

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2017/62/93917/E

**Site Address:** 68, Low Road, Dewsbury Moor, Dewsbury, WF13  
3PR

**Description:** Erection of extensions

**Recommending Officer:** Jennifer Booth

**DECISION – Conditional Full Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 23-Jan-2018**

## OFFICER REPORT

### Site Description

68 Low Road is a brick built two storey end terrace with a hipped roof form. The property is elevated from the level of Low Road and accessed via a small footpath which runs along the front gardens of the properties on Low Road. The dwelling has an enclosed garden to the front and a slightly larger enclosed garden to the rear. The property also has a detached outbuilding to the rear of the dwelling.

There are similar dwellings to each side of the property, a vacant area of land to the rear and a modern detached dwelling at a significantly lower level on the opposite side of Low Road.

### Description of Proposal

The applicant is seeking permission for a single storey front extension, a two storey side extension, a dormer within the front roof plane and a two storey extension to the rear.

The front extension is proposed to project out 1.5m from the original front wall of the dwelling and would extend across the width of the property including the area to the front of the proposed two storey side extension. The roof form is proposed to be lean to.

The side extension is proposed to project 1.4m from the original side elevation of the dwelling and would extend the full depth of the property with a hipped roof form.

The rear extension would project 3m from the original rear wall of the property and would extend across most of the rear elevation including the area to the rear of the proposed side extension. It would be inset 0.4m from the north side of the property and the roof form is proposed to be a perpendicular pitched roof form.

The walls of the extensions are proposed to be constructed using red brick with tiles for the roof covering.

The dormer is proposed to be centrally sited and would be set up 1m from the eaves and down 0.4m from the ridge. The dormer would have a width of 1.8m and a height of 1.1m. The cheeks of the dormer are proposed to be clad with vertically hung tiles.

### Relevant Planning History

None

### Representations

The application was advertised by site notices and neighbour letters, which expired on 27/12/2017

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

### **Policy**

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is UNALLOCATED on the UDP Proposals Map

#### **Kirklees Unitary Development Plan:**

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **BE15** – Front Dormers
- **T10** – Highway Safety
- **T19** – Parking

#### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

- Chapter 11 – Conserving and enhancing the natural environment

## **Publication Draft Local Plan Policies**

**PLP 22** - Parking

**PLP 24** - Design

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Negotiations
- 8) Conditions
- 9) Conclusion

#### 1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

#### 2 –Impact on visual amenity:

The property is sited within a residential area with a diverse palette of properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of four elements which shall be addressed below.

#### *Single storey front extension*

Although the host property does occupy a prominent and elevated position, Policy BE14 does support modest extensions to the front of a residential property. The scale of the extension proposed is limited to a 1.5m projection and the structure would be single storey in scale. The materials proposed would match those used in the construction of the main dwelling and the detailing can be considered to form an appropriate addition to the dwelling. As such, the single storey front extension can be considered to be acceptable in terms of visual amenity.

### *Two storey side extension*

The projection of the proposed side extension is limited in terms of its width given the constraints of the site. Whilst it is normally preferable for a side extension to be designed with front elevation set back and ridge line set down in relation to the host dwelling, in this instance, given the limited projection together with the continuation of the hipped roof form, the extension is not considered to be likely to cause an undesirable terracing effect. The materials proposed would be to match the original dwelling and although the openings are slightly smaller than the windows in the main house, the detailing can be considered to be acceptable. The proposed two storey side extension can be considered to be acceptable in terms of visual amenity.

### *Two storey rear extension*

The garden of the property is considered to be of a sufficient size to the host the rear extension without amounting to overdevelopment. The projection of the rear extension is proposed to be 3m, which is in line with the aims of Policy BE14. The materials proposed would match those used in the construction of the original dwelling and the detailing can be considered to form an appropriate relationship with the host property. As such, the rear extension can be considered to be acceptable in terms of visual amenity.

### *Front dormer*

The dormer to the front covers less than 50% of the roof plane, set up from the eaves and down from the ridge line of the dwelling. The original roof form would remain the dominant feature. As such, the proposed dormer would comply with the aims of Policy BE15. The dormer, as proposed, is modest in terms of its size and would be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions and alterations would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 7 of the NPPF.

### 3 – Impact on residential amenity:

There are no neighbours directly to the front or rear of the dwelling which could be affected by the proposed extensions to 68 Low Road. The development does however have the potential to affect the adjoining 66 Low Road and the adjacent 70 Low Road. The impact on these dwellings will be considered below:

#### *66 Low Road*

Although the single storey front extension would be built along the common boundary with the adjoining property, the scale is limited and the structure is single storey. As such, there would be no harm caused to the amenities of the occupiers of the adjoining 66 Low Road.

The side extension would be situated on the opposite side of the dwelling to this adjoining property. As such, the two storey side extension would cause no harm to the amenities of the occupiers of the adjoining property.

The rear extension would be built along the common boundary with the adjoining property and would have the potential to cause an overbearing impact. However, the projection of the extension is limited to 3m in line with the recommendations set out in Policy BE14 and the roof form is proposed to be pitched which would take the vertical emphasis up and away from the neighbouring property. It is considered therefore that the proposed rear extension would not cause significant harm to the amenities of the occupiers of the adjoining 66 Low Road.

#### *70 Low Road*

The adjacent property does have windows in the side elevation which include a secondary kitchen window on the ground floor and a landing window at first floor level, neither of which is considered to be habitable. Furthermore, the land to the side of the neighbouring property forms a path, and not private amenity space. As such it is considered that the side extension would have limited impact upon the amenities of the occupiers of the adjacent 70 Low Road.

The rear extension would be built close to the boundary with the adjacent property and would have the potential to have an overbearing upon the amenity space of the adjoining property. However, the projection of the extension is limited to 3m, which is in line with the recommendations set out in Policy BE14 and the roof form is pitched up and away from the common boundary. It is considered therefore that the impact upon the amenities of the occupiers of the adjacent 70 Low Road would not be significant.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP.

#### 4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and the property has no off road parking provision for the dwelling. However there is some capacity for parking on street which 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 policies D2, T10 and T19 of the UDP and Policy PLP24 of the PDLP.

## 5– Other matters:

### *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.

There are no other matters for consideration.

## 6 – Representations:

None

## 7 – Negotiations:

None

## 8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

## 9 – Conclusion:

This application to erect a single storey extension to front, a two storey extension to the side, a dormer within the front roof plane and a two storey extension to the rear of 68 Low Road 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered

that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## Decision Authorisation - Delegated Powers

**Application Number:** 2017/93917

**Officer Recommendation:** Approve

### Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and to accord with Policies D2 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location & existing plan	01	664376	28/11/2017
Proposed elevations	03	664378	28/11/2017
Proposed floor plans	02	664377	28/11/2017
Proposed side and second floor	04	664379	28/11/2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

22/01/2018
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