

**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>2025/62/90469/E</b>
Site Address:	3, Park Mews, Farnley Tyas, Huddersfield, HD4 6BX
Description:	Erection of first floor side extension over existing garage and alterations to part convert garage to living accommodation (within a Conservation Area)
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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 17-Apr-2025**

## **OFFICER REPORT**

### **Site Description**

3 Park Mews is a detached, stone built dwelling with open gardens and a drive to the front, an attached double garage to the side and an enclosed garden to the rear.

The property is located on a residential cul de sac of similar dwellings.

### **Description of Proposal**

The applicant is seeking permission for a first floor side extension with partial garage conversion to form utility.

The first floor extension would be constructed over the double garage with a set down, pitched roof form with a glazed feature in the rear elevation.

The conversion of part of the garage would require no external alterations to the building as the vehicle openings would be retained.

The walls of the extension would be constructed using stone with 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 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The extension would have an overbearing and oppressive impact on the first floor windows of the adjacent property. Amended plans have not been sought.

### **Representations**

The application was advertised by neighbour letters, which expired on 19/04/2025

As a result of the above publicity, two representations have been received. The material planning matters raised are summarised as follows:

- Extension would result in a terracing effect.
- Overbearing impact on neighbouring property.
- The linear design would not be in keeping with the conservation area.
- The loss of the garage would result in highway issues.

Other matters may have been raised such as loss of view and restrictive covenants on deeds re garage.

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the property is sited within the Farnley Tyas Conservation Area

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
- **LP 35** - Historic Environment

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. 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 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 places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic 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.

In this instance, the property is located within the Farnley Tyas Conservation Area which is characterised by traditional stone dwellings in a country setting. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

#### Impact on Heritage Asset:

The property is a traditionally designed dwelling of recent construction within a conservation area and as such, the scheme needs to be assessed having regards to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. Paragraph 207 of the NPPF requires the provision of a heritage impact assessment which should describe the significance of the heritage asset and the impact the proposals would have. The applicant has supplied a heritage statement which does describe the heritage asset. Officers have reviewed the proposal and note that the alterations in terms of the style of the host property would respect the stylings of the property albeit with a small detail on the rear elevation to form a Juliet balcony. The statement is considered to justify the design and appearance which would be in keeping with the traditional character of the dwelling and would form an appropriate appearance in terms of the wider area. The scheme therefore is considered to comply with Policy LP35 of the Kirklees Local Plan and advice within Chapter 16 of the National Planning Policy Framework.

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 5.15, 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 proposals include a set back and a set down. Although it is noted that there would be no gap to the side, the stepped nature of the properties is such that there would be no terracing impact and the sense of space between the properties would be retained. The materials proposed would match the main house and the detailing is considered to be appropriate. The first floor side extension and the partial garage conversion, which includes no external alterations, are considered to be acceptable 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.

There are no properties to the front or rear which could be affected by the works proposed. Furthermore, given the nature of the works proposed, there would be no impact on the adjacent property to the west, 4 Park Mews.

#### *Impact on 2 Park Mews*

It is noted that the garage is situated on the boundary with the adjacent property and this already has some impact on the amenity space of the adjacent dwelling. However, by increasing the height, the extension would have an overbearing and oppressive impact on the first floor windows of the adjacent dwelling. The windows proposed would look over the applicants amenity space with limited potential to overlooking the adjacent dwelling.

With regards to the impact on the adjacent 2 Park Mews, 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.

Having considered the above factors, the proposals are considered to result in an adverse impact upon the residential amenity of the occupants of the adjacent 2 Parks Mews 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 and the loss of one space within the garage. However, one of the garages would be retained and 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:

### *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:

Two representations have been received. The material planning matters raised are summarised as follows:

- Extension would result in a terracing effect – **response:** *the stepped building line is such that the works proposed would not result in a terracing effect.*
- Overbearing impact on neighbouring property: **Response:** *it is noted that there is a single storey structure on the boundary at present which already has an impact on the amenity space. However, the first floor proposed would have an overbearing and oppressive impact on the first floor windows of the adjacent property.*
- The linear design would not be in keeping with the conservation area – **Response:** *the design has been considered in terms of the conservation area and is considered to be in keeping.*
- The loss of the garage would result in highway issues – **Response:** *The property has parking for at least three vehicles without the garage. Therefore there are no highways concerns.*

Other matters may have been raised such as loss of view and restrictive covenants on deeds re garage.

## Proposed conditions

None as the recommendation is for refusal.

## Conclusion:

This application to erect first floor extension and conversion of part of the garage at 3 Park Mews 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 first floor side extension, would result in an overbearing and oppressive impact on the first floor windows of the adjacent 2 Park Mews. 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 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:** 2025/90469

**Officer Recommendation:** Refuse

### Reasons for refusal

1. The first floor side extension due to its scale and positioning, would result in an overbearing and oppressive impact on the first floor windows of the adjacent 2 Park Mews reducing light and outlook to the accommodation to the detriment of the occupants. 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.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	PL03	1078948	26/02/2025
Existing plans	PL01	1078946	26/02/2025
Proposed plans	PL02	1078947	26/02/2025
Heritage statement	-	1078951	26/02/2025
Climate change statement	-	1078950	26/02/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

The extension would have an overbearing and oppressive impact on the first floor windows of the adjacent property. Amended plans have not been sought.

**Report Dated** 16/04/2025