

**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: 2021/62/90801/E

Site Address: 16, Brookfield Avenue, Wyke, BD12 9LX

Description: Erection of single storey front and rear extensions, two storey side extension and raised patio

Recommending Officer: Katie Wilson

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: 01-Jul-2021

Officer Report – 2021/90801

Site Description

16 Brookfields Avenue, Wyke, Cleckheaton comprises a two-storey semi-detached house, appearing to date from the 1950s or 1960s, with a later porch extension to the front. The walls are predominantly rendered and painted creamy white and the roof is dual pitched, hipped to the side and surfaced in grey/brown tiles.

There is a hard surfaced parking area to the front and a gated drive to the side, leading to detached garage and rear garden that gently slopes down and away from the back of the house, where there is a raised decking patio and steps down to the rear garden.

The house is located near the head of a residential cul-de-sac, with similar houses to either-side and open fields to the rear.

Description of Proposal

Planning permission is sought for the erection of single-storey front and rear extensions, a two-storey side extension and a raised patio

Front extension:

- Rectangular footprint 1.5m projection x 5.4m wide.
- Mono-pitched roof approximately 2.3m high eaves level and 3.4m overall height.
- Front door and patio doors to front.
- Wall and roof materials to match the existing.

Rear extension:

- Rectangular footprint 3.0m projection x 3.7m wide.
- Dual pitched roof, 3.6m eaves level and 4.5m ridge height.
- Window to the rear (west) elevation and patio doors to the north facing side elevation opening onto new raised decking patio.

Raised patio:

- Rectangular – approximately 4.0m wide x 3.0m deep and 1.2m above ground level.
- 1.1m high balustrade to front and side and steps down into back garden.

Two-storey side extension:

- Rectangular footprint projecting 1.2m to the side x 8.4m deep (full depth of existing house)
- Dual, pitched roof, hipped to the side all to match the existing.
- One window to front at ground floor level, four windows to the side (three ground level and one first floor level).
- External materials to match the existing.

History of negotiations/amendments received

Some site photographs were requested and received, together with an amended drawing, showing patio doors to the front extension.

Relevant Planning History

2020/91159 – erection of single storey front and rear extensions, two storey side extension and raised patio. Conditional full permission.

[Planning application details | Kirklees Council](#)

Representations

Final publicity date Expires: 30th April 2021. No representations were received.

Parish/Town Council comments: Not applicable.

Consultation Responses

Health & Safety Executive: Do not advise against the proposal.

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.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design

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 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 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. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this case, there is an extant planning permission (ref: 2020/91159) for a very similar scheme with the same description, and this is a material consideration. The current proposal is essentially a modified proposal and, as such, the principle of extending the existing dwelling is considered acceptable and shall now be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. Regarding extensions, it states under part c, that proposals should promote good design by ensuring *“extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*.

In this instance, the original part of the house is considered as it stands, without the front extension and possibly the raised decking to the rear. In terms of scale the proposed front and rear extensions are both a single-storey in height, with modest projections and the side extension, which, whilst being two-storeys high and flush with the front and rear elevations, are relatively narrow. As such, in officers’ opinion, the proposed extensions would be subservient to the original part of the house.

Regarding materials and details, all the external wall and roof materials would be to match the host dwelling house and the roof designs are compatible with those already in-situ. Most of the fenestration is also in keeping with the style of the existing house and, where it differs, such as the feature window in the rear elevation and the patio doors to the front, in officers' opinion this would not be harmful to the residential character of the surrounding area.

Overall, it is considered that the proposed development would promote good design and that it is compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should “...*minimise the impact on residential amenity of future and neighbouring occupiers.*”

In this instance, there would be three households potentially affected by the proposals; these are addressed below:

14 Brookfields Avenue:

This is a similar two-storey semi-detached house, located to the north of the application site. Its footprint is closer to the pavement at the front and approximately half of its side elevation is parallel and facing onto the side of the house at the application site.

In terms of overshadowing and overbearing impacts, the proposed front extension would be set in from the mutual boundary by around 2.5m and it would have a modest projection, so it is considered that there would be no significant impact of this nature of this neighbouring property. Furthermore, 14 Brookfields Avenue already has a single storey side extension and outbuilding, which, together with the spatial relationship between the properties, would limit the impact of both the proposed two storey side extension and the single storey rear extension with the raised patio.

Regarding overlooking, several windows are proposed in the facing side elevation of the proposed two-storey side extension (3 at ground level and 1 at first floor). Only one is a habitable room window, and this is a secondary window at ground floor level. However, it would look directly onto the blank side elevation of the existing single-storey side extension at 14 Brookfields Avenue so, as such, in officers' opinion, any loss of privacy would be very limited.

The proposed single storey rear extension would also have patio doors facing onto the back garden of this neighbouring property, together with raised decking abutting the mutual boundary. However, on the neighbours' side of the boundary is a single-storey extension and outbuildings, which provide substantial screening.

18 Brookfields Avenue:

This is the adjoining two-storey semi-detached house, attached to the south facing side elevation of the house at the application site. It has a single-storey

front extension and single-storey side extension that has a limited projection into the rear garden.

In terms of overshadowing and overbearing impacts, this would mainly be from the proposed front and rear extensions, which would both be close to the mutual boundary. However, they are single-storey structures, with modest projections and orientated to the north. As such, in these circumstances, it is considered that any such impact would be relatively limited.

No openings are shown in either of the extensions that directly face this house and any new openings could be controlled by condition. In this way it would be possible to restrict any loss of privacy.

15 Brookfields Avenue:

This is a two-storey semi-detached house on the opposite side of the road and to the east of the application site.

Given the modest scale of the proposed development and that the 28.0m separation distance between the nearest parts of proposed development and this neighbouring house, it is considered that there would be no undue harm to the residential amenities of the occupants of either property.

To conclude, in officer's opinion the proposed extensions would minimise the impact on residential amenity of future and neighbouring occupiers, so they are compliant with part c of policy LP24 of the KLP.

4 – Impact on highway safety:

The proposals will result in some, very modest intensification of the domestic use. However, even with the proposed front extension, the property would have a parking area to the front of the property for two vehicles, and this 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:

Carbon Budget

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.

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.

Health & Safety

The property lies within the consultation area for a high-powered gas line and the outer zone for a hazardous materials site. As such, the Health & Safety Executive were consulted, although no concerns were raised.

6 – Representations:

No representations were received.

7 – Conclusion:

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.

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: 2021/90801

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 Policies LP1, LP2, LP21, LP22 and 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. The render shall be applied before the extensions are first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework

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) no doors, windows or any other openings shall be created in the side (south) elevation of the single storey rear extension hereby approved.

Reason: To not detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within 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	Version	Date Received
Location plan	Dwg no. 20:01:7219:04	Rev F	16.06.2021
Plan and elevations as existing	Dwg no. 20:01:7219:01		26.02.2021
Site plan as proposed	Dwg no. 20:01:7219:04	Rev F	16.06.2021
Plans and elevations as proposed	Dwg no. 20:01:7219:04	Rev F	16.06.2021

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. An amended plan was received showing patio doors to front elevation.

Report Dated: 30.06.2021