
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 27-Oct-2022

Subject: Planning Application 2022/90825 Erection of single storey extension with integral garage and raise roof heights 1, Brunswick Drive, Westborough, Dewsbury, WF13 4NG

APPLICANT

A Saleem

DATE VALID

22-Mar-2022

TARGET DATE

17-May-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:

Refuse

1. The proposed extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
2. The proposed garage, by reason of its design, location and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
3. The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful to the character of the host property and the wider street scene, contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
4. The proposed extension, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadowing to the front bay window of the adjoining property, 3 Brunswick Drive. 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.
5. The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. This 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.

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 over bearing impact on the visual amenity."

- 1.2 The Chair of the Sub-Committee has confirmed that Cllr 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 1 Brunswick Drive is a stone built, end terraced property. The dwelling has been previously extended with a two storey extension to the side under application ref:83/6256 and a conservatory to the rear as a larger home notification under application ref: 2015/92719. It also appears that a single storey side extension has been added to the property between 2009 and 2012 with a porch to the front. The dwelling has a raised parking area to the front, a yard area on the ground floor level of the house and an enclosed garden to the rear.

- 2.2 The dwelling is located on a residential street with similar dwellings in terms of age along the row. There are other residential properties surrounding with some diversity in terms of the style and age.

- 2.3 There is some ambiguity over which elevation is the principle within this row of properties. Given the applicant has constructed an extension on the southern elevation under the larger home notification scheme of Class A of the General Permitted Development Order (GDPO), the southern elevation is established as the rear and as such the garage and extension proposed for this application would be considered to be the front.

3.0 PROPOSAL:

- 3.1 The application is seeking permission for a single storey front extension, a garage and raising of the roof over the single storey side extension.
- 3.2 The front extension is proposed to replace the porch and existing extension with a 3m projection across the full width of the dwelling. The roof form would be lean to for the most part with a pitched detail over the visible window and a flat roof canopy over the door.
- 3.3 Attached to part of the front extension, in an elevated position would be a flat roofed garage with a further projection of 3m and a width of 6.3m and set 1.6m above the ground level of the dwelling with height of 2.4m along the road level and 3.5m to the blank rear wall.
- 3.4 The extensions would both be constructed using stone with tiles for the roof covering over the house level extension.
- 3.5 The roof over the side extension would be increased by 0.7m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/94012 – erection of single storey extension, integral garage and raising of roof – Refused
1. The proposed extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
 2. The proposed garage, by reason of its design, location and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
 3. The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful to the character of the host property and the wider street scene, contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.
 4. The proposed extension, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadowing to the front bay window of the adjoining property, 3 Brunswick Drive. 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.
 5. The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. This 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.
- 4.2 2015/92719 - larger home notification - Approved and built
- 4.3 83/6256 - erection of a two storey side extension - Approved and built

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

- 5.1 The submitted plans raised significant concerns in terms of visual amenity given the position of the extensions on the principal elevation, in a prominent position and with regards to the impact on the adjoining dwelling, 3 Brunswick Drive. 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 an identical scheme has already been refused under 2021/94012.

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 Proposals Map of 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 27/04/2022 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.

Impact on Visual Amenity

10.2 The property is located on Brunswick Drive which has similarly aged stone properties and in the wider area are other residential properties with some diversity in terms of age and style.

10.3 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.

10.4 The proposal under consideration consists of two distinct elements which shall be addressed below.

- 10.5 *Single storey front extension:* Front extensions are highly prominent within the street scene. Careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character. The materials proposed would match the main house with the stone for the walling and tiles for the roof covering. However, the size proposed would not be subservient and would result in a prominent addition to the dwelling obscuring the front of the property. This would result in an incongruous feature within the street scene which would fail to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.
- 10.6 *Garage extension:* The garage would also be located to the front of the dwelling at a significantly higher level than the host dwelling. This would not form a subservient addition to the property and given the very prominent position, this would be highly visible within the streetscene. Furthermore, the use of a flat roof form does not represent good design. The garage fails to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.
- 10.7 *Roof alteration:* The plans show the roof over the side extension being increased by 0.7m in height. This element of the scheme would have a negligible impact on the overall appearance of the dwelling.
- 10.8 Having taken the above into account, the proposed extensions to the front of the dwelling, by reason of their size and design together with the cumulative impact with the existing extensions to the property would cause harm in terms of visual amenity of both the host dwelling and the wider street scene, thereby 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 not 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

- 10.9 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 There are no properties opposite the dwelling which could be affected by the works proposed.
- 10.11 *Impact on 3 Brunswick Drive:* The single storey front extension would be built along the shared boundary with the adjoining dwelling and would result in an overbearing impact on the neighbour's bay window. As the extension would be located to the east of the neighbour, there would also be significant overshadowing in the morning. Although it is noted that there would be no overlooking given the lack of openings in the side elevation. However, the overshadowing and overbearing impact would be significant.

- 10.12 The garage would be set back from the boundary, however given the significant height and land level difference, there would be an overbearing and oppressive impact on the amenities of the occupiers of the adjacent 3 Brunswick Drive. With regards to the impact on the adjoining 3 Brunswick Drive, the scheme is considered to be unacceptable in terms of KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of the extension and garage not minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.
- 10.13 *Impact on 56 & 58 Brunswick Street:* The dwellings on the opposite side of Brunswick Street are separated by the road itself. The front extension would be set down from their level and the garage would be a single storey structure. Given this relationship, there would be no significant impact on the amenities of the occupiers of the neighbouring 56 & 58 Brunswick Street. With regards to the impact on the neighbouring 56 & 58 Brunswick Street, the scheme is considered to be acceptable 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.
- 10.14 Having considered the above factors, the proposals would result in overshadowing and an overbearing impact on the amenities of the occupiers of the adjoining 3 Brunswick Drive 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

- 10.15 The proposals will not result in a significant intensification of the domestic use and does include the provision of a garage to replace the existing single parking space which is, on balance, considered to represent a sufficient provision. There is also space within the curtilage for bin storage. 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 *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.
- 10.15 There are no other matters for consideration.

Representations

- 10.16 None received

11.0 CONCLUSION

- 11.1 This application to erect a single storey extension, an attached garage to the front and an increase in the height of the existing single storey side extension at 1 Brunswick Drive 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 front extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the front extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
- 11.3 The proposed raised garage, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
- 11.4 The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful in terms of the character of the host property and the wider street scene. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.
- 11.5 The proposed extension to the front, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadow the front bay window of the adjoining 3 Brunswick Drive. To permit the rear 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.
- 11.6 The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. To permit the rear 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.
- 11.7 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:

Current application

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90825>

Previous refusal

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94012>

Prior notification

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92719>

Certificate of Ownership – Notice served on adjoining 3 Brunswick Drive and Certificate B signed.