
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jul-2021

Subject: Planning Application 2021/91940 Erection of single and two storey extensions and formation of vehicular access 40, Beckett Crescent, Dewsbury Moor, Dewsbury, WF13 3PW

APPLICANT

H R & F H Malik

DATE VALID

17-May-2021

TARGET DATE

12-Jul-2021

EXTENSION EXPIRY DATE

09-Aug-2021

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

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed extensions, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene which would not be subservient to the host dwelling and which would cause harm to visual amenity. To permit the proposed single and two-storey extensions would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

2. The proposed single and two-storey extensions and formation of vehicular access, by reason of size and level of development, would result in overdevelopment and an unacceptable level of amenity space for current and future occupiers, particularly given the proposed number of bedrooms at the property. To permit the proposed single and two-storey extensions and formation of vehicle access would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

3. The single and two-storey extensions, by reason of size and proximity to the shared boundary with the adjacent 42 Beckett Crescent, would result in an unacceptable overbearing and overshadowing impact on the amenities of the occupiers of the neighbouring property. To permit the proposed single and two-storey extensions would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Cllr O'Donovan for the following reason:

1.2 "I do not believe this development would alter the visual amenity or have an overbearing impact"

1.3 The Chair of the Sub-Committee has confirmed that Cllr O'Donovan's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 40 Beckett Crescent is a two-storey semi-detached dwelling. It is faced in red brick at ground floor level and render at first-floor level, with a hipped roof finished in tiles. There is off-street parking to the front and lawned gardens to the front, side, and rear.

- 2.2 The property is located on a residential street. The surrounding properties are similar two-storey dwellings, both semi-detached and terraced. The street scene is fairly uniform, with only modest variations in design and few additions or alterations to the properties.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for the erection of single and two-storey extensions and formation of vehicular access.
- 3.2 The extensions would be constructed over garden space to the front, side, and rear of the property. The two-storey elements would have hipped roof forms. The single storey elements would have lean-to roof forms.
- 3.3 The single-storey rear extension would project 6.0m from the original rear wall. It would have a maximum height of 3.4m and an eaves height of 2.5m. The 6.0m projection of the single-storey rear extension has been agreed through the larger home extension prior approval scheme (2020/92899).
- 3.4 The two-storey rear extension would project 3.0m from the original rear wall. It would have a maximum height of 7.4m and an eaves height of 5.2m.
- 3.5 The two-storey side extension would project 3.2m from the original side wall. It would have a maximum height of 7.4m and an eaves height of 5.2m.
- 3.6 The single-storey front extension would project 1.5m from the original front wall. It would have a maximum height of 4.1m and an eaves height of 3.1m.
- 3.7 The walls are proposed to be constructed of brick, with tiles for the roof covering.
- 3.8 The formation of vehicular access would involve creating a dropped kerb to the front of the property. This would allow access to the off-street parking area for four vehicles. The parking area would be approximately 10m wide and a minimum of 12m long.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2020/92899 - Prior notification for single storey rear extension. Not required.
- 4.2 2020/94132 - Erection of single and two storey extensions and formation of vehicular access. Refused.

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

- 5.1 The submitted plans raised significant concerns in terms of the design and scale of the proposed extensions and formation of vehicle access, together with the overdevelopment of the site and the substantial harm which would be caused to the adjacent 42 Beckett Crescent. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As there were multiple issues, these were considered too significant under this application. As such, amended plans have not been sought. However, the agent is aware of the issues with the proposal as the same plans have already been refused under 2020/94132.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).

Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 21 – Highway safety
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity
LP 51 – Protection and improvement of air quality

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Planning Guidance:

- 6.4 **Chapter 9** – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour letter giving until 29/06/2021 for interested parties to comment.
- 7.2 Two letters of support received.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received in relation to this application. Where appropriate, they are expanded upon in the appraisal section of this report.

8.1 **Statutory:**

None

8.2 **Non-statutory:**

KC Highways DM – no objections subject to conditions relating to storage and recovery of waste and areas to be surfaced and drained.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the KLP, policy LP1 of which 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. KLP policy LP2 sets out that, to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. 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. These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity

- 10.2 The property is located on a residential street. The surrounding properties are similar two-storey dwellings, both semi-detached and terraced. The street scene is fairly uniform, with only modest variations in design and few additions or alterations to the properties. Dependent upon design, scale, and detailing, it may be acceptable to extend the host property.
- 10.3 The proposed single and two-storey extensions to the front, side, and rear would more than triple the footprint of the dwelling, increasing from approximately 40.0 square metres to approximately 128.5 square metres. The two-storey extensions would be flush with the roofline of the host dwelling. The projection and bulk of the combined extensions would result in an incongruous form of development which would not be subservient to the host dwelling. Given that the street scene is fairly uniform in character, the proposed extensions are considered unacceptable in terms of visual amenity.

- 10.4 The proposed side and rear extensions and off-street parking area to the front would develop most of the amenity space of the property, with the area remaining to the rear measuring approximately 2.3m x 8.0m. Although the 6.0m projection of the single storey rear extension was agreed under a "notification for prior approval for a proposed larger home extension" application (2020/92899), the proposed development in the prior approval was as wide as the original dwellinghouse, not including the side extensions under consideration here. It is considered that the proposed development would result in overdevelopment of the site which would provide an unacceptable level of amenity for current and future occupiers, particularly given the proposed number of bedrooms at the property.
- 10.5 The formation of wider vehicle access to the front of the applicant property will involve creating a dropped kerb. It is noted that a number of properties in the surrounding area have vehicle access. Therefore, the formation of vehicular access at 40 Beckett Crescent would not look out of place within the street scene.
- 10.6 Having taken the above into account, the proposals would result in harm to the appearance of the host dwelling and would be out of character with the wider street scene. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and as the extensions would not (b) provide a high standard of amenity for future and neighbouring occupiers and/or (c) form a subservient addition to the property and would therefore not be in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

- 10.7 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.
- 10.8 *Impact on 38 Beckett Crescent:* This is the adjoining property to the south-east side of the application site. The side extension would be located on the opposite side of the adjoining property and, as such, would have no impacts. There would be no impacts from overshadowing from the front or rear extensions as the applicant property is located to the north. As there are no windows proposed for the side elevation of the front or rear extensions, it is considered that there would be no overlooking impacts. Given that the front extension would have a small scale, it is considered that there would be no overbearing impacts. It is likely that there would be overbearing impacts from the rear single and first-floor extensions, as they would increase the level of development along almost the full length of the shared boundary and they are not set off from the shared boundary. However, the impact on this neighbour has been reconsidered since the previous application (2020/94132). It is considered that the overbearing impacts on this neighbour would not be significant, given that the two-storey element would only project 3m from the original rear wall and would be designed with a hipped roof form. Therefore, it is considered that there would be no significant impacts on the amenities of 38 Beckett Crescent due to the proposed development.

- 10.9 *Impact on 42 Beckett Crescent:* This is the adjacent property to the north-west side of the application site. This property benefits from a single-storey rear extension. As there are no windows proposed for the side elevation of the front or rear extensions, and the single window in the side elevation of the side extension would be obscurely glazed, it is considered that there would be no overlooking impacts. It is considered that due to the location of the applicant property to the south, the proximity of the proposed development to the shared boundary with the neighbouring property, and the size of the proposed development, that there would be a significant overshadowing and overbearing impact. Therefore, it is considered that there would be a significant impact on the amenities of the occupiers of 42 Beckett Crescent due to the proposal.
- 10.10 *Impact on 9 and 11 Beckett Crescent:* These are the neighbouring properties to the front elevation of the application site, on the opposite side of Beckett Crescent. These are angled away from the applicant site. There would be no significant impact upon the amenities of the occupiers 9 and 11 Beckett Crescent, given the significant separation distance provided by the front gardens of the dwellings and the road between (approximately 35m post-development). Furthermore, the existing windows in the front elevation of the applicant property already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.
- 10.11 *Impact on 47 and 49 Heckmondwike Road:* These are the neighbouring properties to the rear elevation of the application site. There would be no significant impact upon the amenities of the occupiers of these properties, given the significant separation distance provided by the rear gardens of the dwellings and a public open space with grass and trees (approximately 30m post-development). Furthermore, the existing windows in the rear elevation already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.
- 10.12 Having reviewed the above, it is considered that this proposal will result in a significant overshadowing and overbearing impact on the adjacent 42 Beckett Crescent. As such, the application fails to comply with policy LP24 of the KLP and paragraph 127 (f) of the NPPF.

Impact on Highway Safety

- 10.13 KC Highways DM were consulted and had the following comments. The formation of vehicular access at the site frontage would include the works for a dropped kerb which would need to be done under a section 184 agreement. Visibility from the site is below standards. However, given the location of the dwelling, the speed of cars along this road is likely to be below the speed limit of 30mph and KC Highways DM believes the access would be safe. Therefore, on balance, the formation of vehicular access is considered acceptable.
- 10.14 The proposed extensions would result in an intensification of the domestic use (number of bedrooms increases from 3 to 7). The formation of new vehicular access allows for 4 off-street parking spaces to the front of the property. This in accordance with the Kirklees Highways Design Guide which stipulates that a dwelling with 4+ bedrooms should provide at least 3 off-street parking spaces. Highways Development Management consider that sufficient parking is provided. As such, the scheme would not represent any additional harm to highway safety and, therefore, it complies with policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

Other Matters

- 10.15 *House Extensions and Alterations SPD*: This adopted SPD has been considered in the assessment of this proposal with some material weight attached. The cumulative effect of the single and two-storey extensions to the front, side and rear and formation of vehicular access would not be in keeping with the appearance, scale, design, and local character of the area, which is fairly uniform dwellings with few additions or alterations, set within good-sized plots, with lawned gardens to the front and rear. This fails to comply with Key Design Principle 1 of the SPD and relevant policy LP24 (a) and (c).
- 10.16 The cumulative effect of the proposed extensions would dominate the host dwelling, as the proposed two-storey extensions would not be set back from the front elevation or set down from the ridgeline of the host dwelling. Furthermore, as discussed in the “impact on visual amenity” section, the proposed extensions would more than triple the footprint of the dwelling. This fails to comply with Key Design Principle 2 of the SPD and relevant policy LP24 (c) and (d).
- 10.17 The proposed extensions to the side and rear would adversely impact the amount of natural light enjoyed by the adjacent neighbour (42 Beckett Crescent), as discussed in the “impact on residential amenity” section. The proposed extensions, due to their size and proximity to the shared boundary, would overshadow the habitable rooms and conservatory to the rear of the adjacent neighbour and the garden to the rear. This fails to comply with Key Design Principle 5 and relevant policy LP24 (b).
- 10.18 The proposed extensions to the side and rear would result in an adverse overbearing impact on the adjacent neighbour (42 Beckett Crescent), as discussed in the “impact on residential amenity” section. This fails to comply with Key Design Principle 6 and relevant policy LP24 (b).
- 10.19 The cumulative effect of the single and two-storey extensions to the front, side and rear and formation of vehicular access would not retain an appropriately sized and usable private outdoor space. Over half of the garden area would be developed, with the front garden converted to hardstanding parking for 4 vehicles. To the rear, an area measuring approximately 8m x 2m would be retained, which would only be accessible through the property. This is considered inadequate for a proposed 7-bedroom property, and out-of-character with the local area in which the neighbouring dwellings benefit from good-sized gardens to the front and rear. It is, therefore, “unlikely to be acceptable”. Furthermore, although a small area of amenity space may remain to the front, this is “not considered adequate private amenity space due to the lack of overall privacy for occupants”. The proposal, therefore, fails to comply with Key Design Principle 7 and relevant policy LP24 (b) and (c).
- 10.20 In terms of the detailed guidance for rear extensions set out in the SPD, the proposed single and two-storey rear extensions would fail to maintain a back garden of reasonable size (particularly for a proposed house of 7 bedrooms); would adversely overshadow and overbear the adjacent property (42 Beckett Crescent); and would not retain a 1m gap from property boundaries. Additionally, the two-storey element, to the rear, would be within 1.5m from the property boundary and would exceed an eaves height of 3m. The proposal, therefore, fails to comply with the detailed guidance for rear extensions.

- 10.21 In terms of the detailed guidance for side extensions set out in the SPD, the proposed two-storey side extension would affect the natural light to the habitable rooms of the neighbouring property and, as set out previously; would take up all the space to the side of the applicant property; would not maintain a 1m gap to the side boundary; and would not be set back 0.5m from the front elevation or set down from the ridgeline of the original dwelling. The proposal, therefore, fails to comply with the detailed guidance for side extensions.
- 10.22 The guidance and additional details on KLP policies set out in the House Extensions and Alterations SPD are based on the principle of 'comply or justify'. The proposal under consideration departs from the guidance set out in the SPD and no justification has been provided. It is acknowledged that this planning application was submitted prior to the adoption of the SPD however, now that it has been adopted, it is a material consideration in the determination of this application and adds additional weight to the recommendation for refusal.
- 10.23 *Biodiversity*: The site is located within a bat alert layer. Based on the site photos, the building appeared to be well sealed, and no evidence of bat roosts or bat roost potential was found. This accords with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.24 *Carbon Budget*: The proposal is a domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
- 10.25 There are no other matters for consideration.

Representations

- 10.26 Two letters of support received from neighbouring residents which stated that the proposal would not result in the loss of light or amenity space and would provide off-street parking. The letters also stated that "there are many similar extensions already built" in the street and surrounding area.

11.0 CONCLUSION

- 11.1 This application to erect single and two storey extensions and formation of vehicular access at 40 Beckett Crescent, Dewsbury Moor, Dewsbury, has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.
- 11.2 The proposed extensions, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene which would not be subservient to the host dwelling and which would cause harm to visual amenity. To permit the proposed single and two-storey extensions would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

- 11.3 The proposed single and two-storey extensions and formation of vehicular access, by reason of size and level of development, would result in overdevelopment and an unacceptable level of amenity space for current and future occupiers, particularly given the proposed number of bedrooms at the property. To permit the proposed single and two-storey extensions and formation of vehicle access would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.
- 11.4 The single and two-storey extensions, by reason of size and proximity to the shared boundary with the adjacent 42 Beckett Crescent, would result in an unacceptable overbearing and overshadowing impact on the amenities of the occupiers of the neighbouring property. To permit the proposed single and two-storey extensions would be contrary to Policy LP24 of the Kirklees Local Plan, the House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.
- 11.5 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 considerations.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91940>

Certificate of Ownership –Certificate B signed (notice served on Kirklees Council due to proposed formation of vehicle access).