

**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:	2024/62/93294/W
Site Address:	43, Leafield Avenue, Longwood, Huddersfield, HD3 4TW
Description:	Erection of two storey side and single storey rear extensions
Recommending Officer:	Joanna Rednall

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-Feb-2025

The Site

The application property is located within a wider residential area where surrounding development is similar in terms of design and architectural features. Dwellings around the site consist of two-storey semi-detached properties and the material palette is a mixture of brick, pebble dash render and timber cladding. Boundary treatments consist of short brick walls and hedges.

The site is unallocated on the Kirklees Local Plan.

The Proposal

The two-storey extension is proposed to the side elevation with a total width of ~2.6 metres, total depth of ~7.2 metres, eave height of ~5 metres, and a total height of ~7.4 metres. The submitted floor plans show the extension is set back ~0.3 metres from the front elevation and is set down from the ridge of the main house. The extension would be constructed from brick at ground floor and pebble dash render to the first floor, and the gable roof above would be infilled with concrete tiles. Internally, this extension serves a garage/store, wc, utility, bedroom and en-suite.

The single-storey extension is proposed to the rear elevation of 43, Leafield Avenue. This extension has a total projection of ~2.5 metres, a width of ~5.8 metres, an eave height of ~2.4 metres, and total height of ~3.4 metres. The extension is constructed from brick with a lean-to roof above infilled with concrete tiles. Three roof lights are proposed to the roof, as well as a set of bi-folding doors to the rear. Internally, the rear extension serves a kitchen/dining area.

History of Negotiations

Amendments were sought to show 3 parking spaces to serve the property as well as to reduce the two-storey side extension in line with the SPD. The applicant has submitted an amended block plan to show 3 parking spaces and has not reduced the scale of development.

Two justification statements for the scale of the extension have been submitted by the applicant, these will be considered in greater length throughout this report.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 31st December 2024

1 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of Comment

- The rear extension should not be built on the boundary line and should not affect the existing garden wall.

Consultations

KC Highways DM: Due to the increase in bedrooms on site, there needs to be off-street parking provision for 3 cars. Recommended conditions for surfacing materials and dropped kerb footnote.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the

character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Single storey rear extension

Paragraphs 5.1-5.6 of the SPD (pages 23-24) provides specific advice on rear extensions and single-storey rear extensions which is used as a guide for the single-storey rear extension.

The proposed rear extension is considered to appropriately abide by the key design principles as set out in the SPD. Although it has been acknowledged that the rear extension is not set 1 metre away from the neighbouring boundary to the east, with only a gap of 0.3 metres to be retained, given the modest projection of the single storey extension and the potential for an extension of similar proportions to be achieved under permitted development, it is considered there would be no design benefit in setting the extension in by a whole metre and it would be unreasonable of the LPA to request such an amendment in this case.

The rear extension would be of an in keeping appearance, using materials that match those on the face of the host dwelling and the proposed fenestration details to the rear retain the original design of the dwellinghouse. Due to these reasons, it is considered that the single storey rear extension is acceptable and compliant with both local and national policy.

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. Paragraph 5.21 states that: *spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area should be retained. Two storey and first floor extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street and must be avoided.*

The proposal would have its bulk and massing set back ~0.3 metres from the front elevation closest to the highway and closely matching the roof ridge height to the host, with only a set down of ~0.05 metres achieved. There would not be a gap left to the side.

There are no examples of two-storey side extensions built up to the boundaries within this immediate building group. The host sits within a similarly designed trio of semi-detached properties along Leaffield Avenue and as such, without a 1 metre separation from the side boundary, the proposed additional massing combined with the lack of set back and set down as recommended in the SPD, the host would appear incongruous and dominant to its neighbouring properties and within the street scene. This would add an impression of a cramped form of development in an area where dwellings are more spaciouly separated through design and scale.

The development would take up all the space to the side closing the gap between semi-detached houses and eroding the sense of space which is a positive characteristic of the street scene. The development also includes parking to the entire front garden which would be dominated by large areas of hard surfacing and parked cars thereby negatively impacting upon the character of the street scene.

The applicant has identified other two-storey side extensions within the wider locality, including No.4, 6 & 8 Leaffield Avenue, which were approved between 1993 and 2005, as well as No.40 Thorpe Green Drive (2020/90773) which pre-date the current SPD adopted in June 2021. The applicant has outlined these applications and extensions set a precedent for large two-storey side extensions within the locality and argued that the proposed extension at No.43 would harmonise with the existing built environment. However, notwithstanding considerations regarding timing of decision the other examples raised are angled to their neighbour rather than being part of a linear row of properties whereby infilling the gap would appear harmful resulting in terracing impact. Along with Thorpe Green Drive they are not considered to be part of the same immediate building group or street scene and as such officers cannot afford any weight to these extensions. Therefore, there is no precedent as alluded to for the current development proposals which are contrary to policy contained in the Local Plan and SPD. The side extension would result in off street car parking would effectively be restricted to the front garden area of the house as is referred to on the submitted block diagram. Whilst the design and materials could be conditioned the extension would result in closing off access from the rear of the house to the front, and that provision for bin storage would therefore also need to be accommodated in the front garden. The property would appear cramped within its plot, harmful to the character and appearance of the area.

The designs of dwellinghouses immediately neighbouring No.43 to the sides are very similar in terms of design and scale with matching roof heights and form, and to permit the two-storey side extension would remove the sense of

openness between neighbouring properties detracting from the character contrary to the SPD.

Turning to materials, the proposed materials consist of brick at ground floor and pebble dash render to the first floor incorporating a gable roof above infilled with concrete tiles. These materials would match those facing the host property and would have an acceptable visual impact. As this application is recommended for refusal, a condition ensuring the materials match the original house is not required.

In conclusion, the two-storey side extension would present an incongruous, cramped and overly prominent appearance to the street scene and a dominant addition to the host causing visual harm to both the host dwelling and the character and appearance of the wider area. To permit the development would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of the adopted House Extensions and Alterations SPD, and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours”.*
- Principle 4 – that: *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property”.*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*

The properties potentially affected by the proposed development are those which directly neighbour the site, these being:

45, Leaffield Avenue – located south-east of the application site. The two-storey extension would be set ~0.1 metres from the shared boundary and would neighbour the driveway of No.45. There is one window to the first-floor of No.45 that likely serves a hallway, therefore any loss of light/overbearing impacts would not be detrimental to the living conditions within this dwelling. The windows proposed to the front and rear would overlook the amenity space of the application property, therefore any overlooking impact as a result of the development would not be detrimental.

41, Leaffield Avenue – adjoining neighbouring property. The main body of the application property would screen the bulking and massing the two-storey extension when viewed from No41. The single storey rear extension is set off the shared boundary by ~0.3 metres with a projection of ~2.5 metres. Due to the limited height and projection of the extension, no detrimental overbearing/overshadowing impacts are considered to occur. The submitted plans show no windows are proposed to the side elevations therefore the extension would not impact the existing relationship between the two dwellings.

37a, Leaffield Avenue – located to the rear of the application site. The rear extension is set away from the rear boundary by ~11 metres and does not have any windows within the side elevation. Therefore, due to the separation distance and existing boundary treatments, it can be concluded that no detrimental overlooking / overbearing / overshadowing impacts will occur as a result of the single storey rear and two storey side extensions.

12, Leaffield Avenue - located opposite the application site. Due to the separation distance (~21 metres) and street scene in turn, the proposed development is not considered to impact the amenity of this dwelling with regard to overlooking, overshadowing or overbearing.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway

Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would intensify the domestic use of the dwelling, taking the total number of bedrooms from 3 to 4. The two-storey extension is proposed to the side located on the existing driveway, therefore the level of parking availability would be reduced as a result of the development.

KC Highways were informally consulted during the course of the application and advised a 4-bedroom dwelling would require 3 off-street parking spaces and recommended a surfacing materials condition and dropped kerb footnote with the grant of planning permission. The applicant has submitted a revised block plan to show three-off street parking spaces to the front of the property, this is considered acceptable with regard to parking provision.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage, however this is likely to be accommodated in the front area resulting in a cramped appearance as set out previously.

Notwithstanding the concerns regarding visual amenity, in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Climate Change

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

1 Letter of Comment

- The rear extension should not be built on the boundary line and should not affect the existing garden wall.

Officer response: This is a private matter and not a planning material consideration. A Party Wall Act Notice is served before building works are commenced and would be the private responsibility of the responsible applicant to carry out, outside the consideration of a planning application. A footnote on party walls will be added to the decision notice with the grant of planning permission.

7 – 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/93294

Officer Recommendation: Refusal

Reason:

1. The proposed two-storey side extension would take up all of the space to the side of the house and fail to maintain a 1.0 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. As such it would close the gap between semi-detached houses and further erode a sense of space between houses which is a positive characteristic of the street-scene. This does not promote good design and is contrary to Policy 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:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	19/11/2024
Existing Block Plan	05	-	19/11/2024
Existing Floor Plans	01	-	19/11/2024
Existing Elevations	02	-	19/11/2024
Proposed Site Plan	06	A	20/01/2025
Proposed Elevations	04	B	19/11/2024
Proposed Floor Plans	03	B	20/01/2025
Application form	-	-	19/11/2024
Climate Change Statement	-	-	19/11/2024

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 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. Amendments were sought to show 3 parking

spaces to serve the property as well as to reduce the two-storey side extension in line with the SPD. The applicant has submitted an amended block plan to show 3 parking spaces and has not reduced the scale of development. Two justification statements for the scale of the extension have been submitted by the applicant.

Report Dated: 05/02/2025

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