

**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: 2021/62/90905/E

Site Address: 1, Royd Wood, Cleckheaton, BD19 5JN

Description: Erection of two storey rear extension

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

1 Royd Wood, Cleckheaton is a detached dwelling located on a corner plot between Royd Wood and Hightown Road. It has one storey to the front and two storeys to the rear. It is constructed of brick, with areas of white/off-white render to the front and rear elevations. The roof is a hipped design finished in interlocking concrete tiles. There is a garage to the side of the property, attached via a carport. There is a balcony to the rear with store below. There is a single-storey extension which serves a family room to the lower ground floor. There are gardens to the front, side, and rear. The site slopes downhill to the rear.

The location of the applicant property is within a residential area. The surrounding dwellings are varied in terms of age, style, size, and construction materials.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey rear extension. This would replace the balcony and store to the rear of the property and would be partly constructed over existing garden space. This would accommodate an open-plan kitchen/dining/living area and balcony to the ground floor level, and a master bedroom with dressing room and en-suite to the lower ground floor. The approximate dimensions of the proposal are as follows:

3.0m deep x 10.8m wide x 7.5m maximum height (2.8m balcony height).

The proposed extension would have a similar width to the existing balcony and would project approximately 1.0m further from the rear elevation of the host dwelling. It would be designed with a hipped roof finished in concrete tiles to match the existing, which would be set down from the roofline of the host dwelling by approximately 0.9m. Proposed materials consist of render to the exterior walls, in a colour to match the existing. It is noted that there would be openings inserted into the rear elevation of the proposed extension at the ground and lower ground floor levels. There would be French doors inserted into the eastern side elevation at the ground floor level, serving the balcony. There would be a balustrade around the balcony, and a Juliet balcony serving the kitchen, which would both be constructed of clear toughened glass.

History of negotiations/amendments received

Officers raised concerns regarding the level of parking at the property and the materials proposed for the balcony and Juliet balcony balustrades. The agent submitted amended plans detailing the materials proposed for the balustrades and showing four parking spaces available within the curtilage. These details were considered acceptable.

Relevant Planning History

At the application site:

2009/92768 - Erection of single storey extension. Conditional full permission.

At neighbouring properties:

2002/94482 – Erection of conservatory at first floor level. Refused. (62 Hightown Road).

2003/91482 – Erection of conservatory at first floor level. Conditional full permission. (62 Hightown Road).

2015/92909 - Erection of first floor extension and demolition of existing first floor extension. Conditional full permission. (62 Hightown Road).

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

Kirklees Council Strategic Waste: provided landfill gas monitoring levels. This will be discussed in the “Other Matters” section of the report.

Kirklees Council Minerals and Waste Disposal team: provided an interpretation of landfill gas monitoring levels. This will be discussed in the “Other Matters” section of the 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.

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
- **LP 53** – Contaminated and unstable 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, 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

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 applicant property is located in a residential area. The surrounding dwellings are varied in terms of age, style, size, 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.

In terms of design, the proposed materials consist of render to the exterior walls, in a colour to match the existing. The proposed extension would be designed with a hipped roof finished in concrete tiles to match the existing. It is noted that there would be openings inserted into the rear elevation of the proposed extension at the ground and lower ground floor levels. There would be French doors inserted into the eastern side elevation at the ground floor level, serving the balcony. There would be a balustrade around the balcony, and a Juliet balcony serving the kitchen, which would both be constructed of clear toughened glass. The design is considered acceptable in terms of visual amenity.

In terms of scale, the proposed extension would have a similar width to the existing balcony and would project approximately 1.0m further from the rear elevation of the host dwelling. The roofline of the proposed extension would be set down from the roofline of the host dwelling by approximately 0.9m. The proposed rear extension is relatively small in scale 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, and whilst retaining a good area of amenity space. Due to the location of the proposed two-storey extension to the rear of the property, it would not be visible from Royd Wood but would be visible from Hightown Road to the west. Given that the proposed extension would be set off from the western boundary by almost 9m, and that the character of the surrounding area is varied with several extensions and alterations to surrounding properties, it is considered that the impact on visual amenity would not be significant.

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.

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 3 Royd Wood

This is the adjoining property to the east of the application site. The proposed extension would project no closer to this neighbour than the existing balcony to the rear of the applicant property and would not bring development closer than at present. The proposed extension would be located to the western side of the rear elevation of the host dwelling and would be set down from the roofline of the host dwelling by approximately 0.9m. Although there would be an additional opening inserted into the eastern side elevation, this is a secondary opening and as such the overlooking impact is not considered to be significant. The balcony would have no further impact on privacy than the existing situation. Taking the above into account, it is considered that there would be no significant impact upon the amenities of the occupiers of 3 Royd Wood due to the proposed development.

Impact on 2 Ashbourne Gardens & 62 Hightown Road

These are the neighbouring properties to the west of the application site, on the opposite side of Hightown Road. There would be no significant impact upon the amenities of the occupiers of 2 Ashbourne Gardens and 62 Hightown Road, given the significant separation distance (at least 30m) provided by the gardens of the dwellings and the road in between. Furthermore, the existing windows in the front elevation already look towards these neighbours. Therefore, there would be no additional windows inserted into the western side elevation, meaning there would be no additional overlooking impact.

Impact on 2 Royd Wood

This is the neighbouring property to the front elevation of the application site. Given that the proposed development would be located to the rear of the application site, there would be no impacts on the amenities of 2 Royd Wood.

Impact on 17, 19 & 21 Royd Wood

These are the neighbouring properties to the rear elevation of the application site. The proposed extension would project approximately 1.0m further than

the existing balcony to the rear of the applicant property, bringing development slightly closer than at present. The proposed extension would be set down from the roofline of the host dwelling by approximately 0.9m. A reasonable separation distance (at least 22m) would be provided by the rear gardens of the dwellings. Furthermore, the existing windows in the rear elevation, which serve a mixture of habitable and non-habitable rooms, already look towards these neighbours. Therefore, the new windows would have minimal further impact over and above the existing arrangements on site. The balcony would have no further impact on privacy than the existing situation. Taking the above into account, it is considered that there would be no significant impact upon the amenities of the occupiers of 17, 19 & 21 Royd Wood caused 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 two-storey rear extension. This would replace the balcony and store to the rear of the property and would be partly constructed over existing garden space. This would accommodate an open-plan kitchen/dining/living area and balcony to the ground floor level, and a master bedroom with dressing room and en-suite to the lower ground floor (one additional bedroom). The extension is, therefore, likely to result in a modest increase in the domestic use of the dwelling but would not affect the existing parking arrangements at the site. Plans were submitted showing four parking spaces available at the property, which 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:

Landfill Gas

KC Strategic Waste and KC Minerals and Waste Disposal have both reviewed the application. The consultee responses highlighted the site is approximately 221m away from a closed landfill site (KC ref no. 31). This landfill site accepted 3000m³ of foundry sand and excavation wastes. The levels of methane detected during the last shallow spike surveys in 1992 at the nearby closed landfill site were very low. Bearing in mind the distance of the site from the generation source and the significant amount of built environment between the application site and the former tip, which is now developed with housing, it is not considered that any landfill gas measures are required in this instance. Therefore, the proposal complies with the aims of Policy LP53 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 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.

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 a two-storey rear extension at 1 Royd Wood, Cleckheaton 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: 2021/90905

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, LP51, and LP53 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.

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	01.CC.02A -	-	08/05/2021

Plan Type	Reference	Version	Date Received
Elevations	Proposed		
Grouped Plans and Elevations	01.CC.01 - Existing	-	03/03/2021
Location Plan	01.CC.03	-	03/03/2021

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 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 level of parking at the property and the materials proposed for the balcony and Juliet balcony balustrades. The agent submitted amended plans detailing the materials proposed for the balustrades and showing four parking spaces available within the curtilage. These details were considered acceptable.

Report Dated: 13/05/2021