

**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: 2020/62/94347/E

Site Address: 46, Lee Road, Ravensthorpe, Dewsbury, WF13 3BE

Description: Erection of two storey side and rear extensions and dormer windows to front and rear

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: 08-Mar-2021

OFFICER REPORT

Site Description

46 Lee Road is a brick-built, semi-detached dwelling, with a drive to the front, existing single storey extension to the side and an enclosed garden to the rear.

The house is located on a residential street with properties of a similar age and size, although some of these have been extended and altered. The property is adjacent to a brick-built electricity sub-station.

Description of Proposal

The applicant is seeking permission for a front dormer, two storey side extension, two storey rear extension and a rear dormer.

The front dormer would be centrally sited within the front roof plane, with a width of 3m and a height of 1.9. The roof form would be flat with vertically hung tiles on the face and cheeks.

The side extension would project 3m from the original side wall of the main house and would extend the depth of the property, lying flush with the front and rear elevations. The roof form would be pitched, with brick proposed for the construction of the walling and tiles for the roof covering.

The rear extension would project 3m from the original rear wall of the dwelling and would extend across the width of the property. The roof form would be a low angled pitch, with brick proposed for the construction of the walling and tiles for the roof covering.

The rear dormer would be within the original roof plane and would have a width of 5.5m with a height of 2.1m. The roof form would be flat and the dormer face and cheeks would be clad with vertically hung tiles.

Relevant Planning History

2006/94969 - erection of linked extension and formation of a pitched roof over existing flat roof - granted

Representations

The application was advertised by site notices and neighbour letters, which expired on 22/02/2021

Following the above publicity, no representations were 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 27** - Flood risk
- **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 14 – Meeting the challenge of climate change, flooding and coastal change
- 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 Lee Road, which has residential properties of a similar age, although several have been extended previously. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

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

Front dormer

The front dormer proposed is modest in its proportions. Furthermore, there are other similar developments in the vicinity and as such, this would not be out of character with the wider area. The front dormer is, therefore, considered to be acceptable in terms of visual amenity.

Two storey side extension

There is sufficient space to the side of the property to support the proposed side extension and the scale is, therefore, considered acceptable. The materials proposed include the use of brick for the walling and tiles for the roof covering, which would match the main house and the detailing is considered

to form an appropriate relationship with the host property. As such, the side extension is considered acceptable in terms of visual amenity.

Two-storey rear extension

The host property and its associated curtilage are of sufficient size to support the proposed rear extension, without amounting to overdevelopment and a reasonable amenity space would be retained. The extension would be constructed using brick for the walling and tiles for the roof covering, which would match the main house and the detailing proposed is considered appropriate. As such, the rear extension is considered acceptable in terms of visual amenity.

Rear dormer

The dormer proposed is a large flat roofed structure proposed for the rear roof plane. The design is based on function rather than form. However, there are many other similar structures in the vicinity, including to the rear of the adjacent property, and, as such, this would not be out of character. The rear dormer is, therefore, considered to be acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions and dormers 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 to the south side, as the dwelling is immediately adjacent to an electricity sub-station.

Impact on 128 The Crescent

The front and rear dormers will be set up within the roof plane and, as such, would have no effect upon the amenities of the occupiers of this adjoining property.

The side extension would be built on the opposite side of the host property to this adjoining neighbour and, as such, would not affect the amenities of the occupiers of the adjoining 128 The Crescent.

The rear extension would be constructed along the shared boundary with this adjoining property and, as such, would have the potential to affect the amenities of the adjoining dwelling. However, these effects are minimised by the limited projection of 3m, together with the use of a low-pitched roof, which lessens the vertical impact of the extension. Officers are satisfied that there would be no significant impact upon the amenities of the occupiers of the adjoining 128 The Crescent.

Impact on 14 Fir Parade

Given the separation distance of 27m together with the angling between the properties, officers are satisfied that the proposed extensions to 46 Lee Road would have no significant effect upon the amenities of the occupiers of the neighbouring 14 Fir Parade.

Having reviewed the above factors, the proposals are considered not to result in any adverse impact upon the residential amenities 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. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a 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:

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

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:

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 for dormers to the front and rear, as well as two storey extensions to the side and rear, of 46 Lee Road 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/94347

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 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	-	847350	12/01/2021
Existing floor plans	2	847348	12/01/2021
Front and rear elevations	4	847344	12/01/2021
Side elevations	5	847342	12/01/2021
Floor plans	3	847347	12/01/2021
Flood risk assessment	-	847384	12/01/2021

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 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

08/03/2021