
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

Subject: Planning Application 2022/90501 Erection extensions and alterations to two dwellings 74-76, Pilgrim Crescent, Dewsbury Moor, Dewsbury, WF13 3NL

APPLICANT

T & S Khan

DATE VALID

14-Feb-2022

TARGET DATE

11-Apr-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSAL

1. The proposed first floor side extension, 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 main house. To permit the proposed first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

2. The proposed first floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Darren O'Donovan. His reasons are as follows:

1.2 *"I would like the application to go to committee as I would like members to consider whether the design would be so incongruous as there are other extensions in the wider area and whether the first-floor side extension is really so harmful to the neighbouring property, 20 Pilgrim Avenue"*

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 74 & 76 Pilgrim Crescent are brick built properties, at the end of a terraced row. 74 Pilgrim Crescent has a single storey garage attached to the side. There is a canopy to the front and a single storey extension across the rear of both of the dwellings. There is a large, shared parking area to the front and a shared enclosed yard area to the rear.

2.2 The properties are located on a street with properties of a similar age and style with hipped roof forms.

3.0 PROPOSAL:

3.1 The application seeks planning permission for a first-floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent.

- 3.2 The first floor side extension is to be built over the existing garage to the side of 74 Pilgrim Crescent with a 1m set in from the existing side wall and would have a pitched roof form. The plans also show the hipped roof over the main house (74) being altered from a hip to a gable.
- 3.3 The rear extension would project 3m from the original rear wall and would be positioned over the existing ground floor extensions to the rear of both properties. The roof forms would be hipped.
- 3.4 The walls are proposed to be constructed using brick with tiles for the roof covering.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/91400 - first floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent – Refused by Heavy Woollen Planning Sub-Committee 10th June 2021 for the following reasons:
 - 1. The proposed first-floor side extension, 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 main house. To permit the proposed first-floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
 - 2. The first-floor rear extension, by reason of the roof design, would result in the formation of an incongruous feature within the street scene, which would not be subservient to the main house. To permit the proposed first-floor rear extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
 - 3. The proposed first-floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first-floor side extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 4.2 2021/90470 - first floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent - Refused
- 4.3 2007/91355 - erection of single storey extension to front, side and rear of 74 - Refused
- 4.4 2007/93219 - erection of single storey extension to front, side and rear of 74 - Refused
- 4.5 2007/94637 - erection of single storey extension – Approved

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

- 5.1 The submitted plans raised significant concerns in terms of design and scale of both the first floor side and rear extension together with the substantial harm which would be caused to the amenity of the occupants of the adjacent 20 Pilgrim Avenue. 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. However, the agent is aware of the issues with the proposal as two very similar schemes have already been refused under applications 2021/90470 & 2021/91400.

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

Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 22 – Parking
LP 24 - Design
LP 30 – Biodiversity

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. 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 (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. 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 12 – Achieving well-designed places
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 30/03/2022 for interested parties to comment. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

None

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 the House Extension SPD and 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 Planning permission has been refused by Heavy Woollen Planning Sub-Committee for a similar scheme in June 2021. The 2021 application was refused on the grounds that the side extension would introduce an incongruous feature in the street scene and would have an overbearing/oppressive impact on the neighbouring property at 20 Pilgrim Avenue. The application was also refused on the grounds that the rear extension would introduce an incongruous feature due to its roof design. The current proposal has made minor alterations to the roof design on the rear extension with the use of two hipped roof forms and the width of the side extension which has been reduced by 1m. The amended proposal will be fully assessed with regards to visual and residential amenity in the report below.

Impact on Visual Amenity

10.3 The dwellings are located on a residential street with other properties of a similar age and some of the houses have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property. The proposal under consideration consists of two distinct elements which shall be addressed below.

- 10.4 *First floor side extension with hip to gable enlargement:* Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.
- 10.5 The first-floor side extension does include a set down for the roof. However, with the use of a pitched roof and the proposed width, this would not form a subservient addition to the property. Furthermore, the property is located in an area which is characterised by the hipped roof forms. The use of a gable would appear out of character with the wider area and it is not considered that the previous reason for refusal has been addressed. As such, despite the use of matching materials, the proposed side extension is not considered to be acceptable in terms of visual amenity.
- 10.6 *First floor rear extension:* Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.
- 10.7 Although the rear extension would not increase the footprint, the design will result in a substantial development to the rear of both properties. However, with the use of appropriate materials and the hipped roof designs proposed, the design and scale at the rear is acceptable. The first floor rear extension is therefore considered to be acceptable in terms of visual amenity.
- 10.8 Having taken the above into account, whilst the design of the rear extension has been altered to an acceptable design and the previous reason for refusal has been addressed. However, the proposed side extension would cause significant harm to the visual amenity of the host dwellings and the wider street scene with the previous reason for refusal not being appropriately addressed. The proposal therefore fails 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 not form a subservient addition to the property in keeping with the existing building, KDP1 & KDP2 of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

- 10.9 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.
- 10.10 *Impact on 18 & 20 Pilgrim Drive:* The properties to the rear are situated some 24m from the host properties. Given the separation between the host properties and the neighbouring dwellings to the rear, the proposed first floor extensions to the side and rear of 74 & 76 Pilgrim Crescent would cause no harm to the amenities of the occupiers of the neighbouring 18 & 20 Pilgrim Drive.

- 10.11 *Impact on 18 & 20 Pilgrim Avenue:* The neighbours adjacent to the northwest side occupy a very intimate position relative to the host property with less than 8m between the rear elevation of 20 Pilgrim Avenue and the new first floor side extension proposed. Furthermore, there is a land level difference, with the host property occupying an elevated position, which would further exacerbate the overbearing and oppressive impact, in particular on the amenities of the occupiers of the neighbouring 20 Pilgrim Avenue. There would be some impact on the amenities of the neighbouring 18 Pilgrim Avenue although to a lesser extent given the lack of direct alignment and the angling between the properties. Whilst this application has a modest 1m reduction in the width of the first-floor side extension from the previously refused scheme, this is still a very close relationship. The proposed first floor extension with the width proposed and the use of a gabled roof form would result in an unacceptable overbearing and oppressive impact so close to the rear windows and modest amenity space of the neighbouring 20 Pilgrim Avenue.
- 10.12 *Impact on 103 & 105 Pilgrim Crescent:* The 22m separation between the host properties and the neighbours on the opposite side of the road is sufficient to ensure that there would be no undue impact on the amenities of the occupiers of the neighbouring 103 or 105 Pilgrim Crescent.
- 10.13 *Impact on 78 Pilgrim Crescent:* The rear extension would be constructed along the shared boundary with the adjoining and as such would have the potential to result in an overbearing and oppressive impact. However, the projection is limited to 3m which is generally considered to be acceptable and with the use of a hipped roof form taking the vertical emphasis up and away from the neighbour, the impacts on the adjoining 78 Pilgrim Crescent would not be significant.
- 10.14 Having considered the above factors, the very close proximity of the first floor side extension to the neighbouring 20 Pilgrim Avenue would result in a significant overbearing and oppressive impact which is unacceptable. Despite the 1m reduction, due to the relationship that these properties have, it is therefore considered that the previous reason for refusal has not been sufficiently addressed. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extension SPD and Paragraph 127 (f) of the National Planning Policy Framework.

Impact on Highway Safety

- 10.15 The proposals will result in some intensification of the domestic use. However, the parking area to the front of the dwellings would not be affected by the proposed extensions and is considered to represent a sufficient provision. As such 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

- 10.16 *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, 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.
- 10.17 *Carbon Budget*: The proposal is a small scale, 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.
- 10.18 There are no other matters for consideration.

Representations

- 10.19 None received

11.0 CONCLUSION

- 11.1 This application to erect a first floor side extension, hip to gable enlargement and first floor rear extension to both 74 & 76 Pilgrim Crescent 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 first floor side extension, 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 main house. To permit the proposed first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 11.3 The proposed first floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 11.4 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. 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.

Background Papers:

Application and history files.

Current proposals

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90501>

Certificate of Ownership –Certificate A signed.

Previous refusal – committee decision

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91400>

Previous refusal – officer delegated decision

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90470>