey side extension proposed would take up most of the space to the side of the house coupled with the the lack of set down and back would result in an unacceptable terracing effect. As such it would close a gap between the houses eroding the sense of space between houses which is a positive characteristic of the street scene. This does not promote good design and is contrary to LP24 of the Kirklees Local Plan and design guidance given in sections 4.1, 4.2, 4.3, 5.19, 5.20 & 5.21 of the Kirklees House Extensions Supplementary Planning Document.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			27/08/2024
Block Plan	24/90/C		27/08/2024
Grouped Plans and Elevations proposed	24/90/B		27/08/2024
Grouped Plans and Elevations existing	24/90/A		27/08/2024
Climate change			27/08/2024

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 Authority has, 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.

No revised plans have been requested during the application process relating to parking provision on site as the site would be able to accommodate the three spaces required and the application is to be recommended for refusal.