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**Report of the Head of Strategic Investment****HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 28-Sep-2017****Subject: Planning Application 2017/90564 Erection of extensions and outhouse to rear 55, Caledonian Road, Savile Town, Dewsbury, WF12 9NT****APPLICANT**

Mr A Mitha

**DATE VALID**

20-Feb-2017

**TARGET DATE**

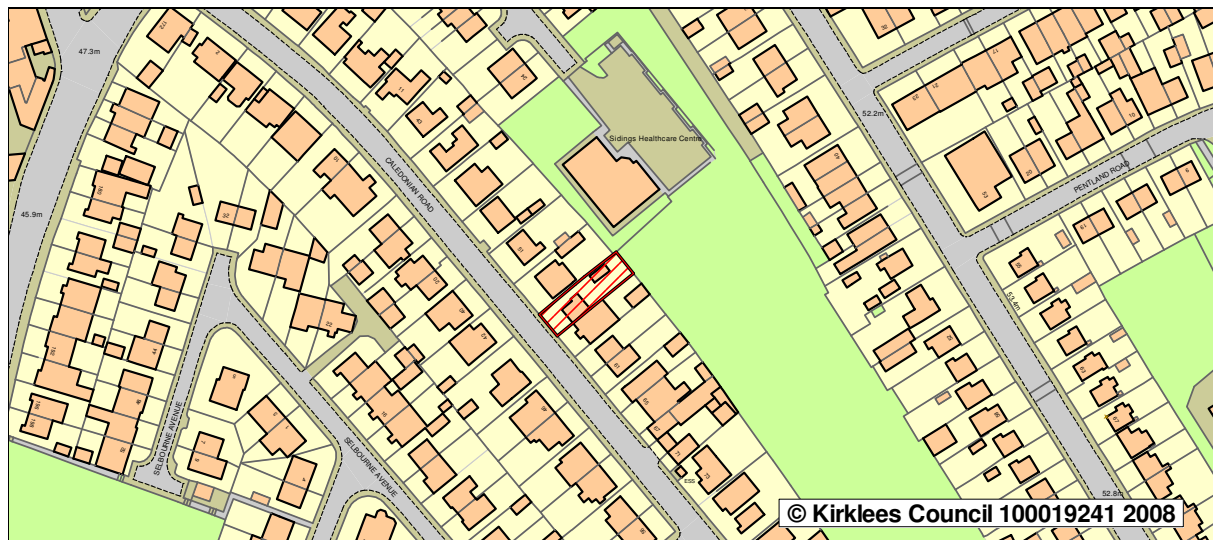
17-Apr-2017

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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## Electoral Wards Affected: Dewsbury South

No

Ward Members consulted  
(referred to in report)

### RECOMMENDATION: REFUSE

**1. The scale of the rear extension, by reason of its size and projection, would form an unacceptable relationship with the host property in terms of visual amenity due to the resultant bulk and massing. To permit the extension would be contrary to Policies D2, BE1 and BE13 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework and Policy PLP24 (a and c) of the Publication Draft Local Plan.**

#### 1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Committee at the request of the Cllr Ahmed for the following reason: *I would like to request the application for extensions to 55 Caledonian Road be heard by Planning Committee for the members to consider the proposal having regard to the recent approval issued for 59 & 61 Caledonian Road, to extend 4.5m on the first floor. The adjoining property, 57 Caledonian Road does have its own two storey extension with a projection of 3m and the adjacent, 53 Caledonian Road is separated from the host property by the applicants drive and their own modest rear extension. As such, I do not believe the impacts of the proposed 5.1m projection for the two storey rear extension would be so harmful to the amenities of the occupiers of the neighbouring properties.*
- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Ahmed's reason for making this request is valid having regard to the Councillors' protocol for planning committees.

#### 2.0 SITE AND SURROUNDINGS:

- 2.1 55 Caledonian Road is a semi-detached property which is faced in red brick. The dwelling has a modest single storey extension setback to the side and another modest extension across the rear of the dwelling. The property has a garden to the front with large trees, a drive to the side leading to a detached garage, and an enclosed rear garden.
- 2.2 The property backs onto land which has planning permission to be developed. The dwellings to each side and the front are similarly aged although there is some variation in terms of style. The attached property, no.57 (to the south), has single and two storey extensions to the rear. The adjacent property, no.53, which is located to the northern boundary was originally a bungalow, but has had a two storey rear extension erected.

### **3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for the erection of a single storey front extension, two storey side extension, and two storey rear extension, plus a replacement detached outbuilding.
- 3.2 The single storey extension is proposed to extend across the width of the dwelling including the area to the front of the proposed two storey side extension. The projection is proposed to be 1.5m and the roof form would be a lean to roof form with a pitch over the front door.
- 3.3 The two storey side extension is proposed to project 1.7m from the original side elevation of the dwelling and would extend the full depth of the dwelling and out past the original rear elevation with a hipped roof form.
- 3.4 The two storey rear extension is proposed to project 5.1m from the original rear wall of the dwelling and would extend across the width of the dwelling. The roof form is proposed to be pitched.
- 3.5 The outbuilding is proposed to be sited at the far end of the rear garden. It would be 3m deep, 9m wide with a height to the eaves of 2.5m and an overall height of 3.5m. The roof form is proposed to be pitched.
- 3.6 The walls of the extensions and the outbuilding are proposed to be faced in brick with tiles for the roof.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2012/91993 – Erection of extensions – withdrawn
- 4.2 2017/91090 – Prior notification of larger home extension – agreed
- 4.3 2008/92254 – Partially implemented permission for housing to the rear - approved

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application, the agent was offered the opportunity to apply for a larger home notification for the ground floor to justify the additional projection over and above the normal recommended 3.0m set out in Policy BE14 of the UDP. The agent took advantage of this opportunity and a larger home notification was received, processed, and agreed. At the same time the agent was also asked to reduce the first floor element to 3m, in line with Policy BE14, because there were no mitigating or justifying factors on site to justify the proposed projection. The agent declined the opportunity to amend the projection of the first floor level.

## **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The land is without allocation/designation within the UDP and the Kirklees Publication Draft Local Plan.

### **Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

- 6.2 D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
BE13 – Extensions to dwellings (design principles)  
BE14 – Extensions to dwellings (scale)  
T19 – car parking

### **National Planning Guidance:**

- 6.3 Chapter 7 – Requiring good design

### **Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)**

- 6.4 PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP21 – Highway safety and access  
PLP24 – Design

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 None

## **8.0 CONSULTATION RESPONSES:**

- 8.1 **Statutory: None**

- 8.2 **Non-statutory: None**

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).
- 10.2 The general principle of making alterations to a property, including extensions, are assessed against policies BE1, BE2, BE13, and BE14 of the UDP and advise within chapter 7 of the NPPF. In addition, Policy PLP24 of the Publication Draft Local Plan sets out a variety of design considerations to take into account in the assessment of a planning application. The scheme under consideration consists of 4 distinct elements which shall be addressed in terms of visual amenity and then residential amenity below.

### Visual Amenity

#### *Single storey front extension*

- 10.3 Policy BE14 of the UDP does support modest front extensions. In this instance, given the modest proportions of the front extension together with the single storey nature of the extension and the proposed use of matching materials with appropriate fenestration detail, the single storey front extension is considered to be acceptable in terms of visual amenity.

#### *Two storey side extension*

- 10.4 The side extension does not include a setback or set down which would normally be encouraged for a side extension. However, given the adjacent property, 53 Caledonian Road which is a detached bungalow, the extension as proposed would not result in the formation of an undesirable terracing effect. The scale can be considered to be acceptable relative to the size of the host property and its associated curtilage. Furthermore, the use of matching materials and similar fenestration detailing to main house is considered to result in an extension which is acceptable in terms of visual amenity.

#### *Two storey rear extension*

- 10.5 The ground floor has been agreed through the larger home notification scheme with a projection of 5.1m. Consideration therefore needs to be given to the impact of the first floor element.
- 10.6 The projection at first floor is larger than would normally be supported in terms of Policy BE14 of the UDP and there are no mitigating features on site which would justify the projection proposed. As such, the scale of the first floor rear extension is considered to be unacceptable in terms of visual amenity, resulting in an overly dominant feature on the rear elevation of the property.

#### *Detached Outbuilding*

- 10.7 The scale of the outbuilding could, on its own, be considered to be acceptable relative to the size of the host property. The materials proposed would be to match the main house and the fenestration detail is considered to be acceptable for a development of this type.

#### *Overall*

- 10.8 Cumulatively, the extent of works proposed would be significant. However, given the size of the host property and its associated curtilage, the works would not represent overdevelopment of the host property. The scale of the rear extension is of concern given the projection of the extension proposed at first floor level. This element of the proposal is considered, by officers, to be unacceptable in terms of its impact upon visual amenity because of its resultant bulk and massing. The proposals would therefore fail to comply with policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan. Furthermore, the proposal would not accord with emerging policy PLP24 of the PDL which states that proposals should promote good design by ensuring (amongst other things) 'the form, layout and details of all development respects and enhances the character of the townscapes . . .' as well as extensions being 'in keeping with the existing buildings in terms of scale, materials and details . . .'

#### Residential Amenity

##### *Single storey front extension*

- 10.9 Given the limited scale of the front extension proposed, there would be no significant harm caused to the amenities of the occupiers of the neighbouring properties.

##### *Two storey side extension*

- 10.10 The adjacent neighbour also has three first floor windows in the side elevation, one of which appears to serve a bedroom which would be considered to be habitable and the proposed side extension would reduce the space between the host property and the adjacent neighbour. The modest projection of the side extension together with the modest separation which would be retained is considered to be sufficient to minimise the harm.
- 10.11 Whilst the proposed plans show two first floor windows in the side extension, these serve the landing and the bathroom, neither of which is considered to be habitable.

- 10.12 There are no properties on the opposite side of Caledonian Road, which would face onto the host property and the position of the side extension is such that the approved development to the rear of the property would also be unaffected by the proposed two storey side extension.

*Two storey rear extension*

- 10.13 The ground floor has been agreed through the larger home notification scheme with a projection of 5.1m. Consideration therefore needs to be given to the impact of the first floor element.
- 10.14 The land to the rear of the property between Caledonian Road and Headfield Road is currently under development to implement a planning permission which includes town houses to the rear of the host property. However, these would be sited some 28m to the rear of the host property and at a lower level. Taking this into account, there would be no undue harm caused to amenity of the future occupants of these properties.
- 10.15 Given the projection of the extension proposed, there would be the potential for some overshadowing in the morning and an oppressive and overbearing impact upon the amenity of the occupants of the adjacent 53 Caledonian Road. However there would be a modest separation between the host property and the adjacent neighbour, 53 Caledonian Road and the neighbour does have their own two storey extension (built onto the original bungalow) which would mitigate the impact of the proposed two storey rear extension. The rear extension is therefore not considered to be significantly harmful to the amenities of the occupiers of the adjacent 53 Caledonian Road.
- 10.16 The extension would be built along the common boundary with the adjoining property, no.57 Caledonian Road. As such, the proposed 5.1m projection would have the potential to harm the amenities of the occupiers of the adjoining property in terms of resulting in an overbearing and oppressive impact.
- 10.17 However the adjoining neighbour has their own two storey rear extension with a projection of 3m. This would mitigate the initial 3m of the extension and the remaining 2.1m would have some impact on the first floor windows in terms of overbearing. Therefore the two storey rear extension would not be significantly harmful to the residential amenity of the occupiers of the neighbouring 57 Caledonian Road. It is noted that the UDP policy would normally permit 3m extensions and regard is had to this policy when considering whether reasons for refusal exist in relation to harm to the neighbours amenity.

*Detached Outbuilding*

- 10.18 The detached outbuilding is a single storey structure proposed to the rear boundary of the property. Given the relatively limited scale, together with its single storey nature, there would be no significant harm caused to the amenities of the neighbouring properties as a result of the detached outbuilding.

- 10.19 Having considered the above factors, although the first floor rear extension would have some impact upon the occupants of the neighbouring 57 & 53 Caledonian Road, in terms of overbearing and oppressive, the harm caused would not be significant. Therefore the proposal complies with Policy D2 of the UDP. Furthermore it would be in line with the emerging Policy PLP24 of the PDLP.

#### Highway issues

- 10.19 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 extensions or outbuilding and is considered to provide sufficient parking provision. The scheme would not represent any additional harm in terms of highway safety and efficiency, complying with Policies D2, T10 and T19 of the UDP.

#### Representations

- 10.20 None Received

#### Other Matters

- 10.21 There are no other matters considered relevant to the determination of this application.

### **11.0 CONCLUSION**

- 11.1 This application to for extensions to the front, side and rear of 55 Caledonian Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The scale of the rear extension would form an unacceptable relationship with the rear elevation of the host property due to its resultant bulk and massing. The proposed rear extension is considered to be detrimental in terms of visual amenity, contrary to Policies D2, BE1, BE13, and BE14 of the Kirklees UDP and guidance given in the NPPF. Furthermore, the proposals would not comply with the emerging policy PLP24 of the PDLP.
- 11.3 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 development proposals do not accord with the development plan and 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 is to refuse the application.



**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2012%2f91993+>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91090>

Certificate of Ownership – Certificate A signed and dated 15/02/17

