

**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: 2019/62/92320/E
Site Address: 49, Dewsbury Road, Marsh, Cleckheaton, BD19 5BT
Description: Erection of single storey side and front extension
Recommending Officer: Ellie Knowles

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 26-Sep-2019

Officer Report

Site Description

49 Dewsbury Road is a two storey end of terrace property. It is constructed in stone to the front and brick to the side and rear and is designed with gable roof forms which are finished in slate roof tiles. The dwelling benefits from amenity space to the front and rear, and lean-to side extension. There is a driveway located to the side of the site and an attached garage.

The site is located in a residential area with the majority of neighbouring properties being of a similar style and being in a terraced configuration. There is some variation in the vicinity with a contemporary estate with residential properties located to the east of the site. The terrace in which the site is located are not in similar appearance to the application site, with gable and hipped roof forms and being a lower height to the ridge.

Description of Proposal

This application seeks planning permission for the erection of a single storey side and front extension.

The proposed extension would project 1.5 metres from the front elevation of the host property. The side element would project 3.7 metres from the existing side elevation and the whole proposed front elevation of the extension would be 5.5 metres in width. The side extension would sit flush to the existing rear elevation. The side element of the extension would be designed with a lean-to roof form and the front porch will create a gable to harmonise with this. The extension would have an eaves height of 2.6 metres and overall height 4.4 metres.

The proposed extension would replace the existing side extension and garage. The extension would create a front porch, integrated garage and kitchen. Openings are proposed for the front and rear elevation of the extension, alongside a window to the rear.

The extension would be built from materials to match the host property.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

None at the application site.

At 39 Dewsbury Road –

2004/94852 – Erection of single storey extension to form store room and replacement tiles and render to building. Granted.

Representations

The application was advertised by site notice and neighbour letters, which expired on 30th August 2019.

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

Parish/Town Council comments – not applicable.

Consultation Responses

KC Highways DM: informal comments with no issues raised.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 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 19th February 2019, and 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 14** – Meeting the challenge of climate change, flooding and coastal change

- **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 (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

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 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.

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

2 –Impact on visual amenity:

The proposed extension would be constructed in materials matching those used in the construction of the host dwelling thus would be in keeping with its character and appearance from this respect. The extension has been designed with a gable roof to the front elevation which harmonises with the proposed lean-to side element of the extension. Despite projecting from the front elevation, the extension is only single storey which will reduce its dominance on the host property and the projection to the front is limited in scale. The proposed fenestration is considered acceptable in terms of visual amenity. The proposal would not result in overdevelopment of the site, considering the extension will be replacing the existing garage and side extension. When considering the impact on the appearance of the terrace row, it is noted that the application property, whilst adjoining the row, does possess a different architectural style. As such, whilst this development would introduce a new feature into the streetscene it is considered that this would not appear discordant due to the existing design and arrangement. It is also

noted that there are small porches on the front elevations of terraced properties in the area.

The proposal is thus considered to be acceptable in design terms and would comply with Policy LP24 and chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

47 Dewsbury Road is the adjoining mid-terraced property attached to the western side of the application site. There would be minimal impact as a result of the side extension, as it will be located at the opposite side of the host property, away from these neighbours. However, it is noted that the front element of the extension may cause an overshadowing effect, but this will be limited and only be present in the morning and can be supported. The front element of the extension will serve a porch, due to the nature of this there will be no harm from overlooking.

1 Buttercup Drive is the neighbouring property to the east of the application site. It is a two storey end-terraced property located in a contemporary housing estate and is constructed in artificial stone. The single storey extension has a separation distance of 0.9 metres from the shared boundary and there is also sufficient boundary treatment in place between this property and the proposed extension at the application site, which will mitigate any overbearing impact. The proposed extension is located west of this property, therefore there will be limited overshadowing impacts in the evening, and no more than what already exists from the host property already.

The submitted plans also show no additional openings to be inserted into the eastern facing side elevation of the extension which will mitigate against any undue harm on overlooking. Given the existing boundary treatment and the relationship that the proposed extension would have with this site, it is not considered necessary to remove permitted development rights for openings.

There would remain a significant separation distance and heavy boundary treatment between the rear elevation of the proposed extension and the properties beyond the rear of the host property. As such, there is no concern in relation to loss of amenity.

The properties opposite the application site will not be affected by the proposed extension due to the scale and nature of what is proposed and the fact that Dewsbury Road is situated between them and the application site.

Having taken the above into account, the proposed extension 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 and the aims of chapter 12 of the National Planning Policy Framework

4 – Impact on highway safety:

The proposal has been considered acceptable in regards to highway safety, as the majority of the existing driveway will be retained as part of this application. As a result, there would be sufficient space for 2 parked cars and therefore the application is considered to comply with LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

Following a site visit it is clear that the dwelling is well sealed and there are no extensions being built to effect the roof, therefore has limited bat roost potential.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and LP30 of the KLP.

Flood Risk

The application site lies within EA Flood Zones 2 and 3. The householder proforma has been submitted alongside this application and the agent has stated that the existing floor levels are to be followed through to the extension; these are set at 550mm above ground level.

This is considered acceptable in relation to Flood Risk and is compliant with the aims of Policy LP27 of the KLP and the aims of Chapter 14 of the NPPF.

6 – Representations:

None

7 – Conclusion:

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.

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: 2019/92320

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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall be stone to the front elevation and red brick to the side and rear elevations. The stone and brick used 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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The external 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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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.

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	Version	Date Received
Grouped plans	6057/SR/,TL,DC	-	6 th August 2019
Location plan	-	-	6 th August 2019
Flood Risk Assessment	-	-	6 th August 2019

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 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.

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Report Dated: