
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Aug-2022

Subject: Planning Application 2022/91228 Erection of first floor extensions and alterations to form first floor accommodation 1, Penn Drive, Hightown, Liversedge, WF15 8DB

APPLICANT

Mr R Jagger

DATE VALID

07-Apr-2022

TARGET DATE

02-Jun-2022

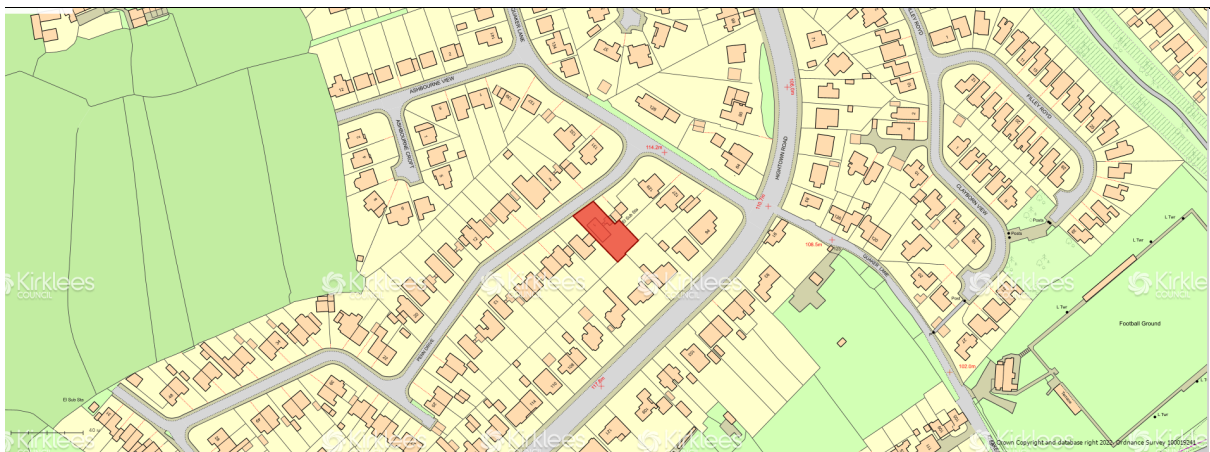
EXTENSION EXPIRY DATE

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: Cleckheaton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Councillor Kath Pinnock for the reasons outlined below.

"I would like the decision on this new planning application for extensions to 1 Penn Drive to be determined by planning committee as the original application for a very similar plan was refused by committee and that decision was upheld on appeal. The main issue set out by the Planning Inspector was "the effect of the development on the character and appearance of the existing building and its locality." The issue has not been properly addressed by the latest application as the only change has been to address the eaves level. The remaining issues of ridge height and a considerable massing effect have not been addressed."

1.2 The Chair of the Sub-Committee has confirmed that Councillor Kath Pinnock'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 1 Penn Drive is a brick built detached bungalow with a lawned garden to the front and a driveway and an attached garage to the side. To the rear of the bungalow is a spacious garden enclosed by mature vegetation.

2.2 Penn Drive is residential in nature, characterised by detached and semi-detached bungalows of various designs and materials. A few of the properties appear to have been extended. All bungalows on Penn Drive have a relatively large lawned garden to the front, which is an important element to the prevailing character, as well as the local street-scene.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the erection of extensions and alterations to from first-floor accommodation.

- 3.2 The ridge of the existing house would be elevated from 4.8m to 6.0m, whilst the width would be increased from 6.8m to 7.8m with the eaves being retained at the existing level. In addition, the existing flat roof garage would be demolished and replaced by a dual pitched roof side extension.
- 3.3 The facing and roofing materials would be the same as existing. The first floor of the enlarged house would comprise two bedrooms, a home office, and a gaming room. There would be two extra windows in the front and rear elevations and one in the side elevation. Part of the front garden would be surfaced to provide additional car parking spaces.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2021/90302 - Erection of first floor extensions and alterations to form first floor accommodation - Refused at 14th April 2021 Heavy Woollen Sub-Committee and dismissed at appeal. The reason is as follows:

The development by reason of its scale and siting would fail to establish a subservient relationship with the host building and would, as a result, have significant adverse impacts on the overall appearance of the main house and those surrounding it, as well as the street-scene of Penn Drive. To permit the development in its current form would be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

- 4.2 2020/20461 – Pre-application for first floor extensions and other alterations to an existing bungalow (1, Penn Drive) - the response indicated that proposals 1 and 2 could be supported as they would achieve a satisfactory spatial relationship with the surrounding buildings which would preserve the prevailing character of the area and street scene, minimise the potential impact on the living conditions of neighbour occupants and raised not concerns in terms of highway safety.
- 4.3 2006/95135 – Erection of extensions (4, Penn Drive) – Approved

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

- 5.1 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. In this instance, no negotiations were considered necessary.
- 5.2 The agent has however supplied a street scene plan showing the existing and proposed relative to the neighbouring properties 3 & 5 Penn Drive.

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

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour letter giving until 18th May 2022 for interested parties to comment. Seven representations have been received. The issues raised are summarised below:

- There would be extensive noise and disruption from construction works.
- The extensions would be massive and out of proportion to the street scene.
- The proposal would not comply with the House Extensions and Alterations Supplementary Planning Document (SPD).
- This development, if permitted, would result in the loss of a bungalow, and would therefore affect the housing mix of this neighbourhood.
- The privacy of the neighbouring occupiers would be prejudiced by the extensions.
- This development would make it more difficult for elderly people and disabled people to find appropriate accessible homes.

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 and dismissed at appeal under 2021/90302 for first floor extensions and alterations to form first floor accommodation. The current application seeks consent for a modified proposal which shall be fully assessed below.

Visual amenity

- 10.3 The property is located within a residential area with similar properties in terms of age although there are some variances in terms of style. 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 increase in the overall height of the building would be comparable with the range of building heights along Penn Drive and the nearby neighbouring development at the junction with Quaker Lane. These building types vary between grouped house types of true detached bungalows, chalet houses and semidetached dormer houses.

- 10.6 In the context of varying house types, ridge heights and the rising local topography, the additional height would not appear out of character. The ridge height, with the proposed increase, is considered to result in an acceptable form of development. This point was also noted by the Inspector with respect to the previous application.
- 10.7 The Inspector, in assessing the previous application, considered that the increase in the eaves height previously proposed would cause the elevations of the main body to appear disproportionately deep and unbalanced against the depth and scale of the roof space. Furthermore, their alignment close to the first-floor sills than the ground floor headers would depart from the characteristic low eaves heights consistently featuring in all the house types in the locality. He concluded that the introduction of contrasting proportioning and raised “shoulders” of the frontage gable would notably jar with a consistent design feature of the local buildings.
- 10.8 The eaves height with the current application would be retained at the existing level which would allow the extensions proposed to form a similar relationship to the wider area as the neighbouring dwellings on Quaker Lane and further up Penn Drive.
- 10.9 On this occasion, the height and roof pitch of the houses on Penn Drive vary considerably and, therefore, to permit this proposal does not conflict with paragraph 118(e) of the NPPF and paragraph 5.22 of the House Extension SPD. Consequently, the proposal is, on balance, acceptable in size.
- 10.10 The facing and roofing materials are to match those used in the construction of the existing bungalow. As such, no issues would arise from the selected materials of construction. The enlarged bungalow would have a dual pitched roof as existing. The proposed side extension would enhance the overall appearance of the main house through adopting a more sympathetic design.
- 10.11 As well as the above, given the existing houses in this locality are all slightly different in form and design, the proposed extensions and alterations would not detract from the character their surroundings, nor would they prejudice the street-scene of Penn Drive. The proposed design would be satisfactory in this regard.
- 10.12 Having taken the above into account, the proposal 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.

Residential Amenity

- 10.13 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.

- 10.14 *Impact on 3 Penn Drive:* The development in question would increase the bulk of the existing house. Due to its proximity of the neighbouring house at 3 Penn Drive, it would have the potential of affecting the living conditions of these neighbours by way of overshadowing and overbearing impacts. The impact on residential amenity is addressed as follows.
- 10.15 3 Penn Drive is a similarly designed detached bungalow to the south-western aspect of the application site, with its gable wall fronting the road. The first-floor extensions would be directly adjacent to the site boundary but would not give rise to significant overshadowing and overbearing impacts upon these neighbours. This is because the roof would only be raised from its current level by 1.2m. On the opposite side of the site boundary is the flat roof garage of 3 Penn Drive, which means that the potential of overshadowing and overbearing impacts on its residents would be minimal. There would be no additional windows in the side elevation facing this adjoining site. As such, the privacy of the neighbours concerned would continue to be preserved as existing²
- 10.16 With regards to the impact on the adjacent 3 Penn Drive, 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.
- 10.17 *Impact on 129 Quaker Lane:* The occupants of 129 Quaker Lane could be affected by the first-floor extensions and alterations as well, despite to a lesser extent than no.3. This house is a detached chalet bungalow to the north-eastern aspect of the application site. There is an electricity substation between these two houses. The first-floor extensions and other alterations would create a habitable room in the attic with a window in the gable wall facing towards the garden of this adjacent house. However, the likelihood of overlooking impact would be minimised by the separation distance between the proposed development and the house at this neighbouring site. The separation distance would also satisfactorily mitigate the overshadowing and overbearing impacts potentially arising from this development. On this basis, it is considered that the living conditions of these neighbours would be protected.
- 10.18 With regards to the impact on the adjacent 129 Quaker Lane, 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.
- 10.19 *Impact on 98 Hightown Road:* To the rear of the application site is a two-storey detached dwelling known as 98 Hightown Road. Its rear garden might be visible from the bedroom window on the first floor of the enlarged house. However, it is acknowledged that the host building already has several habitable room windows in this elevation and, hence, the proposed development is unlikely to cause a greater impact on the privacy of these neighbours than the current situation. The ridge of the existing house would only be elevated by approximately a metre from the existing level. There would be no changes to the separation distance between the two buildings in question. As such, there would be no additional overshadowing and overbearing impacts on the occupants of this adjoining house.

- 10.20 With regards to the impact on the neighbouring 98 Hightown Road, 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.
- 10.21 *Impact on 2 Penn Drive:* For the same reasons given in relation to 98 Hightown Road, the bungalow on the other side of the road at 2 Penn Drive would not be adversely affected by the development under consideration. No other houses in the vicinity of the site would be unduly prejudiced in terms of residential amenity.
- 10.22 With regards to the impact on the neighbouring 2 Penn Drive, 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.
- 10.23 Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any of the surrounding neighbouring occupants. The proposals therefore comply with policy LP24 of the KLP, KDP3, KDP5 & KDP6 of the House Extension SPD and paragraph 120 (f) of the NPPF.

Highway issues

- 10.24 The proposals will result in some intensification of the domestic use. However, the existing parking arrangement would remain at an appropriate level. Bin storage would not be moved as part of the proposal. The proposals therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Representations:

- 10.25 The material considerations raised in the objections received are summarised as follows: -
- There would be extensive noise and disruption from construction works – *Officer Comment - although this is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not therefore form a reason for refusal. In the event that planning permission be approved, it is recommended that a note be added to any subsequent approval reminding the applicant of the appropriate hours of work in line with Environmental Legislation.*
 - The extensions would be massive and out of proportion to the street scene – *Officer Comment - the impact in terms of the street scene has been addressed within paragraphs 10.5 to 10.9 of the above report.*

- The proposal would not comply with the House Extensions and Alterations Supplementary Planning Document (SPD) - *Officer Comment - the schemes impact in terms of the SPD has been addressed within paragraphs 10.12 and 10.23 of the above report.*
- This development, if permitted, would result in the loss of a bungalow, and would therefore affect the housing mix of this neighbourhood – *Officer Comment - given the application is for extensions to a dwelling on a street with a mix of true and dormer bungalows, and as such would not have a significant impact on housing mix within the surrounding area.*
- The privacy of the neighbouring occupiers would be prejudiced by the extensions – *Officer Comment - the impacts of the proposal have been considered with regards to privacy in paragraph 10.13 to 10.23 of the above report.*
- This development would make it more difficult for elderly people and disabled people to find appropriate accessible homes – *Officer Comment - although the proposals would allow accommodation to be created in the roof space, there would be two bedrooms on the ground floor which would accommodate, if required, an older or disabled resident.*

10.26 The matters raised in the objections have been fully considered under the relevant sections of this report.

Other Matters

10.27 *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.

10.28 There are no other matters for consideration.

11.0 CONCLUSION

11.1 This application for the erection of first floor extensions and alterations to form first floor accommodation for 1 Penn Drive 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 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 accord with the development plan when assessed against policies in the NPPF and other material consideration.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard 3 year timeframe for commencement of development
2. Accordance with the approved plans
3. Matching materials

Background Papers:

Application and history files.

Current application

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91228>

Previous approval

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90302>

Certificate of Ownership –Certificate A signed and dated.