

**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: 2021/62/90773/E

Site Address: 19, Chadwick Crescent, Dewsbury, WF13 2JF

Description: Erection of two storey side and rear extensions

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: 02-Jun-2021

Officer Report

Site Description

19 Chadwick Crescent is a two-storey detached dwelling located in Dewsbury. It is constructed of red brick, with a part-hipped part-gable roof finished in concrete tiles. The property benefits from a driveway to the side and gardens to the front and rear.

The location of the site is within a residential area, on a development of properties of a similar character, style and size to the application site. The predominant material of construction in the surrounding area is red brick with concrete roof tiles. The property is located adjacent to the Northfields Conservation Area.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey side and rear extensions. These would be constructed partly over the existing driveway and partly over the rear garden. The proposed extensions would accommodate an open-plan kitchen-dining/lounge area and utility and WC to the ground floor, and bedroom extensions and one additional bedroom on the first floor (increase from three to four bedrooms). The approximate dimensions of the proposal are as follows:

Maximum 11.4m deep (4.0m projection from rear elevation of host dwelling at ground floor level, 3.0m projection from rear elevation of host dwelling at first-floor level) x maximum 7.9m wide (2.0m projection from side elevation of host dwelling)

The proposed side extension would be set back from the front elevation of the host dwelling by approximately 0.6m. The single-storey element would have a flat roof with a maximum height of 2.7m. The two-storey element would have a gable roof finished in concrete tiles to match the existing, with a maximum height of 7.8m (set down from the roofline of the host dwelling by approximately 0.1m at the rear and by 0.2m at the side).

All external materials to match the existing, as shown on the submitted plans.

History of negotiations/amendments received

The Kirklees Council Biodiversity officer raised concerns about potential disturbance to bats caused by the proposal. A bat survey was requested and received. It was considered acceptable by officers and a condition has been added to the decision notice to ensure the recommendations in the bat survey are followed.

Relevant Planning History

At the application site:

93/05909 – Erection of 87 no dwellings with garages. Conditional full permission.
93/05910 - Erection of 87 no dwellings with garages (alternative proposal). Conditional full permission.
94/93754 – Erection of 4 no. additional detached dwellings. Conditional full permission.
95/93053 – Erection of 4 no detached dwellings. Conditional full permission.

At neighbouring properties:

2013/90832 - Erection of single and two storey rear extension. Conditional full permission. (15 Chadwick Crescent).
2013/91742 - Erection of single, two storey and dormer extension. Conditional full permission. (10 Chadwick Crescent).
2014/93523 - Prior notification for single storey rear extension. Withdrawn - Invalid. (17 Chadwick Crescent).
2014/93952 - Prior notification for single storey rear extension. Not required. (17 Chadwick Crescent).
2015/93241 - Erection of extensions to side and rear. Conditional full permission. (17 Chadwick Crescent).
2017/91381 – Erection of two storey side and rear extensions and erection of dormer to rear. Withdrawn. (17 Chadwick Crescent).

Representations

The application was advertised by neighbour letter, site notice and in the press due to the proximity of the site to the Northfields conservation area. Final publicity expired: 03/05/2021.

Following the above publicity, no representations were received.

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

Consultation Responses

KC Conservation & Design – informal consultation, no objections raised. This will be discussed further in the “Impact on visual amenity and historic environment” section of this report.

KC Ecology – informal consultation, bat survey requested. This will be discussed further in the “Other matters” section of this 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 proposals maps.

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 under other matters.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **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 NPPF 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 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic 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) Conditions
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP), policy LP1 of which 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 location of the site is within a residential area, within a development of properties of a similar character, style and size to the application site. The predominant material of construction in the surrounding area is red brick with concrete roof tiles. 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.

In terms of design, the proposed extensions would be finished in materials to match the existing. The two-storey side extension would have a dual-pitched roof with a side-facing gable, and the two-storey rear extension would have a dual-pitched roof with a rear-facing gable. The single-storey element to the rear would have a flat roof. The design is considered acceptable in terms of visual amenity.

In terms of scale, as the proposed extensions would be set down from the roofline of the host dwelling, they are considered subordinate to the host dwelling which would remain the dominant feature following development. The proposed extensions would increase the footprint of the building and would also increase the bulk and massing. However, the host property and its associated curtilage is of a scale which would support the proposed extension without amounting to overdevelopment and whilst retaining a reasonable amount of amenity space. The proposed extensions would be at least partly visible from the road. However, it is noted that other dwellings in the area have erected similar two-storey side and/or rear extensions, including the two

neighbouring properties to the northwest (15 & 17 Chadwick Crescent). Therefore, the erection of two-storey side and rear extensions at 19 Chadwick Crescent would not look out of place within the street scene.

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, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

The property is located adjacent to the Northfields Conservation Area. After an informal consultation with the Kirklees Council conservation officer, they do not consider this development to have a harmful impact on the conservation area as there are several similar existing extensions in the street scene. The trees surrounding the property, and the property being at a higher elevation, prevent any visual harm to the nearby Conservation Area, therefore complying 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 states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 17 Chadwick Crescent

This is the adjoining property to the west of the application site. This property benefits from similar two-storey side and rear and single-storey rear extensions. A 1.6m separation distance would be maintained post-development. According to the planning history, the windows in the side elevation of 17 Chadwick Crescent serve a dining room at ground floor level and a bathroom and bedroom at first floor level. There would be windows inserted into the north-western side elevation of the proposed side extension. However, these windows would be conditioned to be obscurely glazed due to the nature of the use of the rooms and the minimal separation distance. As such, it is considered that there would be no impact from overlooking. The two-storey side extension would reduce the space between the host property and the neighbouring property with a structure of some height, resulting in overbearing and loss of light. However, given that the proposed side extension will be set away slightly from the shared boundary, and that the roofline of the proposed side extension will be set down from the roofline of the host dwelling, it is considered that the overbearing and overshadowing impact would not be significant over and above the existing arrangements on site. It is considered, therefore, that the harm to 17 Chadwick Crescent would not be so significant as to justify refusal of the scheme.

Impact on 21 Chadwick Crescent

This is the adjoining property to the south-east of the application site. This property is set back and angled away from the applicant property.

Development would come no closer to this neighbouring house than at present. A reasonable separation distance of at least 5m would be maintained. There would be new windows inserted into the south-western side elevation, serving a lounge on the ground floor and two en-suites and a bedroom on the first floor. Given that the windows serving the lounge and bedroom would be secondary windows, that the en-suite windows would be obscurely glazed due to their use, and the relationship between the two properties, it is considered that any overlooking impact would be acceptable. Given the location of the proposed extensions and the relationship between the two properties, it is considered that there would be no significant overshadowing impact. It is considered, therefore, that the harm to 21 Chadwick Crescent would not be so significant as to justify refusal of the scheme.

Impact on 10 Chadwick Crescent

This is the neighbouring property to the front elevation of the application site. There would be no impacts on the amenities of this neighbour due to the proposed rear extensions. Given the separation provided by the front gardens of the dwellings and the road between, there would be no significant impact upon the amenities of the occupiers of 10 Chadwick Crescent caused by the proposed side extension. 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 24 & 25 Northfield Road

These are the neighbouring properties to the rear elevation of the application site. These properties are at a lower elevation than the applicant property and are screened by mature trees. There would be no significant impacts upon the amenities of the occupiers of 24 & 25 Northfield Road, given the reasonable separation distance provided by the rear gardens of the dwellings (approximately 28m), and the screening effect provided by the mature trees at the boundary. Furthermore, the existing windows in the rear elevation already face these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

Having reviewed the above, 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 and rear extensions would be constructed partly over the existing driveway and partly over the rear garden. The proposed extensions would accommodate an open-plan kitchen-dining/lounge area and utility and WC to the ground floor, and bedroom extensions and one additional bedroom on the first floor (increase from three to four bedrooms).

The extension is, therefore, likely to result in a modest increase in the domestic use of the dwelling. However, the remaining parking is considered sufficient. 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:

Ecology

Kirklees Council's Biodiversity officer was informally consulted. Given that the site is within the bat alert zone, there is a record of a bat roost within 300m of the site and a linear feature of mature trees to the north of the site. Therefore, as the proposals will affect the roof of the building, a bat survey was requested after consultation. This was received and considered acceptable. The Ecology officer recommended that a condition be added to ensure that all recommended measures within the report be followed. The proposal would, therefore, accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.

Carbon Budget

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 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:

No representations have been received.

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 extension harmonises with the host dwelling.
- Obscure glazing of windows in the north-western side elevation prior to use of the development to protect privacy.

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 erection of two-storey side and rear extensions at 19 Chadwick Crescent, Dewsbury, 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: 2021/90773

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, LP30, 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 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. The development shall not be occupied until the windows in the north-western side elevation of the development hereby approved have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) (or any Order revoking or re-enacting that Order) the obscure glazing (to a minimum Grade 4) shall thereafter be retained.

Reason: To not detract from the amenities of occupants of the adjoining property (17 Chadwick Crescent) by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

5. The development shall be completed in accordance with the advice and directions (recommendations) contained in section 5 of the Bat Survey, reference (20164-B).

Reason: In the interests of biodiversity and to accord with the requirements of Policy LP30 of the Local Plan.

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
Grouped Plans and Elevations	20164-D04-A GroupedProposed	-	25/02/2021
Grouped Plans and Elevations	20164-D03-A GroupedExisting	-	25/02/2021
Location Plan	20164-D01-A LocationPlan	-	25/02/2021
Proposed Site / Block Layout	20164-D02-A SitePlan	-	25/02/2021
Bat Survey		-	20/05/2021

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.

The Kirklees Council Biodiversity officer raised concerns about potential disturbance to bats caused by the proposal. A bat survey was requested and received. It was considered acceptable by officers and a condition has been added to the decision notice to ensure the recommendations in the bat survey are followed.

Report Dated: 01/06/2021

