

**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: 2021/62/90431/E

Site Address: 89, Ravenshouse Road, Scout Hill, Dewsbury, WF13
3QR

Description: Erection of single storey rear extension

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: 31-Mar-2021

OFFICER REPORT

Site Description

89 Ravenshouse Road is a semi-detached two storey property with brick and render detail split between the ground and first floor. The property has a two-storey bay window on the front elevation, which is a feature of the properties on this row. There is also a two-storey extension to the rear of the dwelling, which extends across the width of the property and has a projection of 3m with a hipped roof form. The dwelling has a drive to the front and side, with a long garden to the rear of the dwelling

The property faces Dewsbury Cemetery on the opposite side of the road. At the rear of the site is a large works building and to each side are similar domestic properties.

Description of Proposal

The applicant is seeking permission for a single storey rear extension.

The extension would project 3m from the level of the existing extension, with a width of 4m. It would be set in from the southern corner by 1.4m. The roof form is proposed to be pitched.

The walls of the extension are proposed to be constructed, using brick with tiles for the roof covering.

Relevant Planning History

2003/92011 - erection of two storey rear extension - granted and built

2020/91467 - erection of single storey rear extension - refused by reason of the 6m projection

2020/93576 - erection of single storey rear extension - refused by reason of the 6m projection

Representations

The application was advertised by site notices and neighbour letters, which expired on 25/03/2021

Following the above publicity, no representations were received.

Consultation Responses

None on the current application, although Strategic Waste and Minerals were consulted under the previous applications. Their responses are still considered to be relevant and are detailed below.

K.C. Strategic Waste - There is one closed landfill within 250m of application address. The former Lower Spen Valley landfill site lies approximately 84m away, the site is producing large amounts of LFG but monitoring of boundary boreholes have not shown traces of methane due to an active landfill gas extraction system on site. Levels of CO₂ have ranged from 1% v/v to 12% v/v.

K.C. Minerals Officer - Based on the above, the applicant would be advised to carry out landfill gas monitoring if the proposal were supported, prior to development commencing to establish whether landfill gas levels are significant in the vicinity of the site and to incorporate appropriate mitigation measures if necessary.

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
- **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 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.

Similar proposals were refused twice last year. Although there have been no alterations in terms of planning policy since the previous applications, the projection of the extension has been substantially reduced from 6m to 3m.

These issues, along with other policy considerations, will be addressed below.

2 –Impact on visual amenity:

The host property is located on a residential street, with similar properties to each side in terms of age and style, although some of these have been extended including the host property. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The host property and its associated curtilage are of a sufficient size to support the proposed extension, without amounting to overdevelopment of the

site and a very reasonable amenity space would be retained. The materials proposed would match the main house, with the use of brick for the construction of the walls and tiles for the roof covering. It is appreciated that the property has been extended previously with a two-storey rear extension, which projects by 3m and that the current proposal would increase the level of extension to the rear of the property to a new ground floor projection of 6m. However, there are other such developments in the vicinity and, as such, this would be in keeping with the character of the host property or the surrounding area. Therefore, the proposed single storey rear extension is considered acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension 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 (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 front or to the rear as the dwelling faces onto Dewsbury Cemetery to the front and a business to the rear.

Impact on 87 Ravenshouse Road

Given the set back from the shared boundary with the adjacent property, together with the substantial fencing between the properties, officers are satisfied that the extension would have no significant effect upon the amenities of the occupiers of the adjacent property, 87 Ravenshouse Road.

Impact on 91 Ravenshouse Road

The extension would be constructed along the shared boundary with this adjoining property. The existing extension already causes some overshadowing of the neighbouring property in the early afternoon, at first floor level. As the extension now proposed would be single-storey with a projection of 3m and the neighbouring house has its own single-storey rear extension, the increase in terms of overshadowing and additional overbearing and oppressive impacts on the rear garden and windows of the adjoining property, over and above the existing arrangements on site, would be minimal. Officers are satisfied that level of impact, with respect to the amenities of the occupiers of the adjoining 91 Ravenshouse Road, is not so significant as to justify refusal.

Having reviewed the above, 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. However, the parking area to the front, side and rear 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:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in an area, which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, it is considered unlikely to have an impact on the bat population.

Contaminated Land

Given the consultation responses from Strategic Waste and the Minerals Officer received during the previous application, if approved, it is considered appropriate to include conditions regarding mitigation to comply with policy LP53 of the KLP.

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.
- Given the proximity to a landfill site, it is considered reasonable and necessary to condition the incorporation of mitigation measures.

9 – Conclusion:

This application to erect a single storey extension to the rear of 89 Ravenshouse 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 is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/90431

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.

4. Below ground drainage ducts and service entry points shall be sealed where they enter the building.

Reason: To protect the development from any potential landfill gas hazard and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Cavities adjacent to or below ground level and trenches serving the items referred to in condition 4 shall be ventilated.

Reason: To protect the development from any potential landfill gas hazard and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. A continuous gas impermeable membrane shall be incorporated in the sub-floor base.

Reason: To protect the development from any potential landfill gas hazard and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 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	-	853623	04/02/2021
Existing plans	-	853624	04/02/2021
Proposed plans	-	853625	04/02/2021

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

29/03//2021

