
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Aug-2022

Subject: Planning Application 2022/90257 Erection of single storey front and two storey side and rear extensions 48, Northstead, Ravensthorpe, Dewsbury, WF13 3DX

APPLICANT

M Khan

DATE VALID

28-Feb-2022

TARGET DATE

25-Apr-2022

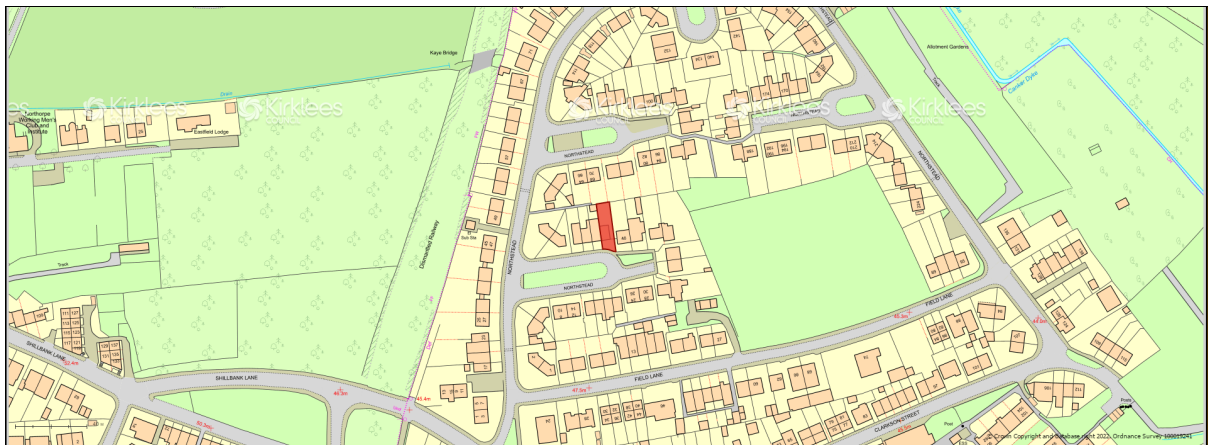
EXTENSION EXPIRY DATE

09-Aug-2022

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[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:

REFUSE

1. The proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent dwelling together with the spatial relationship between the properties would result in an overbearing impact and overshadowing in the later afternoon and evening on the amenity space and windows of the adjacent 46 Northstead. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extensions & Alterations Supplementary Planning Document 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 Councillor, Darren O'Donovan for the reasons outlined below.

“I'd like to call this application to the committee please as I do not feel this will have an overbearing impact on the visual amenity.”

1.2 The Chair of the Sub-Committee has confirmed that Councillor O'Donovan's reason 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 48 Northstead is a brick built, end terraced property. The dwelling has a garden to the front, a path along the side and a larger enclosed garden to the rear.

2.2 The host property is located on a residential street with properties of a similar age, many of which have been extended and altered.

3.0 PROPOSAL:

3.1 The application seeks planning permission for a single storey front extension, two storey side extension and two storey rear extension.

3.2 The front extension would have a projection of 1.5m extending across the front elevation and the front of the proposed side extension. The roof form proposed would be lean to.

- 3.3 The side extension would be set back 0.4m at first floor with a projection of 1.65m from the original side wall of the dwelling, extending the remaining depth of the property. The roof form of the side extension would be a set down pitch.
- 3.4 The rear extension is proposed to project 3m from the original rear wall of the dwelling and would extend across the width of the dwelling including to the rear of the proposed side extension. The roof form would be a perpendicular pitch.
- 3.5 The walls of the front, side and rear extensions would be constructed using brick with tiles for the roof over the side extension.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/93004 - erection of front dormer, two storey side, two storey rear and rear dormer – refused
 - 1. The proposed side extension, by reason of its scale, infilling the space to the side of the property would erode the sense of space within the wider area. To permit the side extension would be contrary to Policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP 2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
 - 2. The proposed rear extension, by reason of its projection and poor quality flat roof design, would have a harmful effect on the character of the host property. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan in terms of its scale, form and layout, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
 - 3. The proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent property together with the spatial relationship between the properties would result in an overbearing impact and overshadowing in the later afternoon and evening on the amenity space and windows of the adjacent 46 Northstead. To permit the side and rear extension would be contrary to Policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principles 5 & 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.
 - 4. The proposed rear extension, by reason of its projection along the shared boundary with the adjoining dwelling would result in an overbearing impact and overshadowing in the morning of the first floor windows. To permit the side and rear extension would be contrary to Policy LP24 of the Kirklees Local Plan in terms of the amenities of the neighbouring property, Key Design Principles 5 & 6 of the House Extension SPD and paragraph 130 (f) of the National Planning Policy Framework.
 - 5. The proposed extensions would generate a requirement for off road parking for which provision has not been demonstrated. To permit the extensions would be contrary to Policy LP22 of the Kirklees Local Plan, Key Design Principle 15 of the House Extension SPD and advice within the National Planning Policy Framework.

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

- 5.1 The submitted plans raised significant concerns in terms of the initially proposed flat roof form and the scheme not overcoming reason 3 from the previous refusal. 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. The agent did amend the roof form to the rear which overcame the concerns in terms of the design. No amended plans were received however to address reason 3 of the previous refused scheme.

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 site is unallocated in 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 53 – Contaminated land

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 07/04/2022 for interested parties to comment. No response has 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 was refused last year for a similar application under application 2021/93004. Given there have been alterations to what was previously refused, with the reduction and redesign of the rear extension, the removal of the dormers and the introduction of a single storey front extension, the scheme shall be assessed in full.

Impact on Visual Amenity

- 10.3 The host property is located on Northstead which has residential properties of a similar age although there have been a variety of extensions and alterations erected. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.5 The proposal under consideration consists of three distinct elements which shall be addressed below.

- 10.6 *Single storey front extension:* Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are: designed to limit the potential for them to erode the character; be small and subservient to the main house; and constructed using appropriate materials. The scale of the front extension is considered to be modest and subservient to the main house. The materials proposed include the use of brick for the walling and tiles for the roof covering which would match the main house. Furthermore, there are other front extensions in the vicinity and as such, the front extension would not be out of character with the wider area. The front extension is therefore considered to be acceptable in terms of visual amenity.
- 10.7 *Two storey side extension:* Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side extension. They require that the development proposed 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. The two-storey side extension would be set back from the front of the dwelling and the roof would correspondingly be set down from the level of the main roof. However, this would fill the land to the side of the dwelling with no separation to the boundary. The space between buildings is an important part of the character of an area and allowing extensions which fill this area would erode the character. As per the previous refusal, the side extension would fail to meet the criteria of the House Extension SPD, KDP1 and point 5.22 which states that side extensions should retain a gap of at least 1m to the boundary to avoid a terracing effect and retain access to gardens. However, since the previous refusal, Kirklees have had appeal decisions where the Inspectors have cited the planning history for the immediate building group can form mitigation. As the adjacent 46 Northstead have a live permission granted under 2020/93784 for a similar side extension, it is considered to be unreasonable to refuse the side element on this ground as the neighbours approval does provide sufficient mitigation.
- 10.8 *Two storey 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. The extension is proposed to have a projection of 3m from the original rear wall and would be constructed using matching materials. There are other such extensions within Northstead and as such this would not be out of character with the wider area. The rear extension is therefore considered to be acceptable in terms of visual amenity.
- 10.9 Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying 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, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

- 10.10 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.
- 10.11 *Impact on 46 Northstead:* The front extension would be limited in terms of its projection and as such would have no significant impact on the amenities of the occupiers of the adjacent property. The side extension would reduce the space between the host property and the adjacent property. As the side and rear extension would result in substantial massing along the shared boundary and the neighbouring property does occupy a position closer to the road, the side and rear extension would align with the neighbour's rear amenity space. Due to these factors, the extension would result in an overbearing and oppressive impact on the adjacent neighbour. Furthermore, given the position of the extension to the west of the neighbour, there would be overshadowing in the later afternoon and evening. With regards to the impact on the adjacent 46 Northstead, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are unacceptable.
- 10.12 *Impact on 50 Northstead:* The proposed front extension would have a very limited projection and as such would have no significant impact on the amenities of the occupiers of the adjoining property. The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining dwelling. The rear extension would be constructed along the common boundary with the adjoining property and would have the potential to result in an overbearing and oppressive impact as well as overshadowing in the morning given the position of the extension to the east of the neighbour. However, the adjoining neighbour does have their own single storey extension to the rear which would mitigate much of the impact. Furthermore, the projection of the first floor is limited to 3m which would have a limited effect on the windows of the adjoining property. With regards to the impact on the adjoining 50 Northstead, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be justifiable.
- 10.13 *Impact on 24 & 26 Northstead:* Given the substantial separation between the host property and the neighbours on the opposite side of the road of approx. 32m, the proposed front extension and side extension would have no impact on the amenities of the occupiers of the neighbouring properties on the opposite side of the road. With regards to the impact on the neighbouring 24 & 26 Northstead, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

- 10.14 *Impact on 72 & 74 Northstead:* There is approx. 24m between the host property and the neighbouring properties to the rear. Given the substantial separation, the proposed rear extension would have no significant effect upon the amenities of the occupiers of the neighbouring properties to the rear. With regards to the impact on the neighbouring 72 & 74 Northstead, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.
- 10.15 *Conclusion:* Having considered the above factors, the proposals would result in a significant adverse impact upon the residential amenity of the adjacent 46 Northstead thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 5 & 6 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on Highway Safety

- 10.16 The proposals will result in some intensification of the domestic use, and it is noted that there is no off-street parking. However, the increase in accommodation over and above the existing would equate to a single additional bedroom. As such, whilst not ideal, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extension SPD.

Other Matters

- 10.17 *Contaminated Land:* The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.
- 10.18 *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.

- 10.19 There are no other matters for consideration.

Representations

- 10.20 None received

11.0 CONCLUSION

- 11.1 This application to erect a single storey extension to the front, two storey side extension and two storey rear extension for 48 Northstead has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.
- 11.2 The proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent dwelling together with the spatial relationship between the properties would result in an overbearing impact and overshadowing in the later afternoon and evening on the amenity space and windows of the adjacent 46 Northstead. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within 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. 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 The application is recommended to be refused for the reasons set out at the beginning of this report.

Background Papers:

Current application

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90257>

Previous refusal

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/93004>

Certificate of Ownership –Certificate A signed and dated.