

**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: 2021/62/91322/E

Site Address: 49, Bennett Lane, Dewsbury, WF12 7DY

Description: Demolition of existing garage and erection of two storey side 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: 14-Jun-2021

Officer Report

Site Description

49 Bennett Lane is a two-storey semi-detached dwelling located in Dewsbury. It is faced in natural coursed stone to the front elevation and red brick to the side and rear elevations. The roof is a hipped design finished in blue slates. There is a canopy roof to the front over the porch and ground floor bay window, also finished in blue slates. The property benefits from off-street parking to the front for three cars, an attached garage to the side, and a conservatory to the rear. There is a garden to the rear.

The property is located on a residential street, with properties of a similar age and materials of construction, although there is some variation in terms of style.

Description of Proposal

The applicant is seeking permission for the demolition of the existing garage and the erection of a two-storey side extension. This would replace the existing attached garage and would accommodate a bedroom, WC, utility room, and gym on the ground floor, and a bedroom and house bathroom on the first floor. The number of bedrooms would increase from three to five. The approximate dimensions of the proposal are as follows:

7.9m deep x 2.5m wide x 8.2m maximum height (5.7m eaves height).

The proposed two-storey side extension would be flush with the host dwelling at the front and rear elevations, and at the roofline. Proposed materials comprise natural coursed stone to the front elevation, and brickwork to the side and rear elevations, both to match the existing. The roof would be a hipped design finished in blue slates. There would be openings inserted into the front and rear elevations of the proposed extension.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

None at the application site. At neighbouring properties:

2005/93852 – Erection of single storey and 2 storey extensions. Conditional full permission. (69 Bennett Lane).

2008/91400 – Erection of single and two storey extensions. Conditional full permission. (59 Bennett Lane).

2011/91178 - Erection of a two-storey extension to side & single storey extension to rear. Conditional full permission. (56 Bennett Lane).

2020/90555 - Erection of two storey side and single storey rear extension.
Conditional full permission. (52 Bennett Lane).

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 01/06/2021.

Following the above publicity, one representation was received which raised the following concerns:

- Significant overshadowing of primary living space to rear compared to existing situation.
- Overshadowing of south-facing wall and half-glazed side door, particularly in winter months
- The extension will ... remove all morning sunlight from the primary living space all year round.
- The rearward projection of the proposed extension will also cause the sun to be blocked in the early afternoon.
- it is relevant to mention that I am disabled and semi-retired, working from home in our kitchen diner
- the side door is our primary usable access to the house
- As this will impact the amount of sunlight reaching my south facing aspect this will also reduce the warming effect of the sun on those walls, I am therefore concerned that this has the potential to make my property colder through the year and increase my energy consumption and CO2 footprint
- The application refers to several similar extensions, the overwhelming majority of these are on the South facing sides of the buildings on the even numbered side of Bennett Lane and stop well short of the party walls or boundaries, are not full length of the existing property or similar... I have not identified a comparable property with extension as drawn and believe that this extension will be result in this property being the closest to its neighbour of our housing styles.
- If the council approves this application, I would like conditions placed upon it that nothing in its construction or location would prevent me or a future resident building an extension of similar footprint [subject to planning consent], this will involve pulling the planned side wall back to ensure there is adequate space to safely do so.
- We will not accept any projection over our boundary line, and I would ask that the need to remain within the curtilage of their plot is restated.

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

Officer comments will be made in section 6 of this report.

Consultation Responses

None were considered necessary.

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

Supplementary Planning Guidance / Documents:

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is without notation on the 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 on a residential street, with properties of a similar age and materials of construction, although there is some variation in terms of style. 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 would use natural coursed stone, brick, and blue slates to match the host dwelling. The roof would be a hipped design to match the existing. The materials and detailing are considered in-keeping with the host property.

In terms of scale, the proposed side extension would be less than 50% of the width of the host dwelling. Although it would be flush with the host dwelling at the front and rear elevations, and at the roofline, the limited width proposed allows the extension to form a subservient relationship with the main house. The proposed extension would modestly increase the footprint of the building, given that it would replace the existing garage, and it 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. Due to the location of the proposed extension to the side of the property, it would be visible from the road and the neighbouring property to the north. However, it is noted that other dwellings in the area have erected similar two-storey side extensions. Therefore, the erection of a two-storey side extension at 49 Bennett Lane would not look out of place within the street scene.

Overall, the proposed two-storey side extension is considered acceptable from a visual amenity perspective.

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

Impact on 47 Bennett Lane

This is the adjoining property to the south of the application site. This property benefits from a conservatory to the rear. The proposed extension would be located on the opposite side of the adjoining property and, as such, would have no impact upon the amenities of the occupiers of 47 Bennett Lane.

Impact on 51 Bennett Lane

This is the adjacent property to the north of the application site, which benefits from a small single-storey rear extension and a rear conservatory. There would be no windows inserted into the side elevations of the proposed extensions, so there would be no impact from overlooking. The side extension would reduce the space between the host property and this adjacent neighbouring house. However, the land to the side of the neighbouring

property forms the driveway, not a private amenity space, and the proposed extension would replace a single-storey garage, meaning there would be no significant additional overbearing impact over and above the existing arrangements on site. The neighbour's side elevation has two openings: a window to the first floor serving a landing and a half-glazed door to the ground floor serving a kitchen-diner. The landing is a non-habitable space. The half-glazed door is not the primary opening serving the kitchen-diner – there are windows and a conservatory to the western (rear) elevation, which would be largely unimpacted by the proposed side extension. Therefore, although it is accepted that there would be an overshadowing impact, it is considered that the impacts on 51 Bennett Lane would not be so significant as to warrant refusal.

Impact on 42 & 44 Bennett Lane

These are the neighbouring properties to the front elevation of the application site. There would be no significant impact upon the amenities of the occupiers of 42 & 44 Bennett Lane, given the separation provided by the front gardens of the dwellings and the road in between. Furthermore, the existing windows in the front elevation of the applicant property already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

Impact on 25 & 27 Torridon Road

These are the neighbouring properties to the rear elevation of the application site. There would be no significant impact upon the amenities of the occupiers of 25 & 27 Torridon Road, given that the proposed side extension would be flush with the rear elevation of the original house and, as such, it would have no further impact on the property to the rear than the existing house. Furthermore, the existing windows in the rear elevation of the applicant property already face these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

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 demolition of the existing garage and the erection of a two-storey side extension would replace the existing attached garage and would accommodate a bedroom, WC, utility room, and gym on the ground floor, and a bedroom and house bathroom on the first floor. The number of bedrooms would increase from three to five. The proposed development is, therefore, likely to result in an increase in the domestic use of the dwelling. However, the existing garage is currently not being used for parking (converted to gym, WC

and utility), and three parking spaces will be retained to the front of the property. Therefore, the proposal would not affect the existing parking arrangements at the site, which are 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:

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:

One representation has been received which raised the following concerns:

- Significant overshadowing of primary living space to rear compared to existing situation.
- **Comment:** *Overshadowing is a material planning consideration relating to residential amenity and as such has been addressed within the residential amenity section of this report.*
- Overshadowing of south-facing wall and half-glazed side door, particularly in winter months
- **Comment:** *Overshadowing is a material planning consideration relating to residential amenity and as such has been addressed within the residential amenity section of this report.*
- The extension will remove all morning sunlight from the primary living space all year round.
- **Comment:** *Overshadowing is a material planning consideration relating to residential amenity and as such has been addressed within the residential amenity section of this report.*
- The rearward projection of the proposed extension will also cause the sun to be blocked in the early afternoon.
- **Comment:** *Overshadowing is a material planning consideration relating to residential amenity and as such has been addressed within the residential amenity section of this report. It is noted that the*

proposed extension would not project beyond the rear wall of the original dwellinghouse.

- It is relevant to mention that I am disabled and semi-retired, working from home in our kitchen diner
- **Comment:** *It is noted that, as the occupant of the neighbouring property is disabled, this would affect the impact of the proposed extensions.*
- The side door is our primary usable access to the house
- **Comment:** *The proposed extension would not prevent access to the neighbouring property via the front or side doors.*
- As this will impact the amount of sunlight reaching my south facing aspect this will also reduce the warming effect of the sun on those walls, I am therefore concerned that this has the potential to make my property colder through the year and increase my energy consumption and CO2 footprint
- **Comment:** *It is noted that the proposed extension would have an overshadowing impact as discussed in the residential amenity section of the report. However, impact on household energy consumption is not a material planning consideration. It is also noted that the primary windows at the neighbouring property are to the east and west elevations, which would receive solar gain unaffected by the proposal.*
- Lack of similar extensions (to north side of property, full length of original dwelling, adjoining shared boundary).
- **Comment:** *It is noted that the approved and built two-storey side extensions in Bennett Lane demonstrate variety of form. Some examples of similar extensions include: 90/00155 (23 Thirlmere Road), 98/90174 (17 Derwent Road), 2003/94284 (31 Thirlmere Road), 2005/90305 (18 Torridon Road), 2006/92243 (100 Bennett Lane).*
- If the council is minded to approve this application I would like conditions placed upon it that nothing in its construction or location would prevent me or a future resident building an extension of similar footprint [subject to planning consent], this will involve pulling the planned side wall back to ensure there is adequate space to safely do so.
- **Comment:** *The construction methods of the proposed development are a private matter, and any dispute is for the applicant and neighbour to address. Any future applications would be determined on their own merits. Additionally, a note will be added to the decision notice informing the applicant that planning permission does not overrule private rights of ownership.*
- We will not accept any projection over our boundary line and I would ask that the need to remain within the curtilage of their plot is restated.

- ***Comment:*** *The plans show that the proposed development would be located within the curtilage of 49 Bennett Lane and should not affect the neighbour's property. Ownership Certificate A has been signed, indicating that the land/building to which the application relates is owned by the applicant. Additionally, a note will be added to the decision notice informing the applicant that planning permission does not overrule private rights of ownership.*

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 proposed development 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 for demolition of the existing garage and erection of a two-storey side extension at 49 Bennett Lane, Dewsbury, 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: 2021/91322

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 two-storey side 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	023-21-BR01_A	-	31/03/2021

Plan Type	Reference	Version	Date Received
Elevations			
Grouped Plans and Elevations	023-21-PL02_D	-	31/03/2021
Location Plan		-	31/03/2021

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 have, 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.

No amendments were sought or received during consideration of the application.

Report Dated: 11/06/2021