

**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: 2021/62/92293/E

Site Address: 9, Crescent Avenue, Ravensthorpe, Dewsbury, WF13 3BD

Description: Erection of single and two storey rear and single storey front extensions

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: 06-Aug-2021

OFFICER REPORT

Site Description

9 Crescent Avenue is a brick built, semi-detached dwelling, with gardens to the front and rear. The dwelling has an outbuilding at the rear, which appears to be shared with the adjacent dwelling.

The property is located on a residential street, with houses of a similar age, although there are some variances in terms of style and there have been some extensions and alterations in the wider area.

Description of Proposal

The applicant is seeking permission for a single-storey front extension and a single and two-storey rear extension.

The front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property. The roof form would be lean-to for the most part, with a small, pitched detail over the off-centre front door.

The rear extension would project by 4.5m on the ground floor reducing to 3m at first floor and extending across the full width of the dwelling, with a lean-to roof over the ground floor element and a perpendicular pitched roof over the first floor.

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

Relevant Planning History

2020/92423 - larger home notification – agreed.

Representations

The application was advertised by neighbour letters, which expired on 22/07/2021.

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

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP53** – Contaminated land

Kirklees Council has recently produced its supplementary planning guidance on House extensions. This is an adopted document although it is still in the period after adoption where it is open to legal challenge. Nevertheless, it needs to be considered in the assessment of planning applications with appropriate 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 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 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) 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 Crescent Avenue, which is a residential street with properties of a similar age, although there are some variances in terms of style and there have been some extensions and alterations. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises two distinct elements, which shall be addressed below.

Front extension

The front extension would have a degree of prominence within the street scene. However, the scale is limited to 1.5m and it would be a single storey addition to the dwelling constructed using brick for the walling and tiles for the roof covering. The front extension is considered acceptable in terms of visual amenity.

Single and two-storey rear extension

The rear extension would, with the existing outbuilding, take up much of the rear amenity space. However, a modest area would be retained to the rear,

which, with the space to the front of the proposal, the scale of the extension is considered acceptable. It is also noted that there are other such extensions, including to the adjacent property. As such, this would not be out of character with the area. The materials proposed include the use of brick for the walling and tiles for the roof covering. The detailing would be appropriate for this style of property. As such, the rear extension 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 in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties directly to the rear, which could be affected by the works proposed.

Impact on 11 Crescent Avenue

The limited scale of the front extension would have little effect upon the amenities of the occupiers of this adjacent dwelling, given the modest projection, together with the spatial relationship and the extensions to the adjacent 11 Crescent Avenue. The rear extension would be close to the shared boundary with this adjacent dwelling. However, this neighbouring property has been extended to a similar level as that proposed. As such, the rear extension would have no significant impact on the amenities of the occupiers of the adjacent 11 Crescent Avenue.

Impact on 7 Crescent Avenue

The front extension would be constructed along the shared boundary with this adjoining property. However, given the very limited projection, there would be no significant impact on the amenities of the occupiers of the adjoining 7 Crescent Avenue. The rear extension would be constructed along the shared boundary with this adjoining dwelling and would have the potential to form an overbearing impact and to result in overshadowing in the late afternoon. It is noted that the neighbouring property does have a single storey rear extension, although the ground floor of the proposal would have a greater projection. This element, however, has already been agreed through the larger home notification scheme. The first floor would be set back at 3m, which is generally considered to be acceptable and a pitched roof is proposed, which will take the vertical emphasis up and away from this

adjoining property. Officers are satisfied that the impact of the rear extension would not be significant in terms of the amenities of the occupiers of the adjoining 7 Crescent Avenue.

Impact on 12 Crescent Avenue

The front extension is of a limited scale, which would have little impact on the amenities of this property on the opposite site of the road.

Having assessed 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 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and the property has only a single parking space to the front. However, there is on-street parking, which is considered to represent a sufficient parking 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:

Contaminated Land

The property is close to a potential source of contaminated land, a railway cutting. However, given the limited scale of the domestic development, it is considered sufficient to include a condition regarding the reporting of unexpected contamination, to comply with policy LP53 of the KLP.

Flood Risk

The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 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.

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.
- Given the proximity to a source of potential land contamination, it is considered reasonable and necessary to include a condition regarding the reporting of unexpected contamination.

9 – Conclusion:

This application to erect a single storey extension to the front and a single and two storey extension to the rear of 9 Crescent 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: 2021/92293

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. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	-	876755	14/06/2021
Existing plans	-	876757	14/06/2021
Proposed site plan	-	876756	14/06/2021
Proposed plans	-	876758	14/06/2021
Flood risk information	-	877256	14/06/2021

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

26/07/2021

