

**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:	2024/62/92896/E
Site Address:	26, Lees Avenue, Thornhill Lees, Dewsbury, WF12 0AN
Description:	Erection of two storey and single storey extensions to front, side and rear
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the approval 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-Dec-2024

OFFICER REPORT

Site Description

26 Lees Avenue is a brick and rendered, semi-detached dwelling with a hard standing to the front, path to the side and enclosed garden to the rear.

The property is located on a residential street with properties of a similar age and style, some of which have been extended and altered.

Description of Proposal

The applicant is seeking permission for a single storey front extension, two storey side extension with an alteration of roof from a hipped roof to a gable and single & two storey rear extension.

The single storey front extension is proposed to project 1.3m from the original front wall of the host property and would extend across the full width of the dwelling including to the front of the proposed side extension.

The two storey side extension would project 1.5m from the original side wall of the property, it would be flush with the front wall of the dwelling at first floor and extends the depth of the property. The roof form would be pitched.

The ground floor of the rear extension is proposed to project 6.5m from the original rear wall of the dwelling and the first floor would project 3m, extending across the width of the dwelling including to the rear of the proposed side extension. The roof form over the single storey element would be lean to with roof lights and the roof over the first floor would be a perpendicular pitch.

The walls would be constructed using brick with rendered upper floor and tiles for the roof covering.

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 fail to comply with Policy LP24 of the KLP, House Extensions & Alterations SPD and the NPPF in terms of both visual

amenity, given the lack of set back or set down or gap to the boundary along with the cumulative impact of the various elements of the proposal and residential amenity given the projection of the ground floor to the rear with no mitigating factors and the full width of the rear extension. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 29/11/2024

As a result of the above publicity, one response received 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 2024, 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
- 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 onto 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 three 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.

In isolation, the scale of the front extension proposed is modest relative to the size of the host property. The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house. The front extension could therefore be 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 not be set back from the front elevation and would include alterations to the existing hipped roof form to form a gable with no gap to the boundary. As such, the extension, although limited in terms of its projection, would not allow the original house to remain the dominant feature and would therefore lack subservience and would alter the sense of space between the properties. Although it is noted that the material proposed would match the main house, the overall design would not 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. The first floor extension would have a lesser projection of 3m. There are no similar extensions in the area and as such this would be out of character with the wider area. It is noted however, that the property has a large rear garden, and a reasonable amenity space would be retained. Furthermore, the materials proposed would match the main house and the detailing is considered to be appropriate. The rear extensions are therefore considered to be justifiable in terms of visual amenity.

Summary of cumulative effect

The proposals consist of three distinct elements, which have been assessed individually above. Cumulatively the elements of the proposals, are substantial and are not considered to be justifiable.

The development proposals would cumulatively result in harm to the visual amenity of the host dwelling and character of the area, contrary to Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would 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 opposite the front elevation which could be affected by the works proposed.

Impact on 24 Lees Avenue

The single storey front extension is limited in terms of its projection and as such would have no significant potential to result in any overlooking, overshadowing or overbearing.

The side extension would reduce the space between the properties. However, there is a footpath between the dwellings and the openings in the side elevation of the neighbouring property are limited and non-habitable. The land to the side of the neighbouring property forms part of a drive and as such, the side extension would result in no overlooking, overshadowing or overbearing.

The rear extension would align with the garden of the adjacent dwelling. Given the neighbouring property is set in from the boundary, the impact of the single and two storey rear extension would not result in any significant overshadowing or overbearing. There are no windows proposed in the side elevation and the windows for the rear elevation would look into the applicant's own garden with limited potential to result in any overlooking.

With regards to the impact on the adjacent 24 Lees Avenue, 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 28 Lees Avenue

The front extension has a limited production and would be single Storey in height. Given the modest size of the extension, there would be no overshadowing, overbearing all overlooking.

The side extension would be constructed on the opposite side of the host property to the adjoining dwelling. As such, there would be no impact on the amenities of the occupiers of the adjoining dwelling.

The rear extension would be constructed along the shared boundary with the adjoining dwelling. The projection of 6.5m along the boundary, all be it single storey, would have an overbearing and oppressive impact on the amenities of the neighbouring property. There are no mitigating factors on or around the site to justify this impact. Furthermore, the first floor extension with a projection of 3m across the full width of the drilling would infringe upon the 45° line from the neighbour's window on the boundary thereby resulting in an overbearing and oppressive impact. It is appreciated that there are no windows on the side elevation and that the windows proposed in the rear elevation would look into the applicant's own amenity space and as such there are no concerns in terms of privacy.

With regards to the impact on the adjoining 28 Lees Avenue, 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 67 Pioneer Street

The neighbouring property to the rear occupies a position some 22m from the site. Given the separation between the dwellings, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 67 Pioneer Street, 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 considered to result in an adverse impact upon the residential amenity of the occupants of the adjoining 28 Lees Avenue with regards to overbearing and oppressive impact, 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 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:

None

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to erect a single storey extension to the front, two storey side extension and single & two storey rear extension at 26 Lees Avenue 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 side extension, by reason of its design, width and spatial relationship with the boundary, when viewed with the proposed front extension, would form an extension which is not subservient and would diminish the existing space between the properties to form an incongruous feature. 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 rear extension, by reason of its position along the boundary with the adjoining 28 Lees Avenue would result in an overbearing impact. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.

The proposed extensions to the front, side & rear of the property, given the cumulative appearance, would not form subservient additions to the property thereby detracting from the character of the host and wider 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: 2024/92896

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed side extension, by reason of its design, width and spatial relationship with the boundary, when viewed with the proposed front extension, would form an extension which is not subservient and would diminish the existing space between the properties to form an incongruous feature. 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 rear extension, by reason of its position along the boundary with the adjoining 28 Lees Avenue would result in an overbearing impact. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 of the House Extensions & Alterations SPD and Chapter 12 of the National Planning Policy Framework.
3. The proposed extensions to the front, side & rear of the property, given the cumulative appearance, would not form subservient additions to the property thereby detracting from the character of the host and wider 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	A100	1063022	22/10/2024
Existing floor plans	-	1062775	22/10/2024
Existing elevations	A102	1062776	22/10/2024
Existing elevations 3d	A105	1062779	22/10/2024
Proposed floor plans	A103	1062781	22/10/2024
Proposed elevations	A104	1062780	22/10/2024
Proposed elevations 3d	A106	1062778	22/10/2024
Climate change statement	-	1062777	22/10/2024

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 fail to comply with Policy LP24 of the KLP, House Extensions & Alterations SPD and the NPPF in terms of both visual amenity, given the lack of set back or set down or gap to the boundary along with the cumulative impact of the various elements of the proposal and residential amenity given the projection of the ground floor to the rear with no mitigating factors and the full width of the first floor rear extension. Amended plans have not been sought.

Report Dated

13/12/2024