

**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: 2019/62/93628/E

Site Address: 19, Carriage Way, Heckmondwike, WF16 0NN

Description: Erection of first floor side extension and two storey rear extension.

Recommending Officer: Katie Wilson

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.

Paul Dowd

AUTHORISED OFFICER

Date: 07-Aug-2020

Officer Report – 2019/93628

Site Description

The application site is 19 Carriage Way, Heckmondwike. It is a relatively recently built two-storey house with single garage attached to the side and conservatory at the back. The walls are a stone-coloured brickwork and the roof is ridged and surfaced in grey tiles. It is attached to the neighbouring property at no 21 Carriage Way via the garage, with no vertical boundary between the back yards, and to 17 Carriage Way over two-storeys to the western side, with conservatory and fencing forming a boundary in the back garden. There is also a small garden and driveway to the front.

Land at the application site is relatively level. However, part of the back garden slopes upwards in a series of terraces, with premises at the back on higher ground. The wider area is largely residential with properties in the same estate to either side and to the front, whilst beyond are a mixture of residential and business premises of various designs and materials.

Description of Proposal

Planning permission is sought for erection of single storey side extension and two storey rear extension.

First floor side extension:

- Directly above the existing garage and extending to the rear 2.5m to form part of two-storey rear extension
- Dual pitched roof with side and rear facing gable end, eaves in line with those of the existing house and ridge level set down approximately 1.8m from the main part of the house.
- One window in the front and rear elevations.
- It would provide space for a bedroom and en-suite bathroom.

Two-storey rear extension:

- 'L-shaped' footprint at ground floor level projecting approximately 2.5m at one side and 4.0m at the other, with first floor element partly above existing garage, having rectangular area 4.0m projection x 7.6m wide.
- Designed with dual-pitched roof eaves to match the existing and ridge set down around 0.6m from the existing ridge to main part of the house.
- Bi-folding and patio doors at ground level in the rear elevation with three windows above.
- It would provide space for family room and lounge at ground floor, with one bedroom with en-suite bathroom above.

- It would be attached to the side elevation of the proposed extension at 17 Carriage Way subject to planning application ref: 2019/93626 and pending determination.

The exterior wall and roof materials would be to match the existing.

It would be attached to the side elevation of the proposed extension at 17 Carriage Way subject to planning application ref: 2019/93626 and pending determination.

History of negotiations/amendments received

Amendments were secured to reduce the scale and massing of the proposal and to reduce the harm to highway safety and residential amenity.

Relevant Planning History

96/92956 – Outline application for residential development and associated access. Conditional outline permission.

99/93595 – Variation of condition 1 relating to the time period for submission of reserved matters on previous permission 96/92956 for outline application for residential development and associated access. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=99%2F93595>

03/90627 – Removal / variation of condition 1 on previous permission 99/93595 to vary condition 1 relating to the time period for submission of reserved matters on previous permission 96/92956 for outline application for residential development and associated access. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2003%2F90627>

03/92319 – Reserved matters application for erection of residential development consisting of 69 no 2, 3 and 4 bedroom houses and apartments and garages with associated roads, footpaths and sewers. S106 reserved matters

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2003%2F92319>

2019/93626 – erection of first floor side extension and two storey rear extension.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93626>

pending determination.

Nearby land at 23 Carriage Way:

2019/93922 – erection of single storey rear extension. Approved.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93922>

Representations

Final publicity date Expired: 29th December 2019. No representations were received during the course of this application.

Parish/Town Council comments – Not applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K C Environmental Health: no objections subject to conditions

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7** – Town Centre uses
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality (including pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution to soil.
- **LP 53** – Contaminated and unstable land

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining

planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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, 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 – Conservation and enhancement of the natural environment

Assessment

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it sets out under part c, that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’.

In this instance, the amended plans show that the proposed extensions would be significantly below the overall height of the original part of the building and the projection to the rear is subordinate to the footprint of the original dwelling. Therefore, in terms of scale, the proposal is now considered to be acceptable.

With regards to materials and detailing, the external wall and roofing materials would match the existing and the roof design, window and door openings, and would harmonise with those on the original part of the house.

Overall, it is thought that the proposal would be sympathetic to the character of the surrounding area and in keeping with the existing buildings, which is compliant with policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 under part c goes on to say that proposals should promote good design by ensuring they minimise impact on residential amenity of future and neighbouring occupiers.

In this case there is potential for two neighbouring households to be impacted by the proposal.

17 Carriage Way – this is the adjoining semi-detached house attached to the western side elevation. It is subject to planning application ref: 2019/93626 for a very similar development with both schemes joining each other at the mutual boundary.

Presently, both 17 and 19, Carriage Way have a conservatory at the back, which join on the mutual boundary and project the same distance as the proposed rear extension. Given these circumstances, and that the applications are made separately, there would be some concern that if both are not implemented together, any of the proposed massing above ground floor level could have an overbearing and overshadowing impact upon the property that has not implemented development.

As such there needs to be a mechanism for ensuring both developments are done at the same time. This could be done if both applicants are satisfied that the developments could be done at the same time and agree to it being set out in a condition of approval in both applications.

It is recommended that the wording of the condition is as follows, *‘Any part of the two-storey rear extension, hereby approved, above flooring to first floor level, shall not be carried out until development pursuant to planning permission reference 2019/93626 is commenced in accordance with all relevant conditions’.*

Provided that each party agrees to this condition (with relevant reference numbers), then in the case officer’s opinion it would meet the six tests for the use of planning conditions of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Subsequently in an email dated 5th August 2020 the agent has confirmed that his clients, (who are the applicants for both 2019/93626 & 2019/93628) *‘have no problems with these conditions...these clients intend to build both of these units at the same time’.*

21 Carriage Way – This is a similar link-detached house located to the east of the application site. Its garage is attached to that at the application site, and both project slightly beyond the rear elevation, but slightly set back from the rear elevation at 21 Carriage Way. There is a small window in the facing side elevation of this neighbouring property, which is understood to be to a bathroom.

Given the above situation, the massing of the proposed first floor extension together with two-storey element that projects directly behind the garage, is considered to have relatively limited overshadowing and overbearing impact. This is because the overall height of this portion of the extension is significantly below that of the host dwelling and the projection is modest at around 2.5m.

The two-storey extension directly behind the house is slightly higher, but still well below that of the original part of the house and projects no further than the rest of the extension. It is also set in from the mutual boundary with 21 Carriage Way 2.8m, and so in this context it is considered to have a quite restricted impact.

In terms of overlooking, no openings are shown in the side elevation of the extension and as such it is thought that there would be no overlooking impact. New openings could also be controlled by condition.

In terms of impact from noise, it is noted that there is a commercial building immediately to the rear of the application site, on slightly higher ground, with a blank wall facing the back of the application site. Notwithstanding comments from environmental health officers, given these circumstances and an approximately 17.0m separation distance between facing elevations, it is considered that the impact upon residential amenities would be very limited. Furthermore, the same condition was recently recommended but not imposed for a single storey extension nearby. As such officers have assessed the situation and the condition is not considered necessary or reasonable in this instance, as it would fail two of the six tests for use of planning conditions.

Overall, it is considered that the proposal would minimise potential impact on residential amenity for future and neighbouring occupiers. Therefore, it is compliant with policy LP24 of the KLP and the aims of the NPPF.

4 – Impact on highway safety:

The site is accessed from Carriage Way, an adopted but unclassified residential estate road serving this housing estate. Currently there is an integral single garage and one off-street parking space to the front. Following negotiations with the agent, the proposal retains the existing parking provision and does not increase the number of bedrooms at the premises. In these circumstances, it is considered that there would be no further impact upon highway safety and the proposal is compliant with policy LP21 of the Kirklees Local Plan.

5 – Other matters:

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. These will ensure compliance with national standards

Environmental health issues:

Contaminated land:

The application site is on a former railway siding which, in the 1990s was re-developed for its current residential use.

Chapter 15 of the NPPF and policy LP53 of the KLP seek to ensure that decisions are taken in light of all available information regarding contamination or stability of land.

The Council's environmental health officers were consulted and recommended a condition relating to reporting unexpected contamination. Provided that this is applied, it will be acceptable in terms of policy LP53 of the KLP and the aims of the NPPF.

Noise:

The application site is also adjacent to commercial premises at the back and, therefore, policy LP52 of the KLP and chapter 15 of the NPPF are relevant. They aim to make sure that, where environmentally sensitive development (such as housing) would be subject to significant levels of pollution, such as noise, they must be accompanied with evidence to show that the impacts have been evaluated and mitigation levels applied if required. This is to ensure there is no reduction in quality of life or environment to an unacceptable level.

Environmental health officers have recommended a condition requiring a noise report specifying the measures to be taken to protect the development from noise from nearby commercial premises to be submitted to and approved in writing by the LPA.

Notwithstanding these comments, officers have assessed the situation and given the scale of the proposal, the separation distance to property at the back and recently approved extension nearby where the same condition was not applied, it is not considered necessary or reasonable, in this instance, to impose the condition. As such, it would fail two of the six tests for use of planning conditions.

6 – Representations:

No representations were received during the course of this application.

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 - Approval

Decision Authorisation - Delegated Powers

Application Number: 2019/93628

Officer Recommendation: Approval

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 Policies LP1, LP2, LP21, LP24, LP52, and LP53 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 the National Planning Policy Framework.

4. Any part of the two-storey rear extension hereby approved above flooring to first floor level, shall not be carried out until development pursuant to planning permission reference 2019/93626 is commenced in accordance with all relevant conditions'

Reason: To ensure that the development does not detract from the amenities of neighbouring property by reason of overbearing or overshadowing and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. In the event that contamination, not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter, remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy LP 53 of the Kirklees Local Plan and the aims in the National Planning Policy Framework

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south east facing side elevation of the extensions hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Note: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Note: Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that either a statutory nuisance exists, or, is likely to occur or recur. Failure to comply with notices served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 2179A-OS		05.11.2019
Existing and proposed floor plans and elevations	Dwg no. 2179B-1	Rev B	26.02.2020

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. Negotiations took place to reduce the scale of the proposed development and ensure visual and residential amenity and highway safety.

Report Dated: 06.08.2020