

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:	2024/62/93322/E
Site Address:	35, Crawshaw Street, Ravensthorpe, Dewsbury, WF13 3ER
Description:	Erection of two storey and single storey rear 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.

John Holmes

AUTHORISED OFFICER

Date: 16-Jan-2025

OFFICER REPORT

Site Description

35 Crawshaw Street is a mid-terraced property with a small enclosed yard to the front and rear. The walls of the dwelling are rendered.

The surrounding properties are similar in terms of age although there are some variances in terms of style and previous extensions.

Description of Proposal

The applicant is seeking permission for a single and two storey rear extension.

The extension is proposed to project 6m at the ground floor reducing to 3m at first floor, extending across the width of the dwelling with a lean to roof over the ground floor and a perpendicular pitched roof over the first floor.

The walls are proposed to be constructed using blockwork and render with tiles for the roof covering.

Relevant Planning History

2024/92844 - larger home notification for 6m - agreed

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 policies relating to residential amenity given the relationship with the adjoining 33 Crawshaw Street. Amended plans have not been sought.

Representations

The application was advertised by neighbour letters, which expired on 22/06/2024

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

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 places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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.

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. However, this has already been agreed through the larger home notification scheme. The first floor extension would have a projection of 3m. There are similar extensions in the area and as such this would not be out of character with the wider area. The materials proposed would match the main house and the detailing is considered to be appropriate. The proposals are therefore considered to be justifiable in terms of visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with 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.

Impact on 33 Crawshaw Street

The extension would be constructed along with the shared boundary with the adjoining property with the potential to result in an overbearing impact. However, the ground floor with its projection of 6m has already been agreed through a larger home notification. The first floor is reduced in terms of projection to 3m. However, the first

floor would be along the shared boundary and would have an overbearing and oppressive impact on the bedroom window of the adjoining dwelling having a detrimental impact to the outlook from this window. Having regard to the orientation of the site, whilst the proposal would lead to a degree of overshadowing, it is considered this increase would not be of such significance to warrant refusal in this case.

There are not considered to be mitigating factors / justification in place which would mitigate the identified harm. It is appreciated that the windows proposed face into the applicant's own rear garden with limited potential for any overlooking of their neighbour's garden.

It is noted that there is a similar designed extension at no.31, although this was considered in 2015 and since this date the Council has adopted the Kirklees Local Plan and also the House Extensions and Alterations SPD (adopted 2021) which makes specific reference to impact in relation to overshadowing / oppressiveness / overbearing within principles 5 and 6 of this document. As such it is considered the development of this nearby property can't be afforded little weight as precedent which should be considered a consideration which weighs in favour of the scheme in this case.

With regards to the impact on the adjoining 33 Crawshaw Street, the scheme has been considered in terms of 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 lead to a detrimental impact to the outlook from this property as a result of the development forming an oppressive and overbearing feature.

Impact on 37 Crawshaw Street

The extension would be constructed along the shared boundary with dear joining property with potential to result in an overbearing impact and overshadowing. The ground floor has already been agreed with the projection of 6m as part of a larger home notification. The first floor is reduced in terms of projection to 3m and it is noted the first floor window of the neighbouring property closest serves a bathroom which is not a habitable room and would therefore not result in any significant overbearing impact. The windows proposed face into the applicant's own rear garden with limited potential for any overlooking of their neighbour's garden.

With regards to the impact on the adjoining 37 Crawshaw 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.

Impact on 28 Tanhouse Street

There is a separation of over 30m between the original rear walls of the host property and the neighbour to the rear. It is noted that the neighbour has had their own extension. However, the reduced space still allows for a separation of 25m. Given the separation, the works proposed would result in no significant overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 28 Tanhouse 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 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, and it is noted that there is no formal off street parking at present. However, the increase in accommodation over and above the existing would equate to a single additional bedroom. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extensions & Alterations SPD.

Other matters:

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 & two storey extension to the rear of 35 Crawshaw Street 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 extension, by reason of its projection along the shared boundary with the adjoining 33 Crawshaw Street would result in an overbearing oppressive impact on the bedroom window of the adjoining dwelling. 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: 2024/93322

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extension, by reason of its projection along the shared boundary with the adjoining 33 Crawshaw Street would result in an overbearing and oppressive impact on the bedroom window of the adjoining dwelling which would have a detrimental impact upon the outlook from this opening. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & site plan	1	1067088	21/11/2024
Floor plans	2	1067089	21/11/2024
Front & rear elevations	3	1067092	21/11/2024
Side elevations	4	1067093	21/11/2024
Flood risk	-	1067095	21/11/2024
Climate change statement	-	1067094	21/11/2024

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 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 policies relating to residential amenity given the relationship with the adjoining 33 Crawshaw Street. Amended plans have not been sought.

Report Dated

15/01/2025
