

**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: 2021/62/91631/E

Site Address: 14, Ennerdale Avenue, Dewsbury, WF12 7NH

Description: Erection of two storey side extension

Recommending Officer: Katie Wilson

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: 01-Sep-2021

Officer Report – 2021/91631

Site Description

14 Ennerdale Avenue, Dewsbury is a two-storey detached dwelling (appearing to date from the 1970s) with a single garage attached to the side and a conservatory to the rear. The walls are predominantly constructed from red brickwork and the roof is dual-pitched and surfaced in grey / brown tiles. There is a hard surfaced driveway and garden to the front, and further garden area to the rear, enclosed by neighbouring gardens to all sides.

The land is relatively level, and the wider area is residential in nature, with similar properties to either side, but with more variety of house styles in the wider area. Many of these houses have been extended in various ways.

Description of Proposal

Planning permission is sought for erection of a two-storey side extension.

- Rectangular footprint approximately 3.5m projection to side x 6.7m deep (in line with front and rear elevations).
- Dual pitched roof, eaves around 5.4m and ridge height 7.5m, both to match the existing.
- Windows at ground and first floor in the front elevation and patio doors with window above in the rear elevation. Blank gable end.
- External materials to match the existing.
- It would provide space for a living room and utility at ground floor with en-suite bedroom above.

It would replace the existing garage.

History of negotiations/amendments received

The application was acceptable as submitted.

Relevant Planning History

87/03535 – first floor extension to form bedroom and en-suite shower room. conditional full approval.

Representations

Final publicity date Expires: 18th June 2021. No representations received.

Parish/Town Council comments: Not applicable.

Consultation Responses

No consultations were undertaken.

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 without notation on the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design

House Extensions Supplementary Planning Guidance

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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 of the host property and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF, published 20th July 2021, 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 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity

- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) 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. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this case, the principle of extending the existing dwelling is considered acceptable and the proposal shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (paragraph 130 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring *‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’*.

In this instance, the original part of the house is considered as it stands, without the conservatory. In terms of scale, the current proposal would effectively add just a first-floor element, as it would replace the existing garage at ground floor level, albeit with a slightly enlarged footprint. The eaves and the ridge height would also be no higher than the existing. In officers’ opinions this would keep the extensions subservient to the original building.

In terms of materials and details, the proposed external wall and roof materials would be to match the existing and the roof design and window openings would all be in keeping with those of the existing house or be appropriate for domestic extension. The proposal would also be in keeping with the street-scene and character of the surrounding area where there are similar extensions.

As such the proposal is considered compliant with this part of KLP policy LP24.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulate that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be six households potentially affected by the proposals. These are addressed below:

12 Ennerdale Avenue – This is a similar two-storey detached house located to the south-east of the application site. Its facing side elevation is parallel to that at the application site, with pathways in between giving access to the rear gardens.

In terms of overbearing or overshadowing, the proposed side extension is likely to have some such impact but in officer's opinion this would be relatively limited, over and above the impact of the existing house. This is because it is orientated to the north and effectively at first floor only, where it would be no higher or wider than the existing two-storey element of the house.

Regarding overlooking, there appear to be no openings in the facing side elevation at 12 Ennerdale Avenue and no openings are shown in the side elevation of the proposed extension. It is suggested that any future openings in the proposed extension are controlled by condition, to prevent loss of privacy.

16 Ennerdale Avenue – This is another similar two-storey detached house, which already has a two-storey side extension. It is located to the north-west and has a side elevation that is parallel. However, given that the proposed side extension would be at the opposite side of the house at the application site, it would be screened by the original part of the house. In these circumstances, it is considered that there would be no adverse impacts upon the residential amenities of the occupants of this neighbouring house.

11 and 13 Ennerdale Crescent – These are a pair of semi-detached bungalows located to the east, and their rear elevations face onto the back of the house at the application site with gap of approximately 23.0m.

As there would be this separation distance between the nearest part of the proposed extension and the rear of these neighbouring bungalows, in officers' opinions there would be very limited, if any, overlooking, overshadowing or overbearing impact.

15 and 17, Ennerdale Avenue – These are detached residential properties to the west of the application site and on the opposite side of the road. no. 15 is two storeys high, and no. 17 is a bungalow, with rooms in the roof space.

Given that there would be approximately 21.0m between the nearest part of the proposed side extension and the front elevations of these neighbouring properties, with Ennerdale Avenue in between, it is considered by officers that any loss of privacy or overbearing/overshadowing would be relatively minor.

No other properties would be affected.

To conclude, in officer's opinion the proposal would minimise the impact on residential amenity of future and neighbouring occupiers, and it is compliant with this part of policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from a residential estate road serving numerous other houses. The enlarged house would remain a 3-bedroom dwelling but would lose the existing single garage to the side of the house. However, there is approximately 6.5m between the front of the house and the rear of the pavement to Ennerdale Avenue. Furthermore, the width of the front garden, around 11.0m, is paved. As such there is space at the front to park at least three vehicles off-street.

This is acceptable in terms of highway safety.

5 – Other matters:

Carbon Budget

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 KLP policies and guidance documents to embed the climate change agenda.

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 material planning matters.

6 – Representations:

No representations were received.

7 – Conclusion:

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.

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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/91631

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 Policies LP1, LP2, LP21, and 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 the National Planning Policy Framework.

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	Version	Date Received
Location plan			21.04.2021

Plan Type	Reference	Version	Date Received
Block plan			21.04.2021
Floor plan and front and rear elevations as existing together with floor plans as proposed			21.04.2021
Side elevation as existing together with elevations as proposed			21.04.2021

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. The application was acceptable as submitted.

Report Dated: 01.09.2021