

**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: 2021/62/91175/E

Site Address: 33, Chadwick Crescent, Dewsbury, WF13 2JF

Description: Erection of single and two storey rear extension and conversion of garage

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: 14-May-2021

OFFICER REPORT

Site Description

33 Chadwick Crescent is a detached two storey dwelling, which is sited within a recently built development of similar properties. The dwelling has an open garden, drive and attached garage to the front of the dwelling, a raised patio area to the rear and an enclosed rear garden.

The dwelling is surrounded by similarly aged dwellings and the adjacent 35 Chadwick Crescent is currently constructing a similar extension.

Description of Proposal

The applicant is seeking permission to erect a single and two storey extension to the rear of the property.

The ground floor of the extension is proposed to project 6m from the original rear wall of the dwelling with a lesser projection of 3m at first floor level. The extension would extend across the width of the dwelling with a lean to roof over the ground floor and a perpendicular pitched roof over the first floor.

The walls of the extension are proposed to be constructed using red brick with tiles for the roof covering.

Relevant Planning History

Relevant to the host property

2017/91008 – larger home notification - agreed although not built

2021/90921 - larger home notification - pending

Relevant to the adjacent neighbour, 35 Chadwick Crescent

2017/90743 – erection of single and two storey extension to rear – granted and built

Representations

The application was advertised by neighbour letters, which expired on 11/05/2021.

Following the above publicity, one representation has been received. The material consideration raised relates to the potential for a loss of privacy if the fence, which has been removed is not replaced.

Consultation Responses

None.

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 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 30** – Biodiversity
- **LP 33** – Trees

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 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.

It is noted that approval has been granted in 2017 for a similar proposal. The previous approval has expired without being commenced and since the previous assessment, the KLP has been adopted. The current proposal shall be assessed in line with the adopted local plan.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The properties on Chadwick Crescent are similarly aged modern properties with some minor variances in terms of design and scale. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The ground floor of the extension has been agreed under the larger home notification scheme. As such, this assessment will consider the impact of the first-floor extension and the changes required to facilitate the conversion of the garage in terms of visual amenity.

The existing vehicle access in the garage would be built up with matching brick and a window installed with similar proportions to the existing windows in the dwelling. As such, this would be acceptable in terms of visual amenity.

The host property is a detached dwelling with gardens to the front and rear. As such, the extension would not necessarily be out of scale with the host property. It will however take the property to its limit of reasonable extension. A condition could be added to any subsequent permission removing permitted

development rights for any further works to prevent the property from being overdeveloped in terms of roof alterations, porches or outbuildings.

The materials for the extension would be to match the main house and the detailing would be appropriate for the modern domestic property. As such, subject to the suggested condition, the proposal can be considered acceptable in terms of visual amenity.

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 (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building 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, extensions minimising impact on residential amenity of future and neighbouring occupiers.

It is noted that the single storey element to the rear has been agreed through the larger home notification scheme. As such, this assessment will consider the impacts of the first-floor rear extension would have on the amenities of the occupiers of the neighbouring properties.

The relationship between the host property and the neighbouring properties is such that the potentially affected properties are 35 Chadwick Crescent, 16 Aspen Grove and 12 Pickard Way. The impact on these properties will be considered below.

35 Chadwick Crescent

The adjacent neighbour to the south, 35 Chadwick Crescent occupies a position closer to the road than the host property. Whilst the neighbour is currently undergoing its own larger home extension with an approved first floor, the proposed extension would bring the rear elevation of the host property further back in relation to the adjacent neighbour on the lower ground floor. However, the impact of the proposed first floor extension to the rear of the host property would have limited impact on the amenities of the occupier of the neighbouring 35 Chadwick Crescent given the space between the properties and the neighbour's own extensions.

The proposed floor plans show several windows within the side elevation, which would serve the new entrance hall, a downstairs toilet, a new utility room and a secondary window within the new dining room on the ground floor of both the original house and the previously agreed ground floor extension. The plans also show two new windows in the first-floor side elevation which

would serve the landing (as the staircase is being relocated) and a bathroom. None of these rooms would be considered habitable and would not be considered to represent any loss of privacy.

31 Chadwick Crescent

The adjacent neighbour to the north side, 31 Chadwick Crescent occupies a position which is a little further back within its own plot relative to the host property. The first-floor extension would extend a little out past the rear elevation of the neighbouring property. However, the space between the buildings and the limited level of the first-floor extension minimises the impact on the adjacent 31 Chadwick Crescent.

The plans show windows within the side elevation including a new lounge window in the original side wall and a small kitchen window within the previously agreed ground floor extension. None of these require planning permission as they are on the ground floor. The plans also show a new bedroom window for bedroom 5 on the side elevation of the original house. This is not shown on plan as being obscure glazed and would not, therefore, conform with permitted development. However, as this window faces onto the blank gable end of the adjacent 31 Chadwick Crescent, it is not considered to represent any loss of privacy and as such can be considered acceptable.

12 Pickard Way

The nearest neighbour to the rear, 12 Pickard Way occupies a position some 20m to the rear of the host property and at a significantly lower level. Given the separation and the land level differences, it is considered that there would be no harm caused to the amenities of the occupiers of 12 Pickard Way.

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 and the loss of the existing garage. However, the garage does not have sufficient dimensions at present to constitute a parking space and the existing parking area to the front of the property is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Biodiversity

After a visual assessment of the building, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that, if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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 will need to be adhered to as part of the construction process, which will require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

One representation has been received. The material consideration raised relates to the potential for a loss of privacy if the fence which has been removed is not replaced.

This is a material consideration as it relates to privacy. However, the proposal under consideration is for extensions and does not include works on the boundary. The overall impact on the neighbouring properties has been addressed within the residential amenity section of this report.

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.
- Given the level of extension proposed, it is considered reasonable to remove permitted development for any further extensions or outbuildings, to prevent overdevelopment and protect the amenities of the neighbouring properties.

9 – Conclusion:

This application to convert the garage and erect a single and two storey extension to the rear of 33 Chadwick Crescent 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: 2021/91175

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 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. 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 occupiers of adjacent properties to the host property and to accord with policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan.

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
Location plan	D01	862095	22/03/2021
Existing elevations	D04	862094	22/03/2021
Proposed site plan	D02	862092	22/03/2021
Proposed elevations	D05	862091	22/03/2021
Proposed floor plans	D03	862089	22/03/2021

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

12/05/2021

