

**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: 2020/62/93568/E

Site Address: 38, Russell Close, Heckmondwike, WF16 0EG

Description: Erection of single and two storey side and 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: 28-Apr-2021

Officer Report – 2020/93568

Site Description

38 Russell Street, Heckmondwike is a two-storey semi-detached house with a conservatory to the rear. The walls are constructed in red brick and it has a dual pitched roof surfaced in grey/brown tiles. There is a garden to the front with a drive to the side leading to single garage and a rear garden that slopes down and away from the house.

The house is located at the end of a cul-de-sac and within a wider residential area of mixed housing types, although there are similar buildings to either side and front.

Description of Proposal

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

The amended plans show the following:

- 'L'-shaped wrap-around design, set back from the front elevation by around 0.5m and adjacent to mutual boundaries with the neighbouring properties to either side 36 & 40, Russell Close.
- At ground floor level –it would project to the side 2.4m and to the rear 3.0m.
- At first floor level – it would project to the side 2.4m and to the rear 3.0m (set in from the mutual boundary with 40, Russell Street 2.4m)
- It would have dual pitched roofs and gable ends to the side and rear with matching eaves level and ridge height very slightly set down from the existing.
- There would be windows to front and rear elevations only, except a small window in east facing side elevation at first floor level to W.C.
- It would provide space for kitchen/diner, sunroom and office at ground floor with two bedrooms above.
- All the external wall and roof materials would be to match the existing.

The plans also indicate that the existing conservatory and garage would be demolished.

History of negotiations/amendments received

Negotiations took place to reduce the scale of the proposed rear extensions and their impact upon visual and residential amenity.

Relevant Planning History

03/91806 – erection of conservatory. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2003%2F91806>

Representations

Final publicity date Expires: 28th December 2020. No representations received.

Parish/Town Council comments: Not applicable.

Consultation Responses

No consultations took place during assessment of the application.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity

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 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of 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. 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 states 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 original part of the house appears to be as it stands, without the conservatory to the rear. Whilst the footprint area of the proposed extension is similar to the original part of the house, the side section is relatively narrow in relation to the width of the host property. This section is also set back from the front elevation of the host dwellinghouse and the ridge height is below the existing. The elements of the proposed extension to the rear, project no further than 3.0m and would be inset from the mutual boundary with 40, Russell Close at first floor level.

It is also noted that the proposal would see the removal of the existing conservatory and garage. As such, it is considered that the proposed extensions are subservient to the original building and prevent an undesirable terracing effect.

In terms of materials and details, all the external wall and roof materials would be to match the existing and the roofing design, together with the window styles, closely resemble those already at the house.

In all it is considered that the proposed extensions would be in keeping with the character of the host dwellinghouse and the surrounding area, promoting good design and compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be four households potentially affected by the proposals; these are addressed below:

36 Russell Close - This is a similar two-storey semi-detached house located to the west of the application site, which has side-facing elevations.

The massing of the proposed side extension has potential to cast more shade over the rear garden of this neighbouring property. However, the amended plans have restricted the rear projection to 3.0m and the overall height would be no higher than the existing. Furthermore, the existing garage would be removed.

In terms of overlooking, no openings are shown in the facing side extension and it is suggested that new openings could be controlled by condition to prevent a loss of privacy in the future.

40 Russell Close - This is the adjoining two-storey semi-detached house, attached to the eastern side elevation. The main impact on this property is from the proposed rear extensions.

Whilst it would be adjacent to the mutual boundary the amended plans have reduced the projection to 3.0m and the first-floor element is set in from the boundary by around 2.5m, which would provide mitigation.

In terms of overlooking, one window is indicated in the facing elevation (to a W.C.) and new openings could be controlled by condition.

36 Capas Heights Way – This is a two-storey semi-detached house located on lower ground to the south of the application site.

In terms of potential overbearing and overshadowing impacts, given that there would be a separation distance of approximately 15.0m and the proposed extension is to the north, it is considered that such impacts would be very limited.

Regarding overlooking impact, as there would be around 15.0m between the enlarged house and the rear of this neighbouring property, and the windows would not be directly opposite each other, but at a slight angle, it is considered that any loss of privacy would be unlikely to be severely detrimental to the residential amenity of the occupants.

38 Capas Heights Way – This is also a two-storey semi-detached house located to the south-east of the application site, and its side gable end is parallel, although not facing, the rear elevation of the house at the application site. There would also be approximately 10.5m between the nearest part of the proposed extension (at first floor) and the closest corner of this property.

Given the above circumstances, it is considered that there would be quite limited overlooking impacts and no significant overshadowing or overbearing effect.

To conclude, it is considered that the proposed extensions would minimise the impact on residential amenity of future and neighbouring occupiers and, as such, they would comply with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from Russell Close, an adopted, but unclassified residential cul-de-sac, serving numerous other houses.

The proposed extensions would turn a three-bedroom house into a five-bedroom house and remove part of the existing driveway. However, the proposed site plan indicates that it would be possible to accommodate two or three cars off-street and within the curtilage at the front. This would be acceptable from a highway safety perspective.

5 – Other matters:

Carbon Budget

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.

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.

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: 2020/93568

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 Policy LP24 of the Kirklees Local Plan.

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.

4. 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 side elevations of the side and rear extension hereby approved.

Reason: To not detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. The extension shall not be brought into use until at least two car parking spaces, along the site frontage, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use of parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle parking once the property is extended and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

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 may 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	Version	Date Received
Location plan	Dwg no. ABC123-GHM-A1-A-1001		21.10.2020
Plans and elevations as existing	Dwg no. ABC123-GHM-A1-A-1101		21.10.2020
Plans and elevations as proposed	Dwg no. ABC123-GHM-A1-A-1102	Rev A	16.04.2021
Site plans as existing and as proposed.	Dwg no. ABC123-GHM-A1-A-1002		16.04.2021

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 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. Negotiations took place to reduce the scale of the proposed rear extensions and their impact upon visual and residential amenity.

Report Dated: 21.04.2021

