

**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:	2024/62/93589/E
Site Address:	26, Hare Park Lane, Hightown, Liversedge, WF15 8DQ
Description:	Erection of single storey front extension
Recommending Officer:	Faiza Bano

DECISION – REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Mar-2025

Officer Report

The Site

The site to which this application pertains to is 26, Hare Park Lane, Hightown, Liversedge, WF15 8DQ; a semi-detached bungalow constructed from brick work, finished with stone across the front elevation and roofed in concrete tiles. The application site benefits from amenity areas surrounding the site and a driveway, with in curtilage and on street parking.

The surrounding area is predominantly residential whereby there are a mixture of property types and styles.

The site is located within a low-risk coal area and shows a bat alert layer on the Kirklees Local Plan.

Proposal

The application is seeking planning permission for the erection of a single storey front extension. The single storey front extension will project 3 metres from the front elevation and 2.4 metres beyond the principal element of the along the front elevation of the host dwelling, have a width of 3.4 metres and an eave height of 2.5 metres and an overall height of 4 metres. The width would extend partially across the front elevation of the host.

The extension is designed with a pitched roof and the external walls of the extension will be constructed from stone to match the host property. Regarding fenestration, the extension proposes two full-length wide windows within the front facing elevation.

Planning History

Planning Ref: 2005/90292

Location: 26,HARE PARK LANE,HIGHTOWN,LIVERSEEDGE,WF15 8DQ

Proposal: ERECTION OF DORMER EXTENSION AND EXTENSIONS AND ALTERATIONS

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2005-03-31

History of Negotiations

The agent was informed that the submitted plans were not acceptable and significant amendments would be required.

Representations

This application has been publicised via neighbour notification letters. Final publicity date expired the 6th of March 2025. Two representations were received as a result of the publicity.

Neighbour Representation summarised:

Objects to the application because it does not satisfy the 45 degree rule, which will reduce the light in the lounge, affecting quality of life. The applicant has not complied with the Party Wall Act of 1996, and there are concerns about potential damage from rainwater overflow, the need for permission for repairs, and the removal of the hedge. Assurance is sought that any damage to the property will be repaired at no cost.

Neighbour Representation Summarised:

The applicant did not discuss the plans with the neighbour, despite the significant impact on the adjoining bungalow and the neighbour's well-being. The neighbour formally opposes the application. The proposal contravenes the 45 degree rule, depriving the living room of natural light and necessitating prolonged use of artificial light. French windows will be blocked, and a large section of the hedge will be replaced by a dominating wall, making the garden look cramped and dark due to the shade. The extension's side elevation will have a cement render finish, contrasting with the neighbouring bungalow's stone finish. Issues concerning repairs and guttering will directly affect the neighbour. Consent will not be given to construct the wall along the shared boundary, as it requires access to the neighbour's garden.

Consultations

No statutory consultations were requested for this application.

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 within a high-risk coal area, and shows a bat alert twice buffer on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** – Design

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 the 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, 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 2** – Achieving Sustainable Development
- **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
 1. Impact on residential amenity
 2. Impact on highway safety
 3. Representations
 4. Other matters
 5. Conditions
 6. Conclusion

Principle of Development

The site is without notation on the Kirklees Local plan. When considering development proposals, policy LP1 of the KLP states that, 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. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement. 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 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

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.

Assessment

Paragraph 5.14 of the House Extensions & Alterations SPD states that *Single storey extensions on the front of a house...are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:*

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

The proposal would project 3 metres beyond the front elevation and shared building line with the adjoining bungalow and 2.4 metres beyond the front wall of the single storey section of the host dwelling and extend across the front of

the host. The extension would be set back 5 metres from the highway and would be constructed from stone to match the host property.

It is considered that the extension is not small or subservient to the front of the property and would appear as an unsympathetic alteration to the host dwelling. Whilst the property is set back from the highway, due to the scale and positioning, the extension would be visible within the street scene. The site is one of a pair of symmetrical dwellings and, due to its scale, the extension would detract from the character. As such, the proposed works are considered not to be acceptable, as it would substantially alter the character of the original dwelling and form an incongruous feature within the locality.

The extension is designed with a pitched roof similar to the existing single-storey projection. Considering the prominence of this extension at the front of the dwelling, it is considered that the projection and design would not appear sympathetic or in keeping with the character of the original house. It is noted that the materials proposed would match the host. However, the overall concerns in terms of the scale and design would result in an extension which is not subservient, nor would it be in keeping with the character of the host property or the wider street scene.

In addition, although the property is well screened at present, this cannot be guaranteed in perpetuity or during seasonal changes. It is considered that the cumulative impact of the works would subsume the original character of the host property and would not form a subservient addition to the dwelling, resulting in the formation of incongruous development in respect of both the character of the host property and the wider street scene.

It is therefore considered that, the proposal by reason of its scale and projection and prominence would fail to respect the character of the host dwelling and would be a harmful addition within the street scene and wider area. Therefore, it is considered that in terms of visual amenity, the proposed would not comply with Policy LP24 of the Kirklees Local Plan, the Key Design Principles 1 and 2 in the House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.

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.

Assessment

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:

- **28 Hare Park Lane** – This property is the adjoining bungalow which has openings within the front elevation.
- Due to the location, projection and height of the proposed scheme, the extension would have an overbearing and overshadowing impact to the detriment of the occupants of this property. Due to the 3 metre projection along the shared boundary with the neighbour the extension would not meet the requirement of the 45 degree requirement as set out in the House Extensions and Alterations SPD, preventing natural light from entering the habitable room closest to the boundary and causing detrimental harm to the occupants. The loss of natural light would necessitate increased reliance on artificial lighting, impacting the residents' quality of life. Additionally, the scale and massing of the extension would dominate the garden space, creating a cramped and shaded environment that is not in keeping with the character of the surrounding area. The proposed materials, while matching the host property, do not mitigate the adverse effects on the occupants of the neighbouring property.
- **39 Hare Park Lane** – This neighbour is located opposite the application site. The proposed openings of the front elevation would face this property. However, given the orientation of this property, the separation distance between the two dwellings, and the existing hedge along the application site's boundary, this is considered sufficient in mitigating detrimental harm to loss of privacy/ outlook/ overshadowing.
- **1 Rayners Avenue** – The rear boundary line faces the side boundary line of the application site. There would be limited impact upon these neighbour's amenity as the majority of the works proposed are to the other side of the application property. As such, there would be no

material overbearing, overshadowing and overlooking upon these neighbour's amenity, as a result of the works proposed.

- **2 Hare Park Drive** – This property is located to the rear of the application site. Given that the proposed works are located to the front of the application site, it can be concluded that no detrimental impacts of overbearing or overshadowing will be caused. As such, it is considered that the proposal would not give rise to significant harm to the residential amenities of this neighbour.

It is therefore considered that in terms of residential amenity, the proposed would not 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.

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 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.

Assessment

The application site has a private gated driveway where 'in-curtilage' parking is available. However, the application does not propose to add any additional bedrooms to the site and, therefore, will not significantly increase the demand for additional parking spaces. The proposed works do not affect existing parking arrangements on site.

In this case, it would be considered that in terms of access and highway safety and 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.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

Other Matters

Carbon Budget

On the 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.

Assessment

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.

Biodiversity

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Assessment

The site falls within a Bat Alert at or neighbouring the site and given the modest scale of the proposed development, it is considered that enhancement of the natural environment is not required in this instance.

There are no other matters for consideration.

Representations

Neighbour Representations:

- 1. Objects to the application because it does not meet the 45 degree rule, which will reduce the light in the lounge, affecting quality of life. The applicant has not complied with the Party Wall Act of 1996, and there are concerns about potential damage from rainwater overflow, the need for permission for repairs, and the removal of the hedge. Assurance is sought that any damage to the property will be repaired at no cost.*
- 1. The applicant did not discuss the plans with the neighbour, despite the significant impact on the adjoining bungalow and the neighbour's well-being. The neighbour formally opposes the application. The proposal contravenes the 45 degree rule, depriving the living room of natural light and necessitating prolonged use of artificial light. French windows will be blocked, and a large section of the hedge will be replaced by a dominating wall, making the garden look cramped and dark due to the shade. The extension's side elevation will have a cement render finish, contrasting with the neighbouring bungalow's stone finish. Issues concerning repairs and guttering will directly affect the neighbour.*

Consent will not be given to construct the wall along the shared boundary, as it requires access to the neighbour's garden.

Officer Response:

These comments have been noted and have been addressed with in the visual and residential amenity section of the report. The scale, location and projection of the extension will result in a detrimental impact on residential amenity of the neighbouring occupants.

Negotiations

No amendments were sought or received during the consideration of the application.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitutes 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: 2024/93589

Officer Recommendation: Refusal

Reason

1. The proposed development, by reason of its design and scale, would appear prominent and unsympathetic in relation to the original host dwelling, resulting in a discordant addition that detracts from the street scene and wider area, to the detriment of visual amenity, contrary to Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 in the House Extensions and Alterations SPD, and advice within the National Planning Policy Framework.
1. The proposed development, by reason of its scale and proximity to the neighbouring property, 28 Hare Park Lane, would result in an overbearing/overshadowing impact, resulting in loss of light and outlook to the detriment of the residential amenity of the occupants, contrary to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	23-Dec-2024
General	Climate Change Statement	-	23-Dec-2024
Grouped Plans and Elevations	Proposed Plans and Elevations	-	23-Dec-2024
Grouped Plans and Elevations	Existing Plans and Elevations	-	23-Dec-2024
Proposed Site / Block Layout	Site Plan	-	23-Dec-2024
Location Plan	Location Plan	-	23-Dec-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 agent was informed that the submitted plans were not acceptable and significant amendments would be required.

Report Dated:12th March 2025