

**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: 2021/62/92226/E

Site Address: 10, Lees Avenue, Thornhill Lees, Dewsbury, WF12
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Description: Erection of two storey side and single storey front and
rear extensions and front and rear dormers

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: 30-Jul-2021

OFFICER REPORT

Site Description

10 Lees Avenue is a brick built, end terraced property with gardens to the front, side and rear.

The property is located on a residential street with properties of a similar age, although there have been some extensions and alterations to neighbouring properties.

Description of Proposal

The applicant is seeking permission for the erection of a single storey front extension, two storey side extension, single storey rear extension and front and rear dormers.

The front extension is proposed to project 0.9m from the original front wall of the property for the most part with an additional 0.2m centrally and would extend across the width of the dwelling including to the front of the proposed side extension. The roof over the front extension would be hipped for the most part with a small pitch over the central door.

The side extension would project 3.25m from the original side wall of the dwelling and would extend the depth of the dwelling with a hipped roof form.

The single storey rear extension is proposed to project 3.5m from the original rear wall of the dwelling and would extend across the full width of the dwelling including to the rear of the proposed side extension. The roof form would be lean to.

The extensions would be constructed using brick for the walling with tiles for the roof covering.

The front dormer would be central to the original roof form with a width of 2m and a height of 2.11m with a small, pitched roof. The plans show the front dormer as being clad with vertically hung tiles.

The rear dormer would have a width of 5m with a height of 2.3m. The dormer would be clad with vertically hung tiles.

Relevant Planning History

None.

History of negotiations

Given the proposal is to add two further bedrooms, parking needs to be shown for ideally three cars within the site to accord with policies in terms of highway safety. The agent has provided an additional site plan showing the

parking. The additional plan is considered not to enlarge the scheme and has not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 13/07/2021.

Following the above publicity, no representations were received.

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

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 National Planning Policy Framework (NPPF) published 20th July 2021, 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 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 host property is located on a residential street with properties of a similar age although a number of these have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of five distinct elements which shall be addressed below.

Single storey front extension

The front extension would be in a position of prominence within the street scene given the linear nature of the built environment. However, the extension would be single storey and limited in terms of its projection. Furthermore, it would be constructed using brick for the walling with tiles for the roof covering which will form an acceptable relationship with the host property. It is also noted that there are other similar extensions in the wider street and as such this would not be out of character with the wider area. The front extension is therefore considered to be acceptable in terms of visual amenity.

Front dormer

The front dormer would be in a position of prominence given the location on the front of the property. However, there are other such developments in the street and as such this would not be out of character with the wider area. Furthermore, the use of vertically hung tiles would allow the dormer to blend with the main roof to a degree. The front dormer is modest in terms of its proportions and the use of a pitched roof form would minimise the visual appearance of the dormer. As such, the front dormer is considered acceptable in terms of visual amenity.

Two storey side extension

The side extension would fill the area at the side of the dwelling. However, the projection is such that the side extension would be subservient to the main house. The use of brick for the walling and tiles for the roof covering together with the hipped roof form would form an acceptable relationship with the host property. Furthermore, there are other side extensions in the street and as such this would not be out of character with the wider area. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

The host property and its associated curtilage are of a sufficient size to support the proposed rear extension whilst retaining a reasonable amenity space. The materials proposed would match the main house with the use of brick for the walling and tiles for the roof covering. It is also noted that there is a similar extension on the adjoining property. As such, the rear extension is considered acceptable in terms of visual amenity.

Rear dormer

The dormer is large, and box like in terms of its appearance. However, it is to be sited to the rear of the dwelling with limited views in the wider area. On balance, this is considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions 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, taking into account 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.

Impact on 8 Lees Avenue

The front extension is of a limited scale which would have little potential to affect the amenities of the occupiers of the adjacent property. The front dormer would be set up within the existing roof plane with limited potential to affect the amenities of the occupiers of the adjacent dwelling. The side extension would reduce the space between the host property and the adjacent neighbour. However, the neighbouring property has one window in the side elevation, at first floor level, which appears to serve a landing. The land to the side of the dwelling forms path down the side of the house which is open to view. Given the spatial relationship between the properties, Officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 8 Lees Avenue. The rear extension would be close to the shared boundary with the rear garden of the neighbouring property. However, it is single storey with a limited projection of 3.5m. Given the scale of the extension, there would not be a significant effect on the amenities of the occupiers of the adjacent property. The dormer would be set up within the rear roof plane with limited opportunity to impact on the amenities of the occupiers of the adjacent property.

Impact on 1 Lees Avenue

The front extension is of a limited scale which would have little potential to affect the amenities of the occupiers of the property opposite. The front dormer would be set up within the existing roof plane with limited potential to affect the amenities of the occupiers of the dwelling on the opposite side of the road as the dormer would be no closer to the neighbour opposite than the existing dwelling. The side extension would not reduce the space between the host property and the neighbour opposite. Given the spatial relationship between the properties, Officers are satisfied that there would be no

significant impact on the amenities of the occupiers of the neighbouring 1 Lees Avenue.

Impact on 12 Lees Avenue

The front extension is of a limited scale which would have little potential to affect the amenities of the occupiers of the adjoining property. The front dormer would be set up within the existing roof plane with limited potential to affect the amenities of the occupiers of the adjoining dwelling. The side extension would be on the opposite side of the host property to the adjoining dwelling and as such would have no effect upon the amenities of the occupiers of the adjoining 12 Lees Avenue. The rear extension would be constructed along the shared boundary with the adjoining property. However, it is single storey with a limited projection of 3.5m. Furthermore, the neighbouring property has their own extensions to the rear. Given the scale of the extension together with the spatial relationship with the adjacent property, there would not be a significant effect on the amenities of the occupiers of the adjoining property. The dormer would be set up within the rear roof plane with limited opportunity to impact on the amenities of the occupiers of the adjoining property.

Impact on 49 Pioneer Street

The rear extension would be single storey with a limited projection of 3.5m. Given the separation between the host property and the neighbour to the rear of 22m, Officers are satisfied that there would be no significant impact on the amenities of the occupiers of the neighbouring 49 Pioneer Street. The rear dormer would be set within the existing roof plane, no closer to the neighbour at the rear than the existing rear elevation. As such, there would be no significant impact on the amenities of the occupiers of the adjoining 49 Pioneer Street. Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use with two further bedrooms and there is no parking provision for the property at present. However, there is space to the front of the dwelling to form a parking provision which has now been shown on a plan. This provision, together with on street parking is considered to represent a sufficient provision. As such, the scheme would not represent any additional harm in terms of highway safety and, therefore, it complies with policy LP22 of the KLP.

5– Other matters:

Biodiversity

After a visual assessment of the building by the officer, 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 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 matters for consideration.

6 – Representations:

None.

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.

9 – Conclusion:

This application to erect a single storey extension to the front, front dormer, two storey side, single storey rear and a rear dormer at 10 Lees Avenue 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92226

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.

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 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	Web ID	Date Received
Location plan	-	875973	07/06/2021
Side elevation, loft and block	-	876144	07/06/2021
Proposed plans	-	876143	07/06/2021
Car parking	-		05/07/2021

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.

Given the proposal is to add two further bedrooms, parking needs to be shown for ideally three cars within the site to accord with policies in terms of highway safety. The agent has provided an additional site plan showing the parking. The additional plan is considered not to enlarge the scheme and has not been advertised.

Report Dated

20/07/2021