

**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: 2021/62/93122/E

Site Address: 12, Thornhill Park Avenue, Thornhill, Dewsbury, WF12
0DA

Description: Erection of extensions and alterations

Recommending Officer: Ian Lunn

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: 28-Sep-2021

Officer Report

Site Description

12 Thornhill Park Avenue is a vacant detached bungalow constructed of artificial stone for the external walls under a brown flat profile concrete tile roof. It is located approximately 60 metres to the north-east of the junction of Thornhill Park Avenue and Park House Drive in an area of residential development. The property lies within the built-up area of Dewsbury but on land that is otherwise unallocated in the Council's adopted Development Plan.

Description of Proposal

Planning permission is sought to add a single storey kitchen / dining room / bedroom / bathroom extension to the rear (east) of the dwelling, and a porch to the front (west).

The proposals also involve the conversion of the existing integral garage into additional living accommodation and the installation of three new ground floor windows within the existing bungalow. However, these works do not require formal planning permission and do not, therefore, form part of this application.

History of negotiations/amendments received

Negotiations with the agent resulted in a reduction in the number of car parking spaces from three to two and corrections to a drawing error on the submitted plans.

Relevant Planning History

2020/94011 - Prior notification for single storey rear extension projecting seven metres from the rear wall of the host dwelling with eaves height of 2.719 metres and overall height of 4 metres – Prior Approval Not Required 23/12/20 (No objections received so deemed to be 'permitted development').

Representations

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties. These were posted on 9th August 2021 giving 35 days to comment (14 days more than the normal 21 days in this instance due to current Covid restrictions). The publicity period has now expired, and no representations were subsequently received.

Consultation Responses

KC Highways DM: No observations received.

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 in the Kirklees Local Plan.

Kirklees Local Plan:

LP1 Presumption in favour of sustainable development

LP21 Highways and Access

LP22 Parking

LP24 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 20 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 15 Conserving and Enhancing the Natural Environment

Other

Highway Design Guide SPD (2019)

Assessment

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Highway Safety

Principle

The proposals are considered acceptable in principle. They involve the extension of an existing property that is sustainably located within the main built-up area of Thornhill.

Visual Amenity

The proposed rear extension will be large, projecting by some seven metres from the rear wall of the host dwelling and occupying the whole of the width of the property. It is considered not to be ideal in design terms, incorporating a flat roof that will be elevated above the eaves of the existing bungalow.

However:

- a) as a single storey extension located to the rear of the property it will have a degree of subservience to the bungalow,
- a) it will not be readily visible in the general street scene due to its proposed location to the rear of the property,
- b) it will not be unduly high standing just 3.2 metres above ground level,
- c) the flat roof will be hidden by a surrounding parapet, and
- d) the development will incorporate a lantern that will, it is considered, give it some visual interest.

In addition, it has quite recently been determined by the Local Planning Authority that a single storey extension occupying the same 'footprint' to this could be added to the rear of this property as 'permitted development' (see 2020/94011 in the 'Relevant Planning History' section above).

In view of the above it is considered that, despite the concerns about the size and design of this extension, a refusal of this element of the proposal on either of these grounds could not reasonably be sustained in this instance.

The new porch will occupy a prominent position to the front of the property fully visible from Thornhill Park Avenue. However, it is considered acceptable in both design and scale terms and its introduction will, it is felt, improve the appearance of the dwelling by helping to create a more symmetrical façade. It will be relatively modest in size, measuring approximately 1.2 metres (outward projection) x 3 metres (width) x 3.9 metres (overall height) and it will be viewed against the larger backdrop of the host dwelling, giving it a degree of subservience to the property. It will also incorporate a pitched roof that will

suitably harmonise with the roof of the main bungalow and it is to be constructed of matching artificial stone and concrete tiles.

In view of the above, it is considered, on balance, that the extensions will appear in scale and keeping with the host dwelling and the surrounding area, thus meeting the requirements of policy LP24 of the KLP, chapters 12 and 15 of the NPPF and the Council's House Extensions and Alterations SPD (2021) in visual amenity terms.

Neighbour Amenity

a) Light

The proposed rear extension will affect the level of light currently received by a conservatory that has been added to the rear of 14 Thornhill Park Avenue, next door. The impact will be reduced to some extent by a boundary wall, which currently separates the rear gardens of the two properties. Even so, it is of a projection that would not normally be deemed acceptable in terms of safeguarding light to that property. However, in this instance, the applicant benefits from the 'fall back' position outlined above namely that an extension occupying the same 'footprint' to this could be added to the rear of the property as 'permitted development'. Whilst this would need to have a slightly lower eaves height than the currently proposed extension, to satisfy the 'permitted development' criteria it would, if built, have a very similar impact in light loss terms on no. 14. With this in mind, and, as the proposed extension will not unduly affect the level of light currently received by any other property (there is substantial fence and tree screening along the rear garden boundary with 10 Thornhill Park Avenue on the opposite side), it is considered that a refusal of this element of the proposal on light loss grounds could not reasonably be sustained in this instance.

It is envisaged that the porch will not adversely light to the neighbouring properties. It will be a modest single storey structure that will stand approximately 6 and 5.5 metres respectively from the gables of 14 and 10 Thornhill Park Avenue. The former does not contain any windows and the latter contains two small secondary openings.

b) Overlooking

It is envisaged that the proposals will not lead to any unacceptable overlooking of neighbouring properties. All new windows within the extensions will either face the well-screened southern boundary of the property with 10 Thornhill Park Avenue, the rear garden boundary at a distance of at least 17 metres, or Thornhill Park Avenue itself.

c) Overdevelopment

The proposals will not lead to more than 50% of the property curtilage (excluding the land on which the 'original' dwelling currently stands) from

being built upon. Consequently, they will not lead to the overdevelopment of the plot.

In view of the above it is considered that, whilst the proposals will not wholly meet the requirements of policy LP24 of the KLP or of the Council's House Extensions and Alterations SPD (2021), given the recent planning history relating to this property, a refusal of this application on neighbour amenity grounds could not reasonably be sustained in this instance.

Highway Safety

The extended bungalow will have two bedrooms. Consequently, two associated 'off-street' car parking spaces will need to be provided. Whilst the existing garage is to be converted into additional living accommodation, two parking spaces are to be retained on the driveway in front. In view of this, the proposals are considered acceptable in parking terms.

It is not currently possible to turn vehicles around within the property curtilage, nor would it be possible to provide a satisfactory 'on-site' turning facility, given the space available. However, this should not lead to any undue highway safety concerns in this instance, as the property is located at the end of a cul-de-sac, which is unlikely to experience substantial vehicular use and where vehicles are unlikely to travel very quickly.

The existing vehicular access serving the property is to remain unaltered and will, it is considered, continue to allow vehicles safe access to and from Thornhill Park Avenue.

The Council's Highway Service have been consulted for their views on this scheme. However, they have not responded.

In view of the above, despite the lack of a response from Highways, it is considered that the proposals will be acceptable in highway safety terms, reasonably satisfying the requirements of policies LP21 and LP22 of the KLP, the House Extensions and Alterations SPD (2021) and the Highway Design Guide SPD (2019), in this regard.

Conclusion

The proposals are considered acceptable in principle, seeking approval to extend an existing sustainably located dwelling. It is also considered that, subject to the imposition of appropriate conditions, the development would, on balance, reasonably safeguard the visual amenity of the area and highway safety, thereby meeting the requirements of policies LP1, LP21, LP22 and LP24 of the KLP, chapters 12 and 15 of the NPPF and the provisions of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019) in this regard. The proposals will not wholly meet the requirements of policy LP24 of the KLP or of the Council's House Extensions

and Alterations SPD (2021) in neighbour amenity terms. However, given the recent planning history relating to this property, it is considered that a refusal of this application on neighbour amenity grounds could not reasonably be sustained in this instance.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93122

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, LP21, LP22 and LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019).

3. The materials to be used in the construction of the external walls and roof of the proposed porch, and the external walls of the proposed rear extension, shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls and roof of the host dwelling.

Reason: In the interests of visual amenity, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the requirements of the House Extensions and Alterations SPD (2021).

4. The parking spaces shown on approved drawing number 20.2746.10B shall be retained at all times, solely for the parking of vehicles, in conjunction with the enlarged dwelling.

Reason: In the interests of highway safety, in accordance with the requirements of policies LP21 and LP22 of the Kirklees Local Plan and provisions of the Highway Design Guide SPD (2019).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings shall, at any time, be formed within the side (northern facing) elevation of the proposed single storey rear extension.

Reason: To safeguard the privacy of the occupiers of 14 Thornhill Park Avenue, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Council's House Extensions and Alterations SPD (2021).

NOTE: To safeguard nearby residential properties from excessive construction noise at certain times of the day please could you limit any noisy construction activities to between the hours of:

07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours, Saturdays, with no noisy activities on Sundays or Public Holidays.

For your information Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or, is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan, Site Layout Plan, Existing Floor Plan, Elevations and Cross Section	20.2746.01	B	04/08/21
Proposed Floor Plan, Elevations and Cross Section	20.2746.10	B	22/09/21

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 and agent in dealing with the application. Negotiations with the agent resulted in the submission of amended plans showing a reduction in the number of car parking spaces from three to two, and a correction to a drawing error. These revisions led to the recommendation of approval.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former

surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Report Dated:

23.09.21

