

---

**Report of the Head of Development and Master Planning**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 25-Jul-2019**

**Subject: Planning Application 2019/91888 Erection of single storey extensions and enlargement of dormer window to front 3, Byron Grove, Dewsbury Moor, Dewsbury, WF13 4QZ**

**APPLICANT**

Mr & Mrs S Hussain

**DATE VALID**

05-Jun-2019

**TARGET DATE**

31-Jul-2019

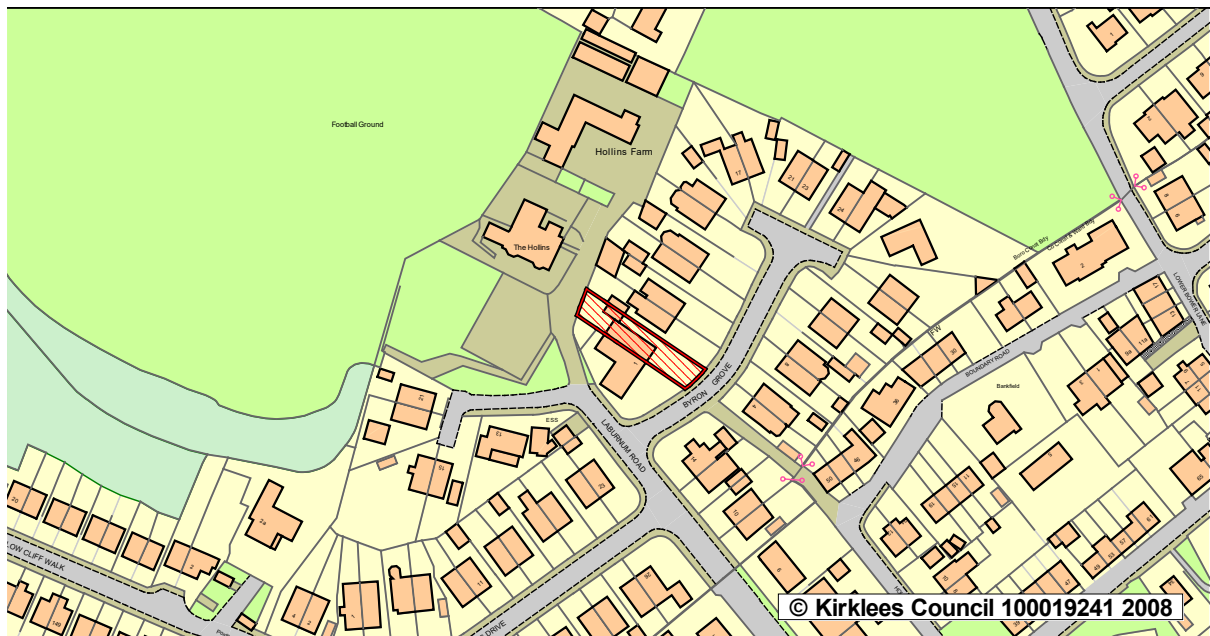
**EXTENSION EXPIRY DATE**

---

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: Heckmondwike**

Yes

Ward Members consulted  
(referred to in report)

---

**RECOMMENDATION:**

**REFUSE**

**1. The proposed side and rear extension, by reason of its projection, scale, bulk and massing would result in the formation of an incongruous feature which would be harmful to the character of the host property and the wider area. To permit such an extension, which would be harmful to visual amenity, would be contrary to Policy LP24 of the Kirklees 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 Steve Hall for the following reason:

*“Due to the size of other extensions in the area, I don’t think this extension would be out of place. I would therefore ask members of the Heavy Woollen Planning Committee to determine this application. I also think a site visit would be beneficial”.*

1.2 The Chair of Sub-Committee has confirmed that Cllr Steve Hall’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 3 Byron Grove, Dewsbury Moor, Dewsbury is a semi-detached brick built dormer bungalow with stone detailing on the front elevation. The property has an existing single storey rear extension and a garage. The property has gardens to the front and rear with a drive to the front and rear of the dwelling too.

2.2 There are similar properties to the front and sides of the dwelling with an older stone dwelling to the rear of the property.

**3.0 PROPOSAL:**

3.1 The applicant is seeking permission for a single storey side extension, a single storey side/rear extension and an extension to the front dormer.

- 3.2 The single storey side extension would be set back 3.25m from the front elevation of the property with a projection 1.25m with a depth of 4.5m. The roof is proposed to be lean to.
- 3.3 The side/rear extension would align with the existing rear extension with a width of between 2.8m and 3.6m and with a depth of 15.2m along the common boundary with 5 Byron Grove. The roof form is proposed to be pitched.
- 3.4 The walls of the extensions would be constructed using brick with tiles for the roof covering.
- 3.5 The front dormer would be increased by 1.5m in terms of its width continuing at the same height and position.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2019/90547 - erection of side extension, side/rear extension, extension to front dormer and erection of outbuilding to rear - granted
- 4.2 2007/93268 – single storey rear extension – approved

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

- 5.1 The initial submission of the previous application (2019/90547) raised concerns with respect to the projection of the side/rear extension which would have resulted in significant bulk and massing. As such, amended plans were negotiated to separate the store element into an outbuilding with a clear separation between the extension and the outbuilding which would give a visual break between the two structures, thus reducing the overall appearance of bulk and massing. These plans were approved. The applicant is now seeking consent for the original, larger scheme and is aware that the recommendation of officers for this application is for refusal on the grounds of visual amenity.

#### **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 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.

Kirklees Local Plan (2019):

#### **6.2 Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 24** - Design
- **LP 30** – Biodiversity

### 6.3 National Planning Policy Framework:

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

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

7.1 The plans have been advertised by site notice and neighbour letter.

7.2 One representation has been received and is summarised below:

- The extension is very large in proportion to the house.
- Concern regarding drainage from the roof of the extension onto the neighbours land.
- The larger extension goes right up to the neighbour's boundary.

### 8.0 **CONSULTATION RESPONSES:**

#### 8.1 **Statutory:**

None considered necessary

#### 8.2 **Non-statutory:**

None considered necessary

### 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 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 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.

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

### Visual Amenity

- 10.3 The property is sited within a residential street with similar neighbouring properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 The proposal under consideration consists of three distinct elements which shall be addressed below.
- 10.5 *Single storey side extension:* The side extension is modest in terms of its proportions and would be constructed using materials to match the main house. Given the position and size of this element, there would be minimal impact in terms of visual impact. As such, this element of the scheme can be considered to be acceptable in terms of visual amenity and was previously approved under application 2019/90547.
- 10.6 *Single storey side/rear extension:* The projection of the side/rear extension is substantial with an overall projection of over 15 metres. Such a large structure would, by reason of its bulk and massing, result in an incongruous feature. It is appreciated that the site currently hosts a detached garage which would be removed and that the host property would retain the front and rear gardens. It is also noted that the materials proposed would match the main house. However, the projection of the side/rear extension would be very large in comparison to the host building and there are insufficient mitigating factors on site to justify the proposal at this scale. As part of the previously approved scheme, 2019/90547, concern was raised by officers regarding the overall bulk and massing and as such, an amended scheme was secured during the course of that application and approved accordingly. However, this proposal is the same as the originally submitted scheme and is not considered to be acceptable in terms of visual amenity and fails to comply with policy LP24 of the Kirklees Local Plan as well as chapter 12 of the NPPF.
- 10.7 *Front dormer extension:* The dormers within the front roof plane of the dwellings are a feature of the Byron Grove. The modest extension proposed to this dormer would follow the same form and can be considered to be an appropriate addition to the property in terms of visual amenity and was previously approved under application 2019/90547.
- 10.8 Taking into account the above, although there are acceptable elements of the scheme, as established via the previous approval, the bulk and massing as a result of the projection of the proposed side/rear extension would form an incongruous feature to the host dwelling and wider area which would be unduly harmful to visual amenity. The proposal therefore fails to comply with policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

### Residential Amenity

- 10.9 There are no properties directly to the rear which would be affected by the proposed works as there is an access lane.

#### *Impact on 1 Byron Grove*

- 10.10 The front dormer and the side extension would, because of their positions, have no impact on the adjoining property and, as set out above, have previously been established as acceptable via the granting of planning permission under application reference 2019/90547.
- 10.11 The rear most sections of the side/rear extension would be set back from the shared boundary by the width of the original house and as such would have no significant impact upon the amenities of the occupiers of this adjoining property.

#### *Impact on 5 Byron Grove*

- 10.12 The scale of the front dormer extension would be limited and set up within the existing roof plane. As such, there would be no significant impact on the amenities of the occupiers of the adjacent property.
- 10.13 The side extension is a modest structure with limited proportions and the host property does occupy a lower position than the neighbouring dwelling. As such, the proposed side extension would not cause any significant impact on the amenities of the occupiers of the adjacent property, as previously established following the granting of planning approval 2019/90547.
- 10.14 The side/rear extension would, in part, replace the existing garage and this section would have minimal impact on the amenities of the neighbouring property given they have their own garage adjacent. The section to the side of the existing single storey rear would be close to the shared boundary and it is appreciated that there are windows in the side elevation of the neighbouring property. However, the extension is single storey and the host property does occupy a lower position relative to the adjacent 5 Byron Grove. As such, the impact of the side/rear extension would not be so significant in terms of the amenities of the occupiers of the adjacent property. The additional projection beyond the level of the existing garage would also be constructed along the shared boundary to the rear of the neighbour's garage. Although this would affect the garden area, given the position of the neighbour's garage, there would be no impact on the main amenity space to the rear of the neighbouring property or the dwelling itself.

#### *Impact on 4 Byron Grove*

- 10.15 Given the limited scale of both the dormer extension and the single storey side extension, there would be no impact on the amenities of the occupiers of the property on the opposite side of the road, 4 Byron Grove.
- 10.16 Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

### Highway issues

- 10.17 The proposals will result in some intensification of the domestic use. 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. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP21 of the Kirklees Local Plan.

### Representations

- 10.18 One representation has been received which expressed the following concerns which are addressed by officers as follows:-

- The extension is very large in proportion to the house.  
**Officer Response:** *This is a material consideration and the size of the extension has been addressed within the visual amenity section under paragraph 10.6; officers do have significant concern regarding the scale of the proposed side/rear extension and have recommended refusal of the application on this basis.*
- Concern regarding drainage from the roof of the extension onto the neighbours land. **Officer Response:** *The plans submitted do appear to show gutters and the front elevation of the larger extension does show a rainwater pipe. These are no however, onto third party land.*
- The larger extension goes right up to the neighbour's boundary.  
**Officer Response:** *There are no restrictive policies which can control how close a development goes to the boundary. However, officers can confirm that all of the development would be within the red line boundary of the application site.*

### Other Matters

- 10.10 *Biodiversity:* After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, should planning permission be granted, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This is considered sufficient to comply with the aims of chapter 15 of the NPPF.
- 10.11 *Justification of scale contended by the applicant:* The applicant has expressed concern regarding the gap that would be formed between the extension and outbuilding as previously approved. They feel it could potentially result in crime and anti-social behaviour and have asked for the Police Architectural Liaison Officer (PALO) to comment. Whilst Policy LP24 of the KLP and Chapter 8 of the NPPF do require the Local Planning Authority (LPA) to consider proposals in terms of crime prevention, in this instance, the proposal is a householder planning application for which the PALO would not be consulted with.

- 10.12 Whilst the applicant feels that a larger extension would remove their concerns in terms of the potential for the previously approved gap to be utilised in an anti-social way, there are alternative methods which would discourage such activity aside from the applicants preferred method, for appropriate alarm systems, security lighting and/or CCTV.
- 10.13 When weighing up all relevant material considerations, the case put forward by the applicant, in regard to crime prevention, is not considered to outweigh the concern that officers have in relation to the impact on visual amenity.
- 10.14 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 This application to erect a single storey side extension, a single storey side/rear extension and an extension to the front dormer of 3 Byron Grove 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 side/rear extension, given its significant projection, would result in the formation of an incongruous feature in the wider area given the resultant bulk and massing which is considered to be harmful in terms of visual amenity and fails to comply with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.
- 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. As set out above, 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:**

2019/91888 – current application under consideration

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91888>

*Certificate of Ownership* – Notice served on the adjoining 1 Byron Grove and the adjacent 5 Byron Grove

### **Planning History:**

2019/90547 – approved scheme for front dormer extension, side extension, side/rear extension and detached outbuilding

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90547>