

**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: 2020/62/93992/E

Site Address: 17 , Carriage Way, Heckmondwike, WF16 0NN

Description: Erection of first floor side extension and two storey rear extension (modified proposal)

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: 16-Apr-2021

Officer Report – 2020/93992

Site Description

17 Carriage Way, Heckmondwike is a relatively recently built two-storey house with single garage attached to the side and conservatory at the back. The walls are constructed from a stone-coloured brickwork and the roof is ridged and surfaced in grey tiles. It is attached to the neighbouring property at 15 Carriage Way via the garage and to 19 Carriage Way over two-storeys. There is also a small garden and driveway to the front and larger enclosed garden at the rear, adjoining houses and a commercial building on raised ground.

Land at the application site is relatively level. However, part of the garden at the back slopes upwards in a series of terraces, and 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 a first-floor side extension and two storey rear extension (modified proposal).

It is a modification to extant planning approval 2019/93626 with the same description.

The modification relates to a new roof, rooflights and internal layout alterations

New roof design:

- Over the main part of the house - replacing existing dual pitched roof would be formed a flat roof at current ridge height, approximately 4.3m deep x 5.0m wide (full width of main part of house), then roof slope down to eaves level of the extended house (eaves height to match the existing house).
- Over the side element – the ridge level would be increased to approximately 7.1m and eaves height increased to match the main part of the house. A flat roof would be formed at ridge level 4.3m deep s 2.5m wide

The external materials would match or be similar to the existing.

Roof lights:

- 4no roof lights in the new flat roofs
- 2no velux lights in the rear roof slope.

Internal alterations:

- Re-locating kitchen to rear extension.
- Forming new study within enlarged roof space with new staircase.

The extant permission (ref: 2019/93626) has a roof designed with a series of dual pitched roofs with gable ends only, and the overall height of the side extension is approximately 0.5m lower.

History of negotiations/amendments received

No negotiations or amendments have been undertaken.

Relevant Planning History

At the application site:

2019/93626 - Erection of first floor side extension and two storey rear extension. Conditional full permission.

[Planning application details | Kirklees Council](#)

At adjoining semi – 19, Carriage Way:

2019/93628 - Erection of first floor side extension and two storey rear extension. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93628>

2020/93991 - Erection of first floor side extension and two storey rear extension (modified proposal). Pending determination

[Planning application details | Kirklees Council](#)

Representations

Final publicity date Expires: 27th January 2021. No representations received.

Parish/Town Council comments: Not applicable.

Consultation Responses

K C Environmental health – response to previous submission ref: 2019/93626 – no objections subject to conditions.

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 maps.

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 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

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.

It is also noted that the site has an extant planning approval for a development with the same description. The current application seeks to modify it by altering the roof design, adding some roof lights and adjusting the internal layout. As such it is just these elements that are being assessed.

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 massing at roof level has been increased, but the proposed introduction of a flat roof element would be at the existing ridge height and no higher over the main part of the house. The additional massing would also be predominantly at the back of the house and the existing front roof slope would be retained.

The new roof over the side element would be around 0.5m above that previously granted (ref: 19/93626) and it would have a flat roof at ridge height, similar to that proposed for the main part of the house.

Overall, it is thought that the proposal would be on the limit of what could be considered subordinate to the original part of house.

In terms of materials and details, the external materials would match or be similar to the existing and the new roof lights to the flat roof would not be visible. The velux windows in the rear roof slope are also considered acceptable.

To conclude, the proposal is considered to promote good design and to accord with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should *minimise the 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.

15 Carriage Way – This is a similar two-storey link – detached house with its single garage attached to west elevation of similar garage at the application site.

In terms of overshadowing and overbearing potential, it is considered that the extra massing at roof level would have relatively limited additional impact of this nature, when compared with the extant permission (ref: 19/93626). Furthermore, there would be no additional openings in the facing side elevation and so no potential for a loss of privacy. It is suggested that new openings in this side elevation are controlled by condition, as applied to the decision notice for 19/93626.

19 Carriage Way – This is the adjoining semi-detached house, attached to the south-eastern side elevation. It is subject to planning application (ref: 2020/93991) for a 'handed' version of the current proposal, with both schemes joining each other on the mutual boundary. This is currently under consideration.

As the current application and 20/93991 are separate applications, 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.

During assessment of the extant permissions at both properties (17 & 19, Carriage Way -ref: 19/93626 and 19/93628 respectively) a mechanism for ensuring both developments are done at the same time was created whereby both applicants agreed to the following condition (with relevant reference numbers) being applied to each decision notice.

'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 2019/9362_ is commenced in accordance with all relevant conditions'.

Subsequently in an email dated 5th August 2020 the agent 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'.

In terms of impact from noise, this was also addressed during assessment of extant planning permission 19/93626. It resulted in no further action or conditions, and it is considered acceptable to take the same approach for the current application.

Overall, it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers and 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.

This is considered acceptable for the enlarged house and compliant with policy LP21 of the KLP.

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

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 with due regard to all available information regarding contamination or stability of land.

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

6 – Representations:

No representations were received during assessment of this application.

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: 2020/93992

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 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 2020/93991 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.

5. If 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 west facing side elevation of the 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 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 a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice 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. OS 2179A		20.11.2020
Plans and elevations as	Dwg no. 1 – 2179A	Rev A	20.11.2020

Plan Type	Reference	Version	Date Received
existing and as proposed			

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. No amendments were received during consideration of this application.

Report Dated: 14.04.2021