

**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: 2021/62/90867/E

Site Address: 14, Curwen Crescent, Heckmondwike, WF16 9AS

Description: Erection of two storey and single storey extensions
and detached garage

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: 18-May-2021

Officer Report

Site Description

14 Curwen Crescent is a two-storey semi-detached dwelling located in Heckmondwike. It is constructed of red brick, with a hipped roof finished in concrete tiles. There is a two-storey projecting element to the front elevation which has a hipped roof. There is a small, attached outbuilding to the side/rear. There is a driveway to the side. There are gardens to the front and rear.

The location of the property is within a residential area. The surrounding properties are similar in terms of age, size, style, and construction materials. There is an area to the rear classified as Urban Greenspace, which has been granted planning permission for 14 dwellings (2018/94213).

Description of Proposal

The applicant is seeking permission for the erection of single and two storey extension and a detached garage. This would replace the attached outbuilding and would be constructed partly over the driveway to the side of the property and partly over garden space to the rear. The proposal would accommodate an open plan dining area and family room on the ground floor level, with car port to the side, and bedroom extensions to the first-floor level, with one additional bedroom to the side.

The approximate dimensions of the proposal are as follows:

Single storey rear extension: 6.0m deep x 7.4m wide x 3.9m maximum height (3.0m eaves height)

Two-storey rear extension: 3.0m deep x 7.4m wide x 8.0m maximum height (5.7m eaves height) (set down from roofline of host dwelling by 0.3m).

Two-storey side extension: 7.1m deep x 2.4m wide x 7.8m maximum height (5.2m eaves height). (flush with roofline of host dwelling)

Detached garage: 5.0m deep x 3.5m wide x 2.5m maximum height (2.3m eaves height).

Proposed materials consist of brickwork exterior walls to match the existing. The single-storey rear extension would have a lean-to roof form. The two-storey rear extension would have a dual-hipped roof form with rear-facing gable. The two-storey side extension would have a hipped roof form. All would be finished in tiles to match the existing. It is noted that there would be openings inserted into the rear elevation of the proposed rear extensions, and the front and rear elevations of the proposed side extension.

The proposed detached garage would have a garage door to the front, and a door and window to the southwest side elevation. The detached garage would have a rendered exterior and a flat roof with falls to the rear.

History of negotiations/amendments received

Officers raised concerns regarding the parking at the property. Concerns were also raised about the materials proposed for the detached garage. Amended plans were submitted by the agent showing parking for three cars and the proposed materials for the detached garage. These were considered acceptable. The agent also agreed to a change to the application description to include the detached garage to the rear. The proposals were not re-advertised as there was no significant increase in the level of proposed development.

Relevant Planning History

At the applicant property:

2020/93765 - Prior notification for single storey rear extension. Refused.
2020/94265 - Prior notification for single storey rear extension. Not required.

At neighbouring properties:

2018/94213 - Erection of 14 dwelling houses and associated works.
Conditional full permission. (Land adjacent 143 Dale Lane).
2021/90452 – Erection of first floor rear extension. Conditional full permission.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 04/05/2021.

Following the above publicity, no representations were received.

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

Consultation Responses

None were considered necessary in this instance.

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 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

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:

The property is located in a residential area. The surrounding properties are similar in terms of age, size, style, and construction materials. 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.

Single storey rear extension:

Although the single storey rear extension is permitted under a "notification for prior approval for a proposed larger home extension" application (2020/94265), the proposed development in the prior approval was approximately half as wide as the original dwellinghouse, not the full width as under consideration here. However, given the single-storey nature of the proposal and the reasonable amenity space that would be retained (approximately 82 sq m), the single-storey rear extension is considered acceptable in terms of visual amenity.

Two-storey rear extension:

The projection of the two-storey rear extension is shown on the submitted plans as being 3.0m. The property has a reasonably sized amenity space to the rear of the dwelling and this space would be reduced by the proposed rear extensions and detached garage. However, a reasonable level of amenity space would be retained (approximately 82 sq m). The roofline of the proposed extension would be set down from the roofline of the host dwelling by approximately 0.3m, which contributes to making this element seem subservient to the host dwelling. The materials proposed would be to match the main house with brick for the exterior walls and tiles for the roof covering. The details proposed are similar to the existing dwelling and would result in an acceptable relationship. Furthermore, it is noted that this element would be located to the rear of the property where it would be least visible within the street scene. Therefore, the two-storey rear extension can be considered acceptable in terms of visual amenity.

Two-storey side extension:

The proposed side extension is relatively small in scale (being less than 50% of the width of the host dwelling) and is considered subservient to the host dwelling which would remain the dominant feature following development. The proposed extension would slightly 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 or appearing incongruous. The proposed extension would be flush with the front elevation of the host property and with the roof line. The proposed side extension would be designed with a hipped roof form; hence an undesirable terracing effect is avoided. The materials proposed would be to match the main house with brick for the exterior walls and tiles for the roof covering. The details proposed are similar to the existing dwelling and would result in an acceptable relationship. Due to its location on the southwest side of the property it would be visible from the road and by the immediate neighbouring property, but the relatively small scale of this development means it would not cause any significant harm to visual amenity.

Detached garage: 5.0m deep x 3.5m wide x 2.5m maximum height (2.3m eaves height).

The proposed detached garage would have a garage door to the front, and a door and window to the southwest side elevation. The detached garage would have a rendered exterior and a flat roof with falls to the rear. The proposed detached garage is small in scale and is considered subservient to the host dwelling which would remain the dominant feature following development. The property has a reasonably sized amenity space to the rear of the dwelling and this space would be reduced by the proposed rear extensions and detached garage. However, a reasonable level of amenity space would be retained (approximately 82 sq m). Due to its location to the rear of the property, it would not be visible from the road.

Having taken the above into account, the proposed development 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.

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 sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 16 Curwen Crescent

This is the adjoining property to the north of the application site. There would be no adverse impacts caused by the proposed two-storey side extension as it would be located to the opposite side of the applicant property. Given the

small scale of the proposed garage and that it would be located to the southeast corner of the applicant property, it is considered that this would have no significant impacts on 16 Curwen Crescent. It should be noted that the 6.0m projection of the single-storey element of the rear extension has already been agreed through the larger home notification scheme. Given the position of the extension, there would be potential for some overshadowing in the afternoon/evening and an overbearing impact. However, the projection is limited to 3m, and the roof proposed would be a perpendicular pitched roof which would take the vertical emphasis up and away from the shared boundary with the adjoining neighbour. Furthermore, there would be no windows inserted into the northern side elevation of the proposed rear extensions. As such, the extension would not cause any significant harm to the amenities of the occupiers of the adjoining property, 16 Curwen Crescent.

Impact on 12 Curwen Crescent

This is the neighbouring property to the south of the application site. Given the small scale of the proposed garage and its non-habitable use, it is considered that this would have no significant impacts on 12 Curwen Crescent. The proposed two-storey side extension would reduce the space between the host property and the neighbouring property with a structure of some height given the two-storey nature of the proposal, resulting in overbearing and loss of light. However, the driveway of the adjoining property would provide separation, and there would be no windows inserted into the side elevation of the proposed side extension. The proposed rear extensions would be set away from the shared boundary (in line with the side elevation of the host dwelling), set down from the roofline of the host dwelling, and there would be no windows inserted into the southern side elevation of the proposed rear extensions. As such, the proposed extensions would not cause any significant harm to the amenities of the occupiers of 12 Curwen Crescent.

Impact on 21 Curwen Crescent

This is the neighbouring property to the front elevation of the application site, on the opposite side of Curwen Crescent. Given that the proposed rear extensions and detached garage would be located to the rear of the applicant property, it is considered that these would have no significant impacts on 21 Curwen Crescent. There would be no significant impact upon the amenities of the occupiers of 21 Curwen Crescent, given the reasonable separation distance (at least 26m) provided by the front gardens of the dwellings and the road in between. 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.

There are no neighbouring properties to the rear elevation of the applicant site that would be affected by the proposed development.

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, thereby complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed single and two storey extension and a detached garage would replace the attached outbuilding and would be constructed partly over the driveway to the side of the property and partly over garden space to the rear. The proposal would accommodate an open plan dining area and family room on the ground floor level, with car port to the side, and bedroom extensions to the first-floor level, with one additional bedroom to the side. The extension is therefore likely to result in a modest increase in the domestic use of the dwelling and would affect the existing parking arrangements at the site. The agent has submitted amended plans showing three car parking spaces at the site post-development, which is considered sufficient. A condition will be attached to the decision notice specifying the standards for resurfacing the off-street parking area. Subject to the above condition, the proposal would not represent any additional harm in terms of highway safety and as such complies with Policies LP21, LP22 and LP28 of the KLP and Chapter 9 of the NPPF.

5 – Other matters:

Housing Development

There is an area to the rear classified as Urban Greenspace, which has planning permission for 14 dwellings (2018/94213). The proposed development would bring development closer to the boundary with this site. Two dwellings (bungalows) are proposed to share a boundary with the applicant site. It is considered that there would be no significant impact upon the amenities of the occupiers of these proposed dwellings, given the reasonable separation distance provided by the rear gardens of the proposed dwellings (approximately 20m), and the screening effect provided proposed boundary treatments (trees at shared boundary). Furthermore, the existing windows in the rear elevation already look towards these proposed dwellings. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

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 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.
- Accordance with government guidance for surfacing of the vehicle parking area, to ensure highway safety and a satisfactory layout.

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 to erect single and two storey extensions and a detached garage at 14 Curwen Crescent, Heckmondwike, 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: 2021/90997

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, 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 brought into use until all area indicated to be used for parking on the approved plan has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) this shall be so retained, free of obstructions and available for parking/turning thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 can 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
Plan General	Proposed Garage PLN-EXT A3L-5	Rev A	10/05/2021
Grouped Plans and Elevations	Location Plan and Existing and Proposed Site Plans PLN-EXT A3L-1	Rev A	10/05/2021
Grouped Plans and Elevations	Existing and Proposed Side Elevations PLN-EXT A3L-3	Rev A	10/05/2021
Grouped Plans and Elevations	Existing and Proposed Front and Rear Elevations PLN-EXT A3L-4	Rev A	10/05/2021
Grouped Plans and Elevations	Existing and Proposed Floor Plans PLN-EXT A3L-2	Rev A	10/05/2021

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.

Officers raised concerns regarding the parking at the property. Concerns were also raised about the materials proposed for the detached garage. Amended plans were submitted by the agent showing parking for three cars and the proposed materials for the detached garage. These were considered acceptable. The agent also agreed to a change to the application description to include the detached garage to the rear. The proposals were not re-

advertised as there was no significant increase in the level of proposed development.

Report Dated: 13/05/2021