

**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: 2020/62/94144/E

Site Address: 8, Chadwick Hall Gardens, Lower Hopton, Mirfield,
WF14 8DZ

Description: Erection of single and two storey extensions

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: 11-Feb-2021

OFFICER REPORT

Site Description

8 Chadwick Hall Gardens is a modern stone-built semi-detached dwelling with a small garden and drive to the front and with a larger enclosed garden to the rear with a timber decking area.

The property backs onto a school and has similar residential properties to the front and sides.

Description of Proposal

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

The side extension would be set back 2.15m from the front wall of the property, would have a projection of 2.4m and would extend the remaining depth of the property, with a set down pitched roof form.

The rear extension would project 3m from the original rear wall of the dwelling. The first floor would extend across the width of the dwelling and the ground floor would continue 1.5m across the rear of the side extension. The roof form over the first floor would be a perpendicular pitched roof with a small lean-to over the single-storey element.

The walls of the extensions would be constructed using stone with tiles for the roof covering.

Relevant Planning History

None.

Representations

The application was advertised by site notices and neighbour letters, which expired on 25/01/2021.

As a result of the above publicity, three representations have been received. The material considerations raised have been summarised below.

- Loss of view,
- Potential for the formation of a terracing effect,
- The scale of extension proposed is excessive and would be out of character.

Any other matters raised have not been included, as they are not material planning considerations.

Mirfield Town Council has been consulted, although no comments have been received.

Consultation Responses

None.

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

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

The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at:

<https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

However, the Mirfield Design Guide 2002 is still of relevance and requires development to be in keeping with the area.

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 dwelling is located on a small modern cul-de-sac of similar properties. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises two distinct elements, which shall be addressed below.

Two-storey side extension

The proposed side extension would be set back from the front elevation of the dwelling and the roof form would be set down from the main roof. The extension would appear subservient to the main house and the design follows the form of the main house and the neighbouring dwellings on this cul-de-sac. Given the set back and set down of the side extension, there would be limited potential for the formation of a terracing effect. Furthermore, the materials proposed would match the main dwelling, with the use of stone for the walling and tiles for the roof covering. As such, the extension would be in-keeping with the character of the area and is acceptable in terms of visual amenity.

Single & two-storey rear extension

The host property and its associated curtilage are of a sufficient size to support the proposed rear extension without amounting to overdevelopment of the site and whilst retaining a reasonable amenity space. As such, the scale of the rear extension is considered acceptable in terms of its scale. The proposed materials would match the main house and the detailing is considered appropriate. The rear extension is, therefore, considered to be acceptable in terms of visual amenity.

Summary

The design of both elements of the proposal continue the architectural styling of the main house and are considered acceptable in terms of the character of the area. Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP (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 states 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 directly to the rear, which could be affected by the works proposed.

Impact on 6 Chadwick Hall Gardens

The side extension would be located on the opposite side of the host property to this adjoining dwelling. As such, this would cause no harm to the amenities of the occupiers of the adjoining 6 Chadwick Hall Gardens.

The rear extension would be constructed along the shared boundary and would have the potential to result in an overbearing impact. However, the projection is limited to 3m, which is generally considered to be acceptable and the roof form would be pitched taking the vertical emphasis up and away from the adjoining dwelling. Although there will be some impact, officers are satisfied that the proposed rear extension would not cause any significant harm to the amenities of the occupiers of the adjoining 6 Chadwick Crescent, that would be sufficient to justify refusal on these grounds.

Impact on 10 Chadwick Hall Gardens

The side extension would reduce the space between the host property and this neighbouring house adjacent. However, the neighbour's side elevation is blank and, as such, the side extension would not cause any significant impact on the amenities of the occupiers of the adjacent 10 Chadwick Crescent.

The rear extension would be set back from the shared boundary, with the adjoining property with a single-storey element closest. Given the spatial relationship together with the limited projection of 3m and the use of a lean-to a pitched roof form, the vertical emphasis would be taken up and away from the adjacent neighbour. Officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 10 Chadwick Hall Gardens.

Impact on 3 Chadwick Hall Gardens

The separation provided by the road itself is such that the side extension would have no significant effect upon 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, thereby complying with Policy LP24 of the KLP (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 the loss of the garage. However, the garage is not of a sufficient size to meet modern parking standards. The property would retain one off-road parking space and there is on-street parking available, 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, it complies with Policy LP22 of the KLP.

5– Other matters:

Biodiversity

After a visual assessment of the building, 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, work must cease immediately, and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are 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:

Three representations have been received. The material considerations raised have been summarised below.

- Loss of view,
- Potential for the formation of a terracing effect,
- The scale of extension proposed is excessive and would be out of character.

The matters summarised above are material considerations in terms of both visual and residential amenity and have been addressed in the relevant sections of this report.

Any other matters raised have not been included, as they are not material planning considerations.

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 two-storey side and a single & two-storey rear extension for 8 Chadwick Hall Gardens 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: 2020/94144

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: 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 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	Web ID	Date Received
Location plan	-	843594	18/12/2020
Block plan	-	843595	18/12/2020
Existing plans	-	843596	18/12/2020
Proposed plans	-	843597	18/12/2020

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

09/02/2021