
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Oct-2021

Subject: Planning Application 2021/92608 Erection of front porch, single storey rear and first floor side extensions 416, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9EN

APPLICANT

M Altaf

DATE VALID

25-Jun-2021

TARGET DATE

20-Aug-2021

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 South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed first floor side extension, by reason of its design and scale, would result in the formation of an incongruous feature within the street scene because it would dominate the host dwelling and would therefore cause subsequent harm to visual amenity. To permit the proposed first floor extension would be contrary to Policy LP24 of the Kirklees Local Plan, Key Principals 1 and 2 of the House Extensions and Alterations Supplementary Planning Document, and advice within Chapter 12 of the National Planning Policy Framework which sets out, at paragraph 130, that planning decisions should “add to the overall quality of the area”.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Cllr Masood Ahmed for the following reasons:

1.2 *“There are many identical double storey side extensions already approved along Lees Hall Road and Ouzelwell Lane, Ouzelwell Crescent, Thornhill Lees, Dewsbury etc which do not have a set back at first floor level. The SPD has been recently updated but should have reflected what has already been approved along the same street and area in general. There has to be consistency in the application of the new SPD in view of the historically approved and built extensions generally in the area and the same street. The objective of the 0.5m set back in the SPD is to eliminate a terracing affect, this is not possible at [416 Lees Hall Road](#) as we have no neighbours. The side extension does not need to be subservient to the host dwelling as the SPD is not applicable to this application. No terracing affect”.*

1.3 The Chair of the Sub-Committee has confirmed that Cllr Ahmed’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:

2.1 416 Lees Hall Road is a two-storey, semi-detached dwelling. The external walls are faced in red brick with a hipped roof finished in tiles. The property is accessible via an unadopted highway and there is off-street parking to the front of the dwelling. The property has had a single storey side extension and conservatory approved and erected under application 2001/91599.

2.2 The property is located on a residential street with other properties of a variety of ages, designs and sizes. The property is set back significantly from Lees Hall Road. Due to the orientation of this building, the rear of the property faces Lees Hall Road. The application site it on a corner plot and therefore the property is prominent, being visible from Forge Lane too.

3.0 PROPOSAL:

3.1 The applicant is seeking planning permission for the erection of a front porch, single storey rear and first floor side extension.

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. The materials used would all match the existing dwelling.

3.3 The front porch would project 1.5 metres out the existing front elevation with a width of 4.4 metres. It would have a lean-to roof with a maximum height of 3.6 metres. There would be a door and two adjacent windows proposed in the front elevation.

3.4 The proposed single storey rear extension would replace the existing conservatory and would project 3 metres out from the rear elevation. It would be 8.7 metres wide to align with the existing single storey side extension. It would have a lean-to roof with a maximum height of 3.5 metres. The proposed extension would serve a lounge and WC and would have bi-folding doors, and an additional door and window on the rear elevation.

3.5 The first-floor side extension would project 5.5 metres out from the side elevation of the existing dwelling, to align with the existing single storey side projection. It would follow the same roof ridge and sit flush with the front elevation of the existing dwelling. There would be a window proposed in the front, rear and side elevation of the proposed first floor extension.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2001/91599 Erection of garage extension and extension to existing conservatory - Conditional full permission.

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

5.1 Officers had concerns regarding the lack of subservience of the proposed side extension and the impact this would have on the unbalancing of the semi-detached property. Amended plans were requested for the proposed side extension to be set back 0.5 metres, to reduce the roof height and to ensure the proposal complies with the adopted House Extensions and Alterations SPD and policy LP24 of the Kirklees Local Plan. Amended plans were not received. An adequate justification for lack of compliance with the SPD was not provided either.

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).

Kirklees Local Plan (2019):

- 6.2 **LP1** – Achieving sustainable development
LP2 – Place shaping
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.3 On the 29th June 2021, Kirklees Council adopted its supplementary planning document on house extensions and alterations. This document indicates how the Council will interpret its policies regarding such built development, with the advice aligning with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. The SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and alterations and carries full weight as part of the decision-making process.

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour letter. Final publicity expired 16/08/2021.
- 7.2 No representations were received.
- 7.3 Ward Councillor Masood Ahmed has commented on the scheme and requested that the application be decided by the Heavy Woollen Planning Sub-Committee for the reasons outlined at paragraph 1.2 of this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

KC Strategic Waste – no objections.

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 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 In addition to the above, Kirklees has adopted a House Extension and Alterations Supplementary Planning Document (SPD). High quality house extensions and alterations can, amongst other things, enhance the appearance of an area (paragraph 1.1 of the SPD) and as such, a number of 'principles' are set out in regard to specific types of extensions and alterations. For example, Principle 2 sets out that extensions should not dominate or be larger than the original house and, so as to achieve this, in the case of first floor side extensions, they should be "set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house (paragraph 5.22 of the SPD).
- 10.3 These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity

- 10.4 The property is located on a residential street with other two-storey properties of a variety of ages, designs and size. The property is set back from Lees Hall Road and there is minimal boundary treatment. Due to the orientation of the property, the rear faces Lees Hall Road. The application site is on a corner plot and is also visible from Forge Lane.

- 10.5 The proposed front extension would be relatively small in scale and given the orientation of the host dwelling, it would not be visible from the street scene. It is also noted that the adjoining property has a front porch erected. Therefore, this element of the proposals is considered acceptable and would not result in significant harm to the visual amenity of the host dwelling or wider street scene.
- 10.6 The proposed rear extension would replace an existing conservatory. It would be 8.7 metres wide which would be wider than the existing dwelling and would have a negative impact on the subservience. However, on balance, this is considered acceptable in this instance as it would have an appropriate projection of 3 metres and would be single storey.
- 10.7 The proposed side extension would be 5.5 metres wide, almost doubling the width of the existing dwelling which measures 6.3 metres. Furthermore, it has been designed following the same roof ridge height and the front and rear elevations would also sit flush with the existing dwelling (all features that do not comply with the Council's adopted SPD, outlined at paragraph 10.2 above). Therefore, it is considered that the proposed first floor extension would not appear subservient to the host dwelling as the existing dwelling would not remain the dominant feature following development. The property is a semi-detached dwelling and so the proposed extension would create unacceptable bulk to the host dwelling and would unbalance the neighbouring property.
- 10.8 To further reiterate, the House Extension and Alterations SPD outlines that first-floor side extensions should be visually smaller in relation to the original house and be set back 500mm (0.5 metres) from the front elevation to create a vertical break from the roof plane and to lower the ridgeline from the original dwellinghouse. Due to the orientation of this dwelling a projection from the rear may be acceptable but the set down roof ridge is considered a vital design feature in order to maintain the subservience of the proposed first floor extension.
- 10.9 Although it is acknowledged that the proposed dwelling and subsequent extension would be set back from the street, the property would still be visible due to the lack of boundary treatment and the expanse of hardstanding. As the application site is a corner plot, the proposed extension would also be visible from Forge Lane and the adjacent roundabout, therefore appearing prominent within the wider streetscene. Taking this into account, it is considered by officers that the proposed first floor extension would cause unacceptable harm to the visual amenity of the wider street scene, contrary to policy LP24 of the KLP, the principles of the adopted SPD as well as chapter 12 of the NPPF which sets out, at paragraph 130, that planning decisions should "add to the overall quality of the area.
- 10.10 It is acknowledged that the existing side extensions and conservatory have been approved under application 2001/91599. The cumulative impact of the existing extensions and the proposed extensions must be taken into consideration and they would more than double the floorspace of the original dwelling. The original dwelling is approximately 106m² and the floor space of the dwelling with the existing and proposed extensions would be 230m². This is considered an unacceptable cumulative impact to the existing dwelling when taking into account the design of the first floor extension in particular.

- 10.11 Having taken the above into account, it is considered the proposed first floor extension would cause significant harm to the visual amenity of the host dwelling and the wider street scene, failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, Principles 1 & 2 of the adopted House Extension and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

- 10.12 The application site is located due east of the neighbouring property and the proposed rear and front extensions would both be set in from the boundary shared with 414 Lees Hall Road. The proposed single storey rear extension would have similar relationship with the neighbouring property as the existing conservatory and there would be no openings proposed in the side elevation.
- 10.13 The proposed first floor side extension would be on the opposite side of the host dwelling to the neighbouring property and therefore would remain a significant distance from the neighbouring property to ensure no additional harm would be caused to the amenity of the occupants of the neighbouring property.
- 10.14 There are no neighbouring properties to the north, west or southern boundary's of the application site.
- 10.15 Taking the above into consideration, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework. However, this is not considered to outweigh the significant concern in regard to visual amenity.

Impact on Highway Safety

- 10.16 As part of the extensions would serve an additional two bedrooms it is, considered to result in the intensification of the domestic use of the dwelling when taking into account Policy LP22 of the KLP as well as the adopted Highways Design Guide SPD. In this instance, the existing garage would remain and there is adequate off-street parking to the front of the dwelling to serve the dwelling as extended. Therefore, the existing parking provision is acceptable. Furthermore it is considered that any on-street parking on the unadopted highway would not cause any significant harm to highway safety or efficiency. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other matters

- 10.17 *Historic Landfill Site* – Kirklees Council Strategic Waste were consulted as the application site is within 250 metres of a historic landfill site. Very low levels of methane and carbon dioxide were recorded during the last landfill gas monitoring. However, given the distance between the site and generation source and the lack of built environment between the application site and former tip, a precautionary footnote is recommended to be added to the decision notice. The proposal therefore complies with LP53 of the Kirklees Local Plan.

Representations

- 10.18 No public representation was received during the course of the application.
- 10.19 The comments received from Ward Councillor Ahmed have been carefully considered. In response, the House Extension and Alterations SPD is now adopted and carries full weight in the decision-making process. The purpose of the SPD is to help to achieve good design and to provide some consistency in decision-making. It is acknowledged that there have been other properties extended in the wider vicinity however, as set out, officers accept the principle of extending however, the basic principle of ensuring that the original building remains the dominant feature is recommended to be followed. Amendments have been sought to help to ensure that the original building remains the dominant feature but, as outlined above, none have been forthcoming.

11.0 CONCLUSION

- 11.1 This application to erect single and first floor extensions at 416 Lees Hall Road, Thornhill Lees, 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 first floor side extension, by reason of its design and scale, would result in the formation of an incongruous feature within the street scene because it would dominate the host dwelling and would therefore cause subsequent harm to visual amenity. To permit the proposed first floor extension would be contrary to Policy LP24 of the Kirklees Local Plan, Key Principals 1 and 2 of the House Extensions and Alterations Supplementary Planning Document, and advice within Chapter 12 of the National Planning Policy Framework which sets out, at paragraph 130, that planning decisions should “add to the overall quality of the area”.

Background Papers:

Application weblink:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92608>

Certificate of Ownership – Certificate A signed.