

**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: 2020/62/94268/E
Site Address: 132, South View Road, East Bierley, BD4 6PJ
Description: Erection of two storey side and single storey rear extensions and boundary wall to front
Recommending Officer: Alice Downham

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: 23-Mar-2021

Officer Report

Site Description

132 South View Road is a two-storey semi-detached dwelling in East Bierley. It is faced in natural stone on the lower level and buff-coloured brick on the upper level, as well as the side and rear elevations. The roof is a gable design finished in concrete tiles. The property benefits from a red-brick flat-roof single-storey extension to the rear. There is a garden to the front and amenity space and off-road parking to the rear. To the front, the property is bounded by a low brick wall with fencing over, approximately 1.2m high.

The surrounding area is predominantly residential, with properties varying in terms of age, style, size, and materials. The property is located adjacent to the East Bierley Conservation Area.

Description of Proposal

The applicant is seeking permission for the erection of two-storey side and single-storey rear extensions, and the erection of a boundary wall to the front. The proposed side extension would be constructed over amenity space, and the proposed rear extension would be constructed around the existing rear extension. The proposed boundary wall would replace the existing boundary treatment to the front of the property.

Two-storey side extension: The approximate dimensions are: 7.5m deep x 2.1m wide x 5.0m eaves height (7.1m maximum height). This would be set back from the front elevation of the existing dwelling by 0.5m, flush with the rear elevation at the first-floor level and set down by 0.2m from the existing roofline. The proposed side extension would be clad in brick to the front elevation to match the existing, natural stone to the rear, with render on the side elevation. The roof would be a gable design finished in concrete tiles to match the existing. This would accommodate a study and bathroom on the ground floor, and a fourth bedroom and bedroom extension on the first floor.

Single-storey rear extension: This would be 'L-shaped', with a maximum depth of 5.2m and maximum width of 5.1m. It would project 1.5m from the maximum rear projection of the existing rear extension and be flush with the side elevation of the proposed side extension. It would have an eaves height of 2.3m and a maximum height of 3.7m. The proposed rear extension would be finished in render, with an area of natural stone on the rear elevation. The roof would be a lean-to design finished in concrete tiles to match the existing, with two roof lights. This would accommodate a dining/seating area and entrance hall.

Boundary wall: maximum height 1.0m. The proposed material is natural stone to match the surrounding properties.

History of negotiations/amendments received

After a discussion with the Council's Conservation and Design team, concerns were raised regarding the potential harm to the East Bierley Conservation Area. To mitigate the impact, officers suggested that the front elevation of the side extension is set back by 0.5m, to appear subordinate to the host dwelling, and that the front elevation of the side extension be clad in brick (to match the host dwelling) rather than stone. The agent submitted amended plans showing these changes, which are considered acceptable.

Relevant Planning History

At the application site:

99/92690 - Erection of ground floor bathroom extension. Conditional full permission.

2007/91750 - Erection of fencing and gates and re-build wall. Conditional full permission.

At neighbouring properties:

89/02197 - Erection of single storey extension to form kitchen. Granted conditionally.

89/06058 - Erection of first floor extension to form bedroom. Granted conditionally.

91/06503 - Erection of porch. Conditional full permission.

2008/90745 - Erection of kitchen extension and detached garage (within a Conservation Area). Conditional full permission.

Representations

The application was advertised by neighbour letter, site notice and in the press due to the proximity of the site to the East Bierley conservation area. Final publicity expired 22/02/2021.

Following the above publicity, four representations have been received from three people, who raised the following concerns:

- Loss of light into neighbouring property and garden due to the rear extension
- Affected outlook due to the rear extension
- Loss of privacy due to moving rear entrance
- Loss of privacy due to Velux windows
- If the wall at the front is higher than the current fence it will affect outlook
- Overlooking
- Over-dominance of the proposed extension
- Right to privacy and a private life
- Loss of light into neighbouring property due to side extension

- Overlooking of kitchen and amenity space to rear
- Proximity of side extension to shared boundary and neighbouring property
- Potential damage to drystone boundary wall
- Issues relating to property maintenance.

No parish/town council comments are required in this instance.

Officer comments will be made in section 6 of this report.

Consultation Responses

KC Conservation & Design: informal discussion, no objections subject to proposed amendments. This will be discussed in the “Impact on visual amenity and historic environment” section of the report.

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.

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 (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLPn 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 and historic environment:

The surrounding area is predominantly residential, with properties varying in terms of age, style, and materials. It is important to note that several properties on this street have been extended or altered in some way and it is, therefore, considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

Side extension

The proposed side extension would be less than 50% of the width of the host dwelling, would be set back at the front elevation, and would be set down at the roofline. Therefore, it is considered subservient to the host dwelling, which would remain the dominant feature following development. An undesirable terracing effect would be avoided as the roofline of the proposed extension would be set down from that of the host dwelling. The development would be in keeping with the existing property in terms of design and materials. Due to the location of the proposed extension to the side of the property, it would be visible from the road and the neighbouring property to the west. However, it is noted that the properties in the surrounding area are varied in age, style, size, and materials. Therefore, the erection of a two-storey side extension at 12 Woodlands Crescent would not look out of place within the street scene.

Rear extension

The proposed rear extension is small in scale and is considered subservient to the host dwelling, which would remain the dominant feature following development. It would adjoin the existing single-storey rear extension at the host dwelling. The development would be in keeping with the existing property in terms of design and materials. The proposed rear extension would be located to the rear of the property where it would be least visible within the street scene.

Boundary wall

The proposed boundary wall is small in scale (1.0m high) and would be in keeping with the surrounding area in terms of materials and design. It would be acceptable from a visual amenity perspective.

Having taken the above into account, the proposed development 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 KLP and the aims of Chapter 12 of the NPPF.

The property is located adjacent to the East Bierley Conservation Area. Conservation officers consider the proposed rear extension would not have a harmful impact on the conservation area, due to its single-storey nature and its location to the rear of the property, where it would be least visible within the street scene. Conservation officers also have no objection to the proposed boundary wall. Conservation officers have no objections to the two-storey side extension subject to amendments (discussed in "History of negotiations/amendments received"). The proposal, therefore, complies with policy LP35 in the KLP and Chapter 16 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, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 130 South View Road

This is the adjoining property to the south-east of the application site. This property benefits from a single-storey rear extension. There would be no impact on this property from the proposed boundary wall. The proposed side extension would be located on the opposite side of the adjoining property and, as such, would have no impact on this neighbouring property. The proposed rear extension would not result in significant overbearing or overshadowing impacts due to its single-storey nature. Furthermore, at its maximum projection, it would be set back from the shared boundary by approximately 2.0m. There would be one window, inserted into the south-east side elevation of the proposed extensions. However, this would be a secondary window, so there would be no significant impact from overlooking. Furthermore, the existing windows in the rear elevation of the host property already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site. The Velux windows in the roof are considered not to have a detrimental impact on privacy. Therefore, there would be no significant impact on the amenities of the occupiers of 130 South View Road.

Impact on 134 South View Road

This is the adjoining property to the west of the application site. There would be no impact on this property from the proposed boundary wall. There would be one small window inserted into the north-west side elevation of the proposed extensions. However, this would be obscurely glazed, so there would be no impact from overlooking. Furthermore, the existing windows in the rear elevation of the host property already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site. The proposed rear extension would not result in significant overbearing or overshadowing impacts, due to its single-storey nature. The side extension would reduce the space between the host property and the neighbouring property with a structure of some height given the two-storey nature of the proposal, resulting in overbearing and loss of light. However, given that a separation distance of approximately 0.4m from the shared boundary would be maintained, that the roofline of the proposed side extension would be set down slightly from the roofline of the host dwelling, that the front elevation of the proposed side extension would be set back from the front elevation of the host dwelling, and that the host dwelling is set back from this neighbouring property, it is considered that the overbearing impact would not be significant over and above the existing arrangements on site. Furthermore, given that the windows in the side elevation of the neighbouring property on the first floor seem to serve non-habitable spaces, that the applicant property is located to the east (so most overshadowing impact would occur early in the day), and that this neighbour is located on a corner

plot with amenity space to the front, rear, and west side, it is considered that the overshadowing impact would not be significant over and above the existing arrangements on site. It is considered, therefore, that the harm to 134 South View Road would not be so significant as to justify refusal.

Impact on 45 South View Road

This is the neighbouring property to the front elevation of the application site. There would be no significant impact upon the amenities of the occupiers of 45 South View Road, given the separation provided by the front gardens/amenity spaces of the dwellings and the road between (approximately 20m). Furthermore, the existing windows in the front elevation already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

Impact on 40 and 42 Verity Street

These are the neighbouring properties to the rear elevation of the application site. There would be no significant impact upon the amenities of the occupiers of 40 and 42 Verity Street, given the separation provided by the rear gardens of the dwellings and the road in between (approximately 19m). Furthermore, the existing windows in the rear elevation already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

Having reviewed the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed two-storey side extension would be constructed over amenity space to the side of the property, and the proposed rear extension would be constructed around the existing rear extension. The proposed extensions would accommodate a dining/seating area, entrance hall, study and bathroom on the ground floor, and a fourth bedroom and bedroom extension on the first floor. The proposed boundary wall would replace the existing boundary treatment to the front of the property. The extension is, therefore, likely to result in a modest increase in the domestic use of the dwelling and would affect the existing parking arrangements at the site. Plans were submitted showing a rear parking area that would measure approximately 5.8m x 8.2m after development, sufficient for parking 3 cars. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

5 – Other matters:

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 would need to be adhered to as part of the construction process and which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

Four representations have been received from three people, which raised the following concerns:

Loss of light into neighbouring property and garden due to the rear extension
Comment: *This is a material consideration relating to residential amenity and as such has been addressed within the residential amenity section of this report.*

Affected outlook due to the rear extension
Comment: *Loss of view is not a material planning consideration.*

Loss of privacy due to moving rear entrance
Comment: *Amended plans were received which show that the rear entrance to the applicant property would remain in a similar position relative to the neighbouring properties. Therefore, there would be no loss of privacy.*

Loss of privacy due to Velux windows
Comment: *Issues relating to loss of privacy are a material consideration relating to residential amenity and, as such, have been addressed within the residential amenity section of this report.*

If the wall at the front is higher than the current fence it will affect outlook
Comment: *Loss of view is not a material planning consideration.*

Overlooking
Comment: *This is a material consideration relating to residential amenity and, as such, has been addressed within the residential amenity section of this report.*

Over-dominance of the proposed extension
Comment: *This is a material consideration relating to visual amenity and, as such, has been addressed within the visual amenity section of this report.*

Right to privacy and a private life
Comment: *Issues relating to loss of privacy are a material consideration relating to residential amenity and, as such, have been addressed within the residential amenity section of this report.*

Loss of light into neighbouring property due to side extension

Comment: *This is a material consideration relating to residential amenity and, as such, has been addressed within the residential amenity section of this report.*

Overlooking of kitchen and amenity space to rear

Comment: *This is a material consideration relating to residential amenity and, as such, has been addressed within the residential amenity section of this report.*

Proximity of side extension to shared boundary and neighbouring property

Comment: *This is a material consideration relating to residential amenity and, as such, has been addressed within the residential amenity section of this report.*

Potential damage to drystone boundary wall

Comment: *This is a civil matter and not a material planning consideration.*

Issues relating to property maintenance.

Comment: *This is a civil matter and not a material planning consideration.*

7 – 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 development harmonises with the host dwelling.

Notes will also be added regarding the hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for the erection of two-storey side and single-storey rear extensions and boundary wall at 132 South View Road, East Bierley, 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 development 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: 2020/94268

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 Policies LP1, LP2, LP21, LP22, LP24, LP35, and LP51 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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
Block Plan		-	11/01/2021

Plan Type	Reference	Version	Date Received
Proposed Elevations	Dwg no. 04 boundary wall details	-	11/01/2021
Location Plan		-	14/12/2020
Grouped Plans and Elevations	Planning 1-02-A floor plans	-	10/03/2021
Grouped Plans and Elevations	Planning 1-01-A elevations and location plan	-	10/03/2021

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.

After a discussion with the Council's Conservation and Design team, concerns were raised regarding the potential harm to the East Bierley Conservation Area. To mitigate the impact, officers suggested that the front elevation of the side extension be set back by 0.5m, to appear subordinate to the host dwelling, and that the front elevation of the side extension be clad in brick (to match the host dwelling) rather than stone. The agent submitted amended plans showing these changes, which are considered acceptable.

Report Dated: 23/03/2021