

**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: 2020/62/92224/E
Site Address: 34 , Northstead, Ravensthorpe, Dewsbury, WF13 3DX
Description: Erection of two storey rear extension
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.

Paul Dowd

AUTHORISED OFFICER

Date: 16-Sep-2020

OFFICER REPORT

Site Description

34 Northstead is a brick-built semi-detached dwelling with an irregular pair neighbouring property. The front door is part of a thin strip fronting Northstead, with a larger side elevation facing towards the neighbouring 36 Northstead. It has gardens to the side and rear.

The property is located on a residential street with neighbouring properties of a similar age, although there are some variances in terms of design and style. To the side of the house are garages and to the rear there is an open field.

Description of Proposal

The applicant is seeking permission for a single and two-storey rear extension.

The ground floor is proposed to project 5m from the original rear wall and would extend across the width of the property. The first floor is set in 1.9m and the roof form would be hipped. The single-storey section would have a flat roof form.

The walls of the extension would be constructed using brick with tiles for the roof covering.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 01/09/2020.

No representations were received following the above publicity.

Consultation Responses

K.C. Strategic Waste - The application address lies approximately 218m from the former lower Spen Valley waste disposal site. LSV is generating significant LFG, monitoring boreholes within 250m of application address have not shown any Methane within the last 13 years whilst CO₂ has ranged from 1% v/v to 5% v/v.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 53** - Contaminated land

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 15 – Conserving and enhancing the natural environment

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 host property is located on Northstead, which is a residential street with similarly aged residential properties, although there are some variances in terms of design and some of the properties have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Whilst it is appreciated that the extension proposed is sizeable, with its projection of 5m, the host property and its associated curtilage are of a sufficient size to support the proposed extension, without amounting to over-development and a reasonable amount of amenity space would be retained. There are also other examples of extensions within the wider area and, as such, extending this property would not be out of character with the area. Furthermore, the materials proposed, with the use of brick for the construction of the walls and tiles for the roof covering, would be in keeping with the main house. It is noted that the single-storey section has a flat roof form and that this is not generally considered to represent good design. However, this is a small section, would be single-storey and would be located between the host property and the adjacent neighbour, with very limited views in the wider area. As such, the proposed single and two-storey rear extension could be considered acceptable in terms of visual amenity.

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 (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, in terms of policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

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

Impact on 32 Northstead

The works proposed would be located on the opposite elevation of the host property to this adjoining neighbouring house and, as such, would cause no harm to the amenities of the occupiers of the adjoining 32 Northstead.

Impact on 36 Northstead

The adjacent neighbour is set back approx. 5.5m from the adjacent property. Furthermore, this neighbouring dwelling occupies a position, which is slightly further to the east than the host property, and the extension proposed would be set back at first floor by an additional 1.9m. Given the spatial relationship between the host property and the adjacent 36 Northstead, the proposed extension would have limited impact on the amenities of the occupiers of this neighbouring house.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and it is noted that the property does not have an off-road parking provision within the curtilage, nor is there the potential to form such a facility. However, there is on-street parking, which is considered to represent sufficient parking provision. Therefore, 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:

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.

Landfill

The site is approximately 218m from the former Lower Spen Valley waste disposal site, where monitoring boreholes within 250m of application address have not shown any Methane within the last 13 years. Nevertheless, it would be appropriate to attach a footnote to any permission advising the applicant to carry out landfill gas monitoring and, if necessary, incorporate mitigation measures into the development to comply with LP53.

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 and which will require compliance with national standards.

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 & two-storey rear extension to 34 Northstead has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered 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: 2020/92224

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 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 applicant is hereby advised that the site lies within 250 metres of the former Lower Spen Valley waste disposal site. Monitoring boreholes within 250m of application address have not shown any Methane within the last 13 years. However, the applicant should consider carrying out landfill gas monitoring prior to developing the site to establish whether landfill gas is present and if necessary incorporate mitigation measures into the development.

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 13.00 hours, 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
Location plan	-	818270	23/07/2020
Proposed plans	2237-1a	818271	23/07/2020

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 Planning Authority has, 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 acceptable, no changes were sought.

Report Dated 16/09/2020

