

**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: 2018/62/93031/E

Site Address: 11, Pilgrim Avenue, Dewsbury Moor, Dewsbury,
WF13 3NQ

Description: Erection of extensions to front, side and rear

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.

Julia Steadman

AUTHORISED OFFICER

Date: 07-Nov-2018

OFFICER REPORT

Site Description

11 Pilgrim Avenue, Dewsbury Moor is a brick and pebble dashed two storey semi-detached dwelling with a paved area to the front of the property, a driveway to the side and a detached garage with a larger enclosed yard area to the rear.

There are similar residential properties to the front and west side with garden areas to the rear and a mosque to the north east with the entrance to the mosque grounds immediately to the east.

Description of Proposal

The applicant is seeking permission for a single storey front extension, a two storey side extension and a single storey rear extension.

The front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including to the front of the proposed two storey side extension. The roof form is proposed to be lean to with a pitched section over the front door.

The two storey side extension would project 3.8m from the original side elevation of the dwelling. It would extend the full depth of the original house lying flush with the front and rear elevations with a hipped roof form.

The rear extension would be single storey and would project 3m from the original rear wall of the dwelling. It would extend across the width of the property including to the rear of the proposed two storey side extension. The roof form would be lean to.

The walls for the front extension, ground floor of the side extension and the rear extension would be constructed using brick with the first floor side extension being rendered. The roofs would be covered with tiles.

History of negotiations

The initially submitted plans included a gabled roof form which, given Pilgrim Avenue is predominately hipped roof forms, would have resulted in the formation of an incongruous feature. As such, amended plans were sought and received on 18/10/2018 to alter the roof over the side extension to a hipped roof form to overcome the visual amenity concerns. The alteration would change the appearance of the extension from that initially advertised. As such, the neighbours have been offered the opportunity to comment on the amended plans until 28/10/2018.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 15/10/2018

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

The neighbours have been offered the opportunity to comment on the amended plans by 28/10/2018. No responses 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 and within the PDLP.

Kirklees Unitary Development Plan:

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

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development

- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 30** – Biodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

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) Conditions
- 8) 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 located within a residential estate of similar properties although a number of the neighbouring properties 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 three distinct elements which shall be addressed below.

Single storey front extension

Policy BE14 of the UDP does support front extensions for domestic properties providing they are small in scale. Given the single storey nature of the extension together with its limited projection of 1.5m, the front extension proposed can be considered to be small in scale. The materials proposed would be to match the main house and the detailing can be considered to be likely to form an appropriate relationship with the host property. As such, this element of the proposal can be considered to be acceptable in terms of visual amenity.

Two storey side extension

The host property and its associated curtilage are of a size to support the proposed side extension without amounting to overdevelopment of the site. Given the position of the dwelling adjacent to the entrance into the mosque grounds, the flush design is unlikely to form an undesirable terracing effect. The materials proposed would be to match the host property and the detailing would form an appropriate relationship with the host property. Therefore this element of the proposed extensions would be acceptable in terms of visual amenity.

Single storey rear extension

A reasonable degree of amenity space would be retained to the rear of the dwelling and the rear extension is limited in terms of its single storey nature and 3m projection. As such, the scale of the extension to the rear is considered to be acceptable. The materials proposed would be to match the host property and the detailing would form an appropriate relationship with the host property. It is considered that this element of the scheme is acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions to the front, side and rear of the dwelling 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 12 of the NPPF.

3 – Impact on residential amenity:

There are no properties to the rear or to the east side which could be affected by the proposed works.

Impact on 9 Pilgrim Avenue

The front extension would be built up to the common boundary with the adjoining property. However, given the single storey nature and the limited

projection of 1.5m, the front extension is unlikely to have any significant impact on the amenities of the occupiers of the adjoining 9 Pilgrim Avenue.

The two storey side extension would be constructed on the opposite side of the dwelling to the adjoining property and as such would have no impact on the amenities of the occupiers of the adjoining 9 Pilgrim Avenue.

The single storey rear extension would be constructed along the common boundary to the east of the adjoining property and would have the potential to result in some overshadowing in the morning and to form an overbearing impact. However, the extension is single storey and the projection is limited to 3m in line with policy BE14. It is considered that the impact on the adjoining property would be limited.

Impact on 12 Pilgrim Avenue

The single storey nature of the front extension together with its limited scale is unlikely to cause any significant harm to the amenities of the occupiers of the neighbouring 12 Pilgrim Avenue.

The side extension would not reduce the space between the host property and the neighbour opposite. Although it would introduce a new window at first floor, this would be no closer to the properties opposite than the existing dwelling. It is considered therefore that the side extension would not result in any harm to the amenities of the occupiers of the neighbouring 12 Pilgrim Avenue.

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 as well as PLP24 of the PDL.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. 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 PLP22 of the PDL.

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. This is considered sufficient to comply with the aims of chapter 15 of the NPPF.

Amended plans

The alteration in terms of the roof would change the appearance of the extension from that initially advertised. As such, it has been considered necessary to re-advertise the proposed and the neighbours have been offered the opportunity to comment on the amended plans until 28/10/2018.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

None

7 – 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.

8 – Conclusion:

This application to erect a single storey extension to the front, a two storey extension to the side and a single storey extension to the rear of 11 Pilgrim Avenue 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: 2018/93031

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, BE13 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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, BE1 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of Chapter 12 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed & existing plans	PL-01A	715594	18/10/2018

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.

The initially submitted plans included a gabled roof form which, given Pilgrim Avenue is predominately hipped roof forms, would have resulted in the formation of an incongruous feature. As such, amended plans were sought and received to change the roof over the side extension to a hipped roof form to address the visual amenity concerns.

Report Dated 05/11/2018