
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/91766 Raising of roof to form third floor extension 1-3, Park Street, Heckmondwike, WF16 9EN

APPLICANT

A Hussain

DATE VALID

28-May-2019

TARGET DATE

23-Jul-2019

EXTENSION EXPIRY DATE

24-Oct-2019

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 extension by virtue of its scale and prominent location of the dwelling would result in a dominant development which would not appear subservient to the original building, resulting in an incongruous feature within the street scene. The proposal would not promote good design and would be unduly harmful to the visual amenity of the area, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The erection of an additional storey to nos. 1-3 Park Street would result in a building which would have an overbearing and overshadowing impact on both the outdoor amenity space and the living accommodation of occupants of nearby dwellings. As such, the proposal would fail to provide a high standard of amenity for future and neighbouring occupiers. To permit such a development, which would be unduly harmful to the residential amenity of neighbouring occupiers, would be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, due to the location of habitable room windows on the south elevation would result in an increase in overlooking due to the elevated nature of the windows above those on the rear elevation of the dwellings on Parker Road. As such, the proposal would fail to provide a high standard of amenity for future and neighbouring occupiers. To permit such a development, which would be unduly harmful to the residential amenity of neighbouring occupiers, 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 at the request of Ward Councillor Butt for the reasons outlined below:-

"I believe that the plans do not disturb the visual amenity of the area and the family's requirements outweigh anything negative in terms of its looks".

- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Butt's reason for referral to committee is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.3 The applicant has agreed to an extension of time to the determination date until 24th October 2019.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, nos.1-3 Park Street, Heckmondwike is an end terrace forming part of a row of attractive fronted dwellings on Park Street. The site forms part of a residential development on Parker Street and Park Street of closely spaced terraced properties.
- 2.2 To the side of the dwelling is a yard area which appears to be shared with other dwellings on Cemetery Road; No. 1 Park Street appears to be a later addition to this row of properties and extends further to the rear than the other terraces on Park Street.
- 2.3 There is also a small yard and garden area to the rear of the dwelling.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of an extension to form a three storey dwelling. The extension would add an additional floor over the whole of the existing footprint of the dwelling, including the rear extended element. The extension would result in an increase in height to the eaves of approximately 2.3m and 2m to the ridge.
- 3.2 The materials would be stone facing to the front elevation and to the side elevation adjoining no. 5 Park Street, other elevations would be rendered. The roofing material would be Marley concrete tiles to match the existing.
- 3.3 The application is a resubmission of a previously refused application for the same development. There are no changes to the submitted plans.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/90907 - Raising of roof to form third floor extension - Refused

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

- 5.1 None. The concerns regarding the scheme were clearly set out in the previously refused planning application referred to in paragraph 4.1 above.

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 27th February 2019).

The application site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

LP 1 - Presumption in favour of sustainable development

LP 21 - Highways safety

LP 22 - Parking

LP 24 - Design

6.3 Supplementary Planning Guidance / Documents:

None

6.4 National Planning Guidance:

Chapter 12 – Achieving well designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Seven (7) letters of representation received. Six (6) letters in support, one (1) in objection. Issues raised are summarised as follows:

- Loss of privacy from third floor windows.
- The extension will block already limited sun light.
- The applicant needs additional space because of family needs.
- Would allow family to continue to live at their home.
- Roof is too low for dormers to be fitted.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None required.

8.2 **Non-statutory:**

KC Accessible Homes Team – No recent records

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Local Plan (KLP), and as such Policy LP 1 is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 Policy LP 24 of the KLP suggests that proposals should promote good design by ensuring (amongst other things) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.3 Policy in Chapter 12 of the NPPF, suggests that local planning authorities should ensure that the issue of Design and the way a development will function are fully considered during the assessment of an application.

Urban Design issues

- 10.4 Park Street comprises of a row of terraces of traditional construction, with stone corbel detail and stone window surrounds. The roof is shallow pitched and the openings to the front elevation of these properties are well proportioned; from the site visit and a history of the site it would appear that there have been no alterations to the row of these properties in the form of any dormer or roof extensions. To the other side of Park Street is a sheltered housing development with a picket fence and small trees to the boundary. Overall the street scene, particularly the row of terraces, is not unattractive and a contributing factor to this street scene is their relative uniformity.
- 10.5 Policy LP 24 of the KLP sets out that, amongst other things, proposals should promote good design by ensuring that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details (point c).
- 10.6 In this instance, the proposed extension to form a three storey dwelling would increase the height by approximately 2.3m to the eaves and 2m to the ridge over the full footprint of nos. 1-3 Park Street. This would result in a scale of development which would not be in keeping with the surrounding properties which are all two storey dwellings.
- 10.7 It is therefore considered by officers that the proposed extension, by virtue of its scale and prominent location on the dwelling, would result in dominant development which would not appear subservient to the original building, resulting in an incongruous feature within the street scene. The proposal would not promote good design and would be unduly harmful to the visual amenity of the area, contrary to Policy LP24 (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.8 In addition to the aims of policy LP 24 of the KLP set out at paragraph 10.5 above, point c) of that policy also sets out that, in order to achieve good design, extensions should minimise impact on residential amenity of future and neighbouring occupiers.

- 10.9 In this instance, the site is bordered on three sides by other residential properties at close proximity. To the west is the adjoining dwelling no. 5 Park Street. Due to the relationship between these two properties and, as the extension would be to the roof of the building, there would be limited impact to this adjoining dwelling.
- 10.10 With regard to the dwellings to the east, nos. 129 to 133 Cemetery Road and those to the south, nos. 2-6 Parker Street the impact on residential amenity would in, some respects, remain similar to the existing situation. These dwellings are very closely spaced being only 5m and 5.5m, at the closest points, from the side and rear elevations of nos. 1-3 respectively.
- 10.11 This means that there is very little outdoor amenity space which, to some extent, is already overshadowed and overlooked by the other dwellings (including 1-3 Park Street) around this rear outdoor area which, as a result has a real sense of enclosure and little in the way of privacy.
- 10.12 However, the erection of an additional storey to nos. 1-3 Park Street would result in an overbearing structure which would exacerbate this enclosed feeling. There is also considered to be an increase in overshadowing of the rear elevation (which includes a number of habitable room windows) and outdoor space of those dwellings on Cemetery Road. Furthermore, as the proposed extension includes habitable room windows on the southern (rear) elevation there would be an increase in overlooking at close quarters due to the elevated nature of the windows above those on the rear elevation of the dwellings on Parker Street.
- 10.13 Given the above it is considered that the proposals would result in significant adverse impact on the residential amenity of neighbouring occupiers both in terms of an overbearing/overshadowing impact as well as a loss of privacy, contrary to policy LP 24 (c) of the KLP and national policy in Chapter 12 of the NPPF.

Circumstances of the applicant

- 10.14 The application would increase the number of bedrooms from 4 to 6. There has been no supporting information provided with the application as to the need for a large dwelling, however it is assumed that this is likely to be a family requirement. Whilst the provision of suitable scale homes for large families is supported this has to be weighed against any impacts on residential and visual amenity.
- 10.15 The Council's Accessible Homes Team has been consulted regarding the application but has confirmed that they hold no record of any contact by the applicants regarding a requirement for any adapted living space for members of the family.

Highway issues

- 10.16 There appears to be no current off street parking provision associated with the dwelling; there is a yard area to the side but this is not within the red line boundary shown on the application. With any new development there should be sufficient parking provision, however this can include a mixture of on and off street parking, as set out in Policy LP 22 of the KLP.

- 10.17 Given that there are no parking restrictions on and around Park Street it is considered that the additional living accommodation, which would result in a 6 bedroom property, would not adversely affect highway safety and efficiency, in accordance with Policies LP21 and LP22 of the KLP.

Representations

- 10.18 Seven (7) letters of representation received. Six (6) letters in support, one (1) in objection. Issues raised are summarised and responded to by officers below:

- Loss of privacy from third floor windows.

Officer Response: This has been addressed in the residential amenity section of this report and considered, by officers, to be unacceptable.

- The extension will block already limited sun light.

Officer Response: This has been addressed under the residential amenity section and the proposal is considered unacceptable from a residential amenity perspective.

- The applicant needs additional space because of family needs.

Officer Response: The needs of the applicant have been referred to in paragraphs 10.14-10.15 above and are not considered to outweigh the harmful impact of the development upon visual amenity residential amenity.

- Would allow family to continue to live at their home.

Officer Response: See response to the above point.

- Roof is too low for dormers to be fitted.

Officer Response: The application has been assessed on the submitted plans and information and no assessment has taken place.

Planning obligations

- 10.19 The application is below any thresholds which would trigger any obligations and there are no other agreements associated with this application.

Other Matters

- 10.20 *Procedural matter* - The application was described on the application form and the Council's application description as "Raising the roof to form 3rd floor extension" and was publicised as such.

- 10.21 In terms of accepted terminology, the extension would be to form a 2nd floor with the ground and first being below, however the development would result in a 3 storey dwelling and in this respect the description can be said to reflect the true nature of the development. This approach is also consistent with the previously submitted application, referenced 2019/91766.

- 10.22 The application has been assessed on the submitted plans which show the creation of an additional floor to the dwelling and these are the plans that are available on the Council's website. It is considered that no party has been disadvantaged by the description used and, as the application is recommended for refusal would not result in a development which may be at odds with any approval.

- 10.23 The application is a resubmission of an identical and previously refused application. There is no additional justification submitted with the current proposals. As with the previous application it is difficult to see how any amendments to the scheme could make it acceptable and as such no discussions with the applicant or agent have been entered in to.
- 10.24 *Climate Change* - Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised.

11.0 CONCLUSION

- 11.1 To conclude, as set out in the main assessment above, officers have significant concerns regarding the impact of the development on both visual and residential amenity. 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91766>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90907>

Certificate of Ownership – Certificate A signed and dated 07/03/2019.