

**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: 2019/62/92428/E
Site Address: 66, South Street, Savile Town, Dewsbury, WF12 9NE
Description: Raising of roof height to form second floor
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.

Rebecca Drake

AUTHORISED OFFICER

Date: 23-Sep-2019

OFFICER REPORT

Site Description

66 South Street is a stone fronted mid terraced property with a small enclosed area to the front of the dwelling. There is a very modest amenity space to the rear of the dwelling and a single storey extension the full depth of the garden providing additional living accommodation and a garage.

There are similar aged properties to the front, sides and rear of the dwelling although many have been extended and altered.

Description of Proposal

The applicant is seeking permission to raise the roof of the dwelling to provide a second floor.

The eaves of the dwelling would be increased from 5.9m to 8.1m and the overall height of the dwelling would increase from 8.3m to 10.6m. The existing pitch of the roof would be carried up and the front wall would be constructed using stone with brick for the sides and rear wall. The roof would be covered with tiles.

Relevant Planning History

For the host property

2000/90635 - erection of ground floor extension - approved

2001/90211 - erection of garage extension - approved

2006/91732 - erection of first floor extension to 66 & 68 - approved although not built

Also of relevance in the wider area

68 South Street

2018/91779 - roof extension to form second floor - approved

49 South Street

2010/91436 - erection of second floor - approved and built

28 Thornhill Street

2016/91717 – erection of second floor – approved and built

34 Thornhill Street

2004/93645 – erection of second floor – approved and built

44 Thornhill Street

2013/93234 – erection of second floor – approved and built

48 Thornhill Street
2013/93402 – erection of second floor – approved and built

64 Thornhill Street
2001/90432 – erection of second floor – approved and built

66 Thornhill Street
2004/92293 – erection of second floor – approved and built

70 Thornhill Street
2000/92736 – erection of second floor – approved and built

Representations

The application was advertised by site notices and neighbour letters, which expired on 25/08/2019

As a result of the above publicity, one representation has been received.

- Visual amenity concerns
- Loss of light within the vicinity
- Impact of rainwater causing flooding issues
- Property already has a garage which is being used as living accommodation and the water drainage overhangs the site boundary

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

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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 property is located on South Street which is a predominantly residential street with similarly aged dwellings although there have been some extensions and alterations to some of the neighbouring properties. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Careful consideration has been given to the impact on visual amenity, as additional storeys to dwellings have the potential significantly alter the visual amenities of the surrounding area as well as to the host dwelling.

Savile Town has a unique set of circumstances due to the property types and the limited amount of garden areas which makes 'traditional' extensions difficult to erect without creating other issues. The application dwelling is a mid-terraced property where a number of others within the area have already been extended at second floor in the same way as proposed here. By allowing this extension upwards to the front, the dwelling would not appear out of place given the context of the site. The materials proposed would be appropriate using matching materials to the main house and the detailing proposed is considered to be acceptable. As such, this proposal is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension upwards to provide a second floor 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.

3 – Impact on residential amenity:

The proposed second floor extension would have windows located in both the front and rear elevations of the dwelling. As the extension would lie flush above the first floor of the original house which have existing openings, it is considered that there would be no further harm in terms of privacy than already exists.

The proposed second floor extension would only cause overshadowing to the roof areas of the neighbouring properties and as such, would not create any significant overshadowing to habitable rooms at either ground or first floor. It is therefore considered that minimal harm would be caused in relation to overshadowing.

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 Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the property does have a garage to the rear and there is a limited capacity for on street parking 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 Policy LP22 of the Kirklees Local Plan.

5– Other matters:

There are no other matters for consideration.

6 – Representations:

As a result of the above publicity, one representation has been received. These points are summarised and responded to below.

- Visual amenity concerns
Response: addressed within the report
- Loss of light within the vicinity
Response: it is considered that there would not be a significant loss of light as a result of the proposal and this is covered in the report
- Impact of rainwater causing flooding issues
Response: The proposed development is not considered to result in a significant impact in terms of flood risk
- Property already has a garage which is being used as living accommodation and the water drainage overhangs the site boundary.
Response: points noted but not material in the determination of this application.

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 increase the height of the dwelling with a second floor extension to 66 South Street 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:** 2019/92428**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 Policy LP24 of the Kirklees 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 Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

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
Existing plans	18-078-01a	761894	30/07/2019
Proposed plans	18-078-10a	761895	30/07/2019

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 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 20/09/2019