

**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:** 2021/62/93431/E  
**Site Address:** 29, Swincliffe Crescent, Birkenshaw, BD19 4BD  
**Description:** Erection of single storey rear and 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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 22-Oct-2021**

## **Officer Report**

### **Site Description**

29 Swincliffe Crescent is a semi-detached dormer bungalow located in Birkenshaw. The dwelling is constructed of brick, with a dual-pitched roof finished in tiles. There are flat-roofed dormers to the front and rear. The dwelling benefits from a conservatory to the rear. There is amenity space to the front, side, and rear. There is a driveway to the side leading to a detached garage to the rear.

The applicant property is located on a residential cul-de-sac. To the north, south, and east, are mainly similar semi-detached dormer bungalows with a strongly uniform street scene. To the west, the street scene is more varied with a mix of two storey dwellings and bungalows of varying styles and appearance.

### **Description of Proposal**

The applicant is seeking permission for the erection of a single storey extension to the rear and side. This would replace the existing conservatory and would be constructed over existing amenity space. The proposed extension would accommodate an open-plan kitchen/living/dining area and utility. The approximate dimensions of the proposal are as follows:

3.0m deep x 8.7m wide (1.7m projection from side elevation of host dwelling) x 3.6m maximum height (3.0m eaves height).

The proposed extension would be faced in brick to match the existing, with a flat roof finished in single ply roofing membrane with a roof lantern. It is noted that there would be openings to the side and rear of the proposed extension.

### **History of negotiations/amendments received**

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

### **Relevant Planning History**

At the application site:

2021/92855 - Prior notification for single storey rear extension. Refused.

At neighbouring properties:

92/01319 – Erection of 1<sup>st</sup> floor extension. Conditional full permission. (27 Swincliffe Crescent).

2019/93589 - Erection of single storey rear extension and front and rear dormer extensions. Conditional full permission. (550 Bradford Road).

## **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 13<sup>th</sup> October 2021.

As a result of the above publicity, no representations have been received.

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

## **Consultation Responses**

None were considered necessary in this instance.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

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. The National Planning Policy Framework 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):**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

### **Supplementary Planning Guidance / Documents:**

- House Extensions and Alterations Supplementary Planning Document (SPD)

The House Extensions and Alterations Supplementary Planning Document (SPD) was adopted by Kirklees Council on 29<sup>th</sup> June 2021. This carries full weight in decision making. The SPD 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 and the National Planning Policy Framework, 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 SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and alterations.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of

sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, 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:

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon visual amenity. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The applicant property is located on a residential cul-de-sac. To the north, south, and east, are mainly similar semi-detached dormer bungalows with a strongly uniform street scene. To the west, the street scene is more varied with a mix of two storey dwellings and bungalows of varying styles and appearance. It is important to note that a number of 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 single-storey rear and side extension would be faced in brick to match the existing, with a flat roof finished in single ply roofing membrane with a roof lantern. This is considered to be acceptable in this case as the street scene and surrounding locality is characterised by flat-roofed dormers / extension. As such, in this case, it is considered it would be unreasonable of the LPA to insist upon a higher standard of design with regard to the roof. In summary, the design, materials, and detailing are in keeping with the host dwelling and the local character and the proposal is therefore considered acceptable in terms of its design.

In terms of scale, the proposed single-storey rear and side extension would be small in scale and is considered subservient to the host dwelling. The proposed extension would slightly increase the footprint of the building. However, the host property and its associated curtilage is of a scale which would support the proposed extension without the proposal amounting to overdevelopment. The host property is located on a corner plot and the proposed extension would be single-storey and to the rear. The scale of the

proposal is therefore concluded to be in keeping with the existing building and the local character and acceptable in terms of scale.

The proposed single-storey rear and side extension would respect the original house and garden in terms of size, scale, and style; and is proposed to be constructed from materials which match or are similar in appearance to the original house. The single-storey rear extension would not cover more than half the total area around the original house (including previous extensions and outbuildings); would not exceed 4.0m in height; and would not project out more than 3.0m from the original rear wall of the dwellinghouse.

Having taken the above into account, the proposed development would not cause significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

### 3 – Impact on residential amenity:

Policy LP24(c) of the Kirklees Local Plans sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD are relevant and seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing

Consideration in relation to the impact on the residential amenity of neighbouring occupants is detailed as follows:-

#### *Impact on 27 Swincliffe Crescent*

This is the adjoining property to the south of the application site. There would be no windows to the southern side elevation. The proposed extension would be single-storey and would have a flat roof with an eaves height of 3.0m. The existing boundary treatment is a 1.0m high wall with a 1.8m high fence over. An extension of the same size and scale (and potentially larger, up to 3m to the eaves and 4m to the topmost part of the roof) could be constructed to the rear of the host property along the shared boundary under permitted development rights, albeit any such extension could not protrude beyond the side of the host property.

Taking the scale of the proposal and existing boundary treatment into account, along with the fact that the host property is located to the north of this neighbour, and the development which could be undertaken by utilising

permitted development rights, it is considered that there would be no significant impacts on the amenities of 27 Swincliffe Crescent as a result of the proposal.

#### *Impact on 31 Swincliffe Crescent*

This is the adjacent property to the northeast of the application site. This neighbouring property is set forward and at an angle to the host property. There would be considered to be no significant impact upon the amenities of 31 Swincliffe Crescent, given the separation provided by the gardens and driveways of the dwellings (approximately 15m), and the screening effect provided by the detached garages at the dwellings. Furthermore, the existing windows in the side elevation already look towards this neighbour. Therefore, the new window (which would serve a utility room, a non-habitable space) is considered to have no significant impact over and above the existing property.

#### *Impact on 4 & 6 Swincliffe Close*

These are the neighbouring properties to the north of the application site. These properties are at an angle relative to the applicant property. There is considered to be no significant impact upon the amenities of 4 & 6 Swincliffe Close, given the separation provided by the rear gardens of the dwellings (at least 16m), and the screening effect provided by the detached garages at the dwellings. Furthermore, the existing windows in the side elevation already look towards this neighbour. Therefore, the new window (which would serve a utility room, a non-habitable space) is considered to have no significant impact over and above the existing property.

#### *Impact on 2 Swincliffe Close & 550 Bradford Road*

These are the neighbouring properties to the rear elevation of the application site. These properties are at an angle relative to the applicant property. There is considered to be no significant impact upon the amenities of 2 Swincliffe Close & 550 Bradford Road, given the separation provided by the rear gardens of the dwellings (at least 16m to 2 Swincliffe Close and at least 30m to 550 Bradford Road), and the screening effect provided by the detached garage at 2 Swincliffe Close.

The dwelling is located at the turning head of a cul-de-sac. Therefore, there are no neighbouring properties to the front that would be affected by the proposal.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.” Key Design Principle 4 states that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.” Key Design Principle 5 states that “extensions and alterations should not adversely affect the amount of natural light presently

enjoyed by a neighbouring property.” Key Design Principle 6 states that “extensions and alterations should not unduly reduce the outlook from a neighbouring property.” In this instance, the current proposal would not result in any significant adverse impacts on privacy, natural light, or outlook for inhabitants, future occupants, and neighbours, as discussed above. The proposal thereby complies with Key Design Principles 3, 4, 5, and 6 of the SPD and Policy LP24 (b) of the Kirklees Local Plan.

Key Design Principle 7 states that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained”. A general approach to assessing if a usable private outdoor area is retained is whether at least half the private amenity space is retained as part of the proposal. In this instance more than half of the garden area to the rear would be maintained. The proposal thereby complies with Key Design Principle 7 of the SPD and Policy LP24 (b) and (c) of the Kirklees Local Plan.

In terms of the detailed guidance for rear extensions set out in the Council’s House Extensions & Alterations SPD, the proposed single storey side/rear extension would not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties (as previously discussed); would preserve a back garden of reasonable size (with at least half the garden area retained); and would maintain external access to the rear garden. It would retain a gap of at least 1.0m from the property boundaries to the northwest and northeast; however, there would only be a gap of 0.2m from the shared boundary with no.27 Swincliffe Crescent. This is considered acceptable in this case given that the existing dwelling extends to the shared boundary with no.27 already.

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 of the Council’s House Extensions and Alterations SPD, and Paragraph 130(f) of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed single storey extension to the rear and side would replace the existing conservatory and would be constructed over existing amenity space. The proposed extension would accommodate an open-plan kitchen/living/dining area and utility. The proposed development is therefore unlikely to result in an intensification of the domestic use of the dwelling and would not affect the existing parking arrangements at the site (driveway to the

side leading to a detached garage). The current parking arrangements are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, and Chapter 9 of the National Planning Policy Framework.

#### 5 – Other matters:

##### *Carbon Budget*

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were 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 which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

#### 6 – Representations:

No representations have been received.

#### 7 – Conditions

As the proposal has commenced at site the standard timescale condition, is not considered to be necessary in this case. With regard to the assessment of this application 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 recommended hours of work and notifying the applicant that neighbours do not have to grant access to their land.

#### 8 – Conclusion:

This application for erection of a single storey rear and side extension at 29, Swincliffe Crescent, Birkenshaw, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework 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 National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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:** 2021/93431

**Officer Recommendation:** Approve

### Conditions and Reasons

1. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51, and LP52 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, and the policies within 2, 9, 12 and 14 of the National Planning Policy Framework.

2. The external walls and roofing materials of the single storey rear and side extension hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, and the policies within 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, and 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
Grouped Plans and Elevations	Drg. No. A201 Rev C	891837	27/08/2021
Location Plan	Drg. No. A101 Rev	891834	27/08/2021

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
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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:** 19/10/2021