

**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: 2021/62/90845/E

Site Address: 18, Crescent Walk, Ravensthorpe, Dewsbury, WF13
3BG

Description: Erection of dwelling

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: 27-Apr-2021

OFFICER REPORT

Site Description

The site is a fire damaged dwelling, originally a mid-terraced house, with gardens to the front and a yard to the rear. The property had a single and two storey rear extension prior to the fire.

There are dwellings to either side, which were similar in age to the original house, a large parking area to the rear and red brick dwellings on the opposite side of the road.

Description of Proposal

The plan is to reinstate the house to be as it was prior to the fire, with a 1.5m single storey element to the front and a two-storey rear element beyond the level of the original house at 3.2m across the width of the dwelling, with a single storey element with an additional projection of 2m and a width of 2.5m. The roof over the front element would be a lean-to type and the roof over the two-storey rear element would be a perpendicular pitch with a small lean-to roof over the single storey element.

The walls would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2009/93291 - erection of front and rear extension - granted and built.

Representations

The application was advertised by neighbour letters, which expired on 21/04/2021.

Following the above publicity, no representations were been received.

Consultation Responses

None.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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 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 replacing the existing dwelling, 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:

Crescent Walk comprises residential properties, which are for the most part of a similar age and style, although there have been several extensions and alterations. Dependent upon design, scale and detailing, it may be acceptable to rebuild extend the host property.

The property was a previously extended dwelling with a single and two-storey rear extension approved and built. However, due to an explosion at the property, the dwelling had to be demolished. The applicant wishes to rebuild the property, with the single and two storey rear extension. Given there are other such developments in the wider area, this would not be out of place or unacceptable in terms of the scale. The plans now include an additional single storey extension to the front. This would be a new feature for the property. However, there have been several of these approved and built within the row. This would not, therefore, be out of character in the street scene. The materials proposed will match the original and neighbour dwellings. As such, the replacement dwelling is considered acceptable in terms of visual amenity.

Having taken the above into account, the proposed replacement dwelling 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 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 directly to the front or rear, which could be affected by the works proposed, given the space on the opposite side of the road the host property faces onto and the large parking area at the rear of the dwelling.

Impact on 16 Crescent Walk

This adjoining dwelling to the east has its own rear extensions, which would limit the potential for the replacement dwelling to have any significant impact on the amenities of the occupiers of the adjoining 16 Crescent Walk.

Impact on 20 Crescent Walk

The proposal would reinstate the previous relationship between the host property and this adjoining dwelling to the west. Officers are satisfied that this would have no further impact on the amenities of the occupiers of the adjoining 20 Crescent Walk over and above the previous dwelling.

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, there is shared parking for residents in the parking area to the rear, which is considered to represent a sufficient 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:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered sufficient to include a condition regarding the reporting of unexpected contamination, to comply with 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.
- As the dwelling is close to a source of potential contaminated land, it is considered reasonable and necessary to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.
- Given the scale of the replacement dwelling relative to the size of the original property, it is considered reasonable and necessary to remove permitted development rights for any further extension, alteration or outbuilding, to prevent over-development and preserve the amenities of the occupiers of the neighbouring properties.

9 – Conclusion:

This application to replace the dwelling at 18 Crescent Walk 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: 2021/90845

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 dwelling hereby approved shall in all respects match those used in the construction of the adjoining properties.

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. 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 development included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory extensions do not result in overdevelopment of the site and to avoid potential for harm to be caused to the amenities of the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

5. If that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with

the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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
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Plan Type	Reference	Web ID	Date Received
Location plan	1005	857647	17/03/2021
Existing plans	1001b	857858	17/03/2021
Existing floor plans	1001a	857645	17/03/2021
Proposed elevations	1003s	857644	17/03/2021
Proposed floor plans	1002a	857643	17/03/2021
Plans	1006	857641	17/03/2021

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 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

23/04/2021