
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 07-Feb-2019

Subject: Planning Application 2018/93126 Erection of rear extension with store below and rear dormer window 16, Thomas Street, Heckmondwike, WF16 0NW

APPLICANT

Q Hussian

DATE VALID

25-Sep-2018

TARGET DATE

20-Nov-2018

EXTENSION EXPIRY DATE

11-Jan-2018

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: Heckmondwike

N

Ward Members consulted

RECOMMENDATION:

REFUSE

1. The proposed rear extension, by reason of its projection, would result in overshadowing and have an overbearing impact on the occupiers of 22 Thomas Street and the amenity space of the adjoining property. To permit such an extension would be contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan and Chapter 12 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 Cllr David Sheard for the following reason: *"I have visited the applicant and on balance believe circumstances justify an exception in this case. The main reason being that the applicant is a carer for his wife who has physical and non-physical medical needs that her doctors have said will only get worse, which is where the downstairs extension whilst marginal (though needed) now, will become more needed in the near future. On the ground, the terrace is really two joined terraces one of two houses and one of three with a large number of steps to the back door, but they have exceptionally long gardens. I don't feel that the extra metre would be detrimental to the neighbours to such an extent to justify refusal. I am therefore requesting that this application be referred to the planning committee on the basis that it is needed to make caring for his wife at home possible with as much dignity as can be afforded."*

- 1.2 The Chair of the Sub-Committee has confirmed that Councillor David Sheard'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 16 Thomas Street is a stone built mid terraced property. The front door of the property opens onto the back of the pavement and there is long paved yard area to the rear.

2.2 The property backs onto Walkley Lane. There are business units to the south east, Moorbank Mills on the opposite side of Thomas Street along with the entrance to Brunswick Place and similar terraces each side of the site.

3.0 PROPOSAL:

3.1 The applicant is seeking permission for the erection of a rear extension with a lower ground floor and a rear dormer.

3.2 The rear extension is proposed to project 4m from the original rear wall of the dwelling and would extend across the full width of the property. The proposal includes accommodation on the lower level and the ground floor of the property with steps up to the ground floor entrance and down to the lower entrance. The roof over the extension is proposed to be of a lean to design.

3.3 The walls of the extension are proposed to be constructed using reconstituted stone and concrete tiles for the roof covering.

3.4 The dormer would be centrally sited within the rear roof plane and would have a width of 3.4m with an eaves height of 1.7m and an overall height of 2.4m. The roof over the dormer would be pitched and the dormer would be clad with vertically hung tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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

5.1 Given the height and projection of 4m, the proposed extension will result in overshadowing and an overbearing impact on the adjoining properties. In particular, the adjoining 22 Thomas Street is a back to back property and the overbearing impact would be on their principle window. There are considered to be no mitigating factors on site to justify the harm. On this basis, the applicant was requested to submit amended plans showing a reduction in the projection of the proposed extension to 3m. No amended plans were forthcoming, however the applicant's agent has submitted a letter from the GP in support of the proposal on medical grounds.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

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

Publication Draft Local Plan:

6.3

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design

National Planning Guidance:

6.4

- Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice and neighbour notification letters. No representations were received in relation to site publicity.

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
- Conditions
- 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 These issues along with other policy considerations will be addressed below.

Visual Amenity

- 10.3 Thomas Street is characterised by a mix of residential and commercial properties with varying sizes of building and age. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 The scheme under consideration consists of two elements which shall be addressed below.
- 10.5 *Single storey rear extension:* The scale of the rear extension can be considered to be acceptable relative to the size of the host property and its associated curtilage. The materials proposed include the use of reconstituted stone which would be similar in appearance to the original dwelling. Notwithstanding this, any discrepancy in the finish would be limited to the rear of the dwelling and would have limited visual impact. The detailing can also be considered to be appropriate for a development this type. As such, the rear extension can be considered to be acceptable in terms of visual amenity.
- 10.6 *Rear dormer:* The design of the proposed dormer is considered likely to form an appropriate relationship with the host property. It is also quite likely to constitute permitted development. Taking into consideration the provisions of Schedule 2, Class B of The Town and Country Planning (General Permitted Development) Order 2015, the development would not exceed the highest part of the roof; is not to the principal elevation; the cubic content of the resulting roof space would not exceed 40 cubic metres; it does not include a veranda, balcony or raised platform; the plans indicate that the development would not involve the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The site is not within a Conservation Area.
- 10.7 Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with the aims of Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of Chapter 12 of the NPPF.

Residential Amenity

- 10.8 *Impact on 22 Thomas Street:* The extension to the rear of the host property would be positioned to the south east of the adjoining property and would have the potential to cause some overshadowing in the middle of the morning. There would also be some overbearing impact given the exaggerated height

of the extension and the 4m projection which does not accord with the aims of Policy BE14 of the UDP. The neighbouring property is a back to back dwelling, the main habitable room of which is located towards the common boundary with the proposed extension. It is considered therefore that the harm caused as a result of this overbearing and an oppressive impact on the amenity of the occupiers of No.22 Thomas Street would be significant.

- 10.9 The proposed dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenity of the occupiers of the adjoining 22 Thomas Street.
- 10.10 *Impact on 18 Thomas Street:* The extension to the rear of the host property would be positioned to the north west of No.18 and would not therefore result in any overshadowing given the orientation of the extension relative to the neighbouring property. However, the exaggerated height of the extension and the 4m projection, which is not in line with the aims of Policy BE14, would have the potential to form an overbearing and oppressive impact given the proximity to the common boundary. However, it was noted on the site visit that the neighbour's rear door is towards the common boundary with the extension which would go some way to mitigating the harm in terms of the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.11 The dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.12 Having considered the above factors, the proposals are considered to result in an unacceptable over bearing and oppressive impact together with overshadowing of the principle habitable room window of the adjoining 22 Thomas Street. The proposals therefore fails to comply with the aims of Policies D2, BE1 and BE14 of the UDP as well as PLP24 of the PDLP.

Highway issues

- 10.13 The proposals will result in some intensification of the residential use. However whilst there is no off road parking provision on site at present and the proposals do not include the provision of a such a facility, there is on street parking available on Thomas Street. As such 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 and Policy PLP22 of the PDLP.

Representations

- 10.14 None received

Other Matters

- 10.15 *Personal Circumstances:* The applicant is seeking consent for part of the rear extension to provide down stairs toileting/bathing facilities and has provided a letter from the GP which cites their justification for the request. This letter has been reviewed and is not considered to be sufficient justification on disability grounds given the nature of the resident's ailment. The Council's Accessible Homes Team have been informally consulted and they have confirmed that there is no current referral to their service and that they are not aware of the

applicant's situation. However they have commented to the effect that the internal layout of the proposal would not result in a satisfactory arrangement for their purposes.

10.16 There are no other matters for consideration.

11.0 CONCLUSION

11.1 This application to erect an extension to the rear and dormer within the rear roof plane of 16 Thomas Street 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 4m projection and height of the proposed rear extension would cause overshadowing in the morning and have an overbearing impact on the principle habitable room window of the adjoining 22 Thomas Street and on part of the amenity space of the adjoining property. There are no mitigating factors on or relating to the site which would outweigh this harm.

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.

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

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93126>

Certificate of Ownership –Certificate A signed: