
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 19-Apr-2018****Subject: Planning Application 2018/90650 Erection of two storey front side and rear extension 10, Moor End Lane, Dewsbury Moor, Dewsbury, WF13 4QE****APPLICANT**

S Mahmood

DATE VALID

06-Mar-2018

TARGET DATE

01-May-2018

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: **Dewsbury West**

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: **REFUSE**

1. The proposed two storey front extension, due to its height, scale and prominent location as well as the proposed design, would result in an incongruous feature both in relation to the host property and the wider street scene. To permit the proposed extension would be harmful to visual amenity and contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of chapter 7 of the National Planning Policy Framework.

2. The proposed two storey side and rear extension, due to its width and prominent location, as well as the proposed design, would result in an incongruous feature both in relation to the host property and the wider street scene. To permit the proposed extension would be harmful to visual amenity and contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of chapter 7 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee for determination at the request of Councillor Darren O'Donovan for the following reason: *"I would like the members to consider whether the harm perceived by the Officers is really so detrimental that the scheme should be refused given the diverse types of extension approved across the district."*

1.2 The Chair of the Sub-Committee has confirmed that Councillor Darren O'Donovan's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site, no.10 Moor End Lane, Dewsbury Moor, Dewsbury is a red brick semi-detached dwelling. The property is two storey with a hipped roof form and has gardens to the front, side and rear. A drive is also located to the side of the property.

- 2.2 The property is surrounded by residential development with similar dwellings to the sides and rear. The properties on the opposite side of Moor End Lane differ in terms of age, design, style and materials.
- 2.3 To the western side boundary of the application site is a grassed area of Council owned land with a public footpath running diagonally through it from Moor End Lane to Moorside Avenue. There is a tree located in the south-eastern corner, adjacent to the boundary with the application site.

3.0 PROPOSAL:

- 3.1 The applicant applied for and was refused planning permission for a very similar scheme last year under application reference 2017/92307. The current application is seeking permission for the erection of two storey extensions to the front, side and rear of the dwelling.
- 3.2 The front extension is proposed to project out 1.5m for the most part from the original front wall of the dwelling spanning the full width of the property and including the area to the front of the proposed two storey side extension. The single storey elements would have lean to roof forms. The scheme also includes a central two storey section which would have a width of 5.2m over part of the original front elevation and part of the proposed two storey side extension, this element would have a projection of 1.8m. The roof form is proposed to be a pitched roof perpendicular to the main roof forming a substantial gable feature on the principle elevation.
- 3.3 The side extension is proposed to project 6m from the original side wall of the dwelling and would extend the depth of the property. The roof over the dwelling would be altered from a hip to a pitched roof form.
- 3.4 The extension continues out 2.3m past the rear elevation and would utilise a hipped roof form.
- 3.5 The walls of the extensions are proposed to be constructed using red brick with tiles for the roof coverings.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/92307 – Erection of two storey extensions to the front, side and rear – refused for the following reasons:-
1. The two storey front extension proposed, due to its height, scale and prominent location as well as the proposed design, would result in an incongruous feature both in relation to the host property and the wider street scene. To permit the proposed extension would be harmful to visual amenity and contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan and the aims of chapter 7 of the National Planning Policy Framework.
 2. The two storey side and rear extension proposed, due to its width and prominent location, as well as the proposed design, would result in an incongruous feature both in relation to the host property and the wider street scene. To permit the proposed extension would be harmful to visual amenity and contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan and the aims of chapter 7 of the National Planning Policy Framework.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 This application is a resubmission of a previously refused scheme. It is considered by officers that none of the previous reasons for refusal have been addressed and the submitted proposal, along with the supporting information, does not mitigate the previous concerns. As the current submission is for a larger extension than the previously refused scheme and the applicant, through negotiations prior to this submission is aware that the proposal is unacceptable, no further negotiations have been entered into during the course of the application.

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 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The application site is unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and on the Kirklees Publication Draft Local Plan (PDLP).

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

6.4 Supplementary Planning Guidance / Documents:

None relevant

6.5 National Planning Policy Framework (NPPF):

- **Chapter 7** – Requiring good design
- **Chapter 11** – Conserving and enhancing the natural environment

6.6 Publication Draft Local Plan Policies (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety
- **PLP 22** - Parking
- **PLP 24** - Design
- **PLP 30** - Biodiversity

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by letters and site notice. Two objections have been received from the adjacent neighbour which expressed the following concerns:-

- The size of extension proposed would be out of place within the area.
- The extension to the side could result in a loss of privacy for the adjacent neighbours.
- Potential for damage to the neighbour's property.
- Insufficient parking for such a large extension.

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
- Other matters
- Representations
- Conclusion

10.0 **APPRAISAL**

Principle of development

10.1 The site is unallocated within the UDP proposals map. 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 These issues along with other policy considerations will be addressed below.

Urban Design issues

10.3 The properties on Moor End Lane are mostly residential with some variety in terms of age, design and scale. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

10.4 The scheme under consideration consists of three distinct elements which shall be addressed below.

10.5 *Two storey front extension*

Policy BE14 of the UDP does set out that extensions to the front of properties will normally be permitted where the proposal is '*relatively small in scale*'. The projection of the single storey elements to either side of the two storey central section is limited to 1.5m however, the two storey height of the central section of the extension with its projection of 1.8m together with the large gabled roof form would create a feature which would be incongruous within the street scene. Furthermore, despite the use of matching material, the detailing proposed would not complement the existing design of the host property and the adjoining 12 Moor End Lane as the property is one of a pair. As such, this element of the scheme is considered to be unacceptable in terms of visual amenity.

10.6 *Two storey side extension*

There is a significant area to the side of the dwelling which could support a substantial side extension. However, the scale proposed with its projection of 6m would result in an extension which would form a disproportionate feature relative to the scale of the host property. The lack of set back from the front elevation or set down of the roof in this instance is not considered to be so detrimental as the property is located in a corner position and would be unlikely to be capable of forming an undesirable terracing effect. However the roof form proposed, together with the appearance of the proposed two storey front extension, would further exacerbate the unacceptable design and scale of the extension. Therefore, despite the proposed use of matching materials, the overall scale and appearance of the extension would, in the opinion of officers, be detrimental in terms of visual amenity.

10.7 *Two storey rear extension*

The proposed two storey extension to the side would continue out past the existing rear elevation and wrap around to form a two storey side extension. The scale of the rear extension could be considered to be modest in terms of its projection at 2.3m. The roof form proposed, being a hipped roof, along with the use of matching materials is considered by officers to be appropriate. However the width of the extension would result in a very large mass along the side boundary in a highly prominent position given the location of the dwelling in an elevated corner plot. Whilst it is acknowledged that there are some trees on the land to the west of the application site, these will only screen the proposed extensions at certain times of the year. Therefore the rear extension, particularly when viewed with the proposed two storey side extension would result in an overly dominant which would be unacceptable in terms of visual amenity.

- 10.8 The extensions proposed, for the reasons set out above, is each considered unacceptable in its own right, and cumulatively would result in an inappropriate form of development. It may be possible to consider a single storey front extension and reduction in the width of the side extension would, with a change to its design, be more appropriate. However, the changes proposed would require a new application because a scheme significantly different to that proposed would be anticipated by officers.
- 10.9 Having taken the above into account, the proposed extensions would cause significant harm in terms of visual amenity for both the host dwelling and the wider street scene. The proposal therefore fails to comply with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 7 of the NPPF.

Residential Amenity

10.10 *Impact on 5 & 7 Moor End Lane*

The front and side extensions would face towards the properties on the opposite side of the road. However, given the separation provided by the road together with the difference in land levels with the properties opposite occupying lower positions than the host property, there would be limited impact on the amenities of the occupiers of the properties opposite as a result of the proposed front and side extensions.

10.11 *Impact on 12 Moor End Lane*

The front extension would be set back from the common boundary with the adjoining property. Despite the two storey height, the limited projection and the separation from the common boundary is such that there would be no significant harm caused to the amenities of the occupiers of the adjoining 12 Moor End Lane as a result of the two storey front extension proposed.

- 10.12 The side extension would be sited on the opposite side of the dwelling to no.12 and therefore would have no impact upon the amenities of the occupiers of the adjoining property.

- 10.13 The rear element of the extension does extend out 2.3m past the rear elevation. However, it would be set back from the common boundary with the adjoining property and has been designed with a hipped roof form which would limit the impact of the extension. It is considered that the rear extension would have no significant impact upon the amenities of the occupiers of the adjoining 12 Moor End Lane.

10.14 *Impact on 1 & 3 Moorside Place*

The properties to the rear, 1 & 3 Moorside Place are situated some 25m to the rear of the host property. Given the separation distance, together with the limited 2.3m projection of the rear extension, there would be no significant impact upon the amenities of these occupiers.

10.15 *Impact on 1 Moorside Avenue*

The adjacent neighbour to the south west, 1 Moorside Avenue occupies a lower position than the host property with their rear elevation aligning with the rear garden of the host property. The position of the properties relative to each other, together with the land level difference, is such that there would be no significant impact upon the amenities of the occupiers of the neighbouring 1 Moorside Avenue.

- 10.16 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 Policies D2, BE1 and BE14 of the UDP as well as Policy PLP24 of the PDLP.

Highway issues

- 10.17 The proposals would result in some intensification of the domestic use and would result in access to the existing garage being blocked. It is appreciated that the parking area to the front of the property would not be affected by the proposed extension. However, it would be preferable for such a large extension to include parking for three vehicles and the area to the front of the dwelling could only host two vehicles. It is considered that there would be insufficient parking within the curtilage although there is capacity for on street parking for one vehicle in front of the property. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policies D2, T10 and T19 of the UDP as well as Policy PLP21 of the PDLP.

Other Matters

- 10.18 As part of the supporting information accompanying this planning application, the agent has referred to a number of extensions across the district which he believes justifies the proposed design and scale of the extension proposed at no. 10 Moor End Lane. Whilst development within the immediate vicinity would be relevant in the assessment given the direct relationship in terms of visual amenity and street scene, other extensions which are some considerable distance from the site would not form the basis of a justification to support this scheme. Each application is assessed on its own merit and assessed against relevant local and national planning policy guidance.

Representations

- 10.19 Two objections have been received from the adjacent neighbour. The concerns raised are summarised and addressed by officers as follows:-
- The size of extension proposed would be out of place within the area.
Officer Response: *This is a material consideration and has been addressed within the visual amenity section of this report. It is considered by officers that the proposed extensions would result in overly large additions to the original dwelling.*

- The extension to the side could result in a loss of privacy for the adjacent neighbours.
Officer Response: *This is a material consideration and has been addressed within the residential amenity section of this report. For the reasons set out in the main assessment, it is the view of the officers that the proposal would not result in any adverse impact upon residential amenity of surrounding occupants.*
- Potential for damage to the neighbour's property.
Officer Response: *This is not a material consideration. However, paragraph 120 of the NPPF does put the onus on the developer to ensure a safe development.*
- Insufficient parking for such a large extension.
Officer Response: *This is a material consideration and has been addressed within the highway safety section of this report. It is the view of officers that the proposal would not result in any undue harm in relation to highway safety and parking.*

Negotiations

- 10.20 This application is a resubmission of a previously refused scheme. It is considered by officers that none of the previous reasons for refusal have been addressed and the submitted supporting information does not mitigate the concern of officers. As the current submission is for a larger extension than the previously refused scheme and the applicant, through negotiations prior to this submission is aware that the proposal is unacceptable no further negotiations have been entered into during the course of this application.

11.0 CONCLUSION

- 11.1 This application to erect two storey extensions to the front, side and rear of 10 Moor End Lane 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 proposed front extension given the two storey height and use of a large gable with inappropriate design is considered to represent an incongruous feature which would be harmful in terms of visual amenity.
- 11.3 Similarly the side and rear extension is significantly larger than would be appropriate in terms of design, bulk and massing. Furthermore, the host property is located in a very prominent position on the corner of Moor End Lane and Moorside Avenue with views of the front, side and rear of the dwelling from both roads. It is considered that the proposed side extension together with the front extension would result in an incongruous feature within the street scene.
- 11.4 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.

11.5 It is recommended that the application be refused for the reasons set out at the beginning of this report.

Background Papers:

Web link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92307>+

Certificate of Ownership – Certificate A signed and dated 23 May 2017.