

**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:	2021/62/93773/E
Site Address:	14, Thornhill Park Avenue, Thornhill, Dewsbury, WF12 0DA
Description:	Erection of extensions and alterations
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Apr-2022

Officer Report

Site Description

14 Thornhill Park Avenue is a two-storey, detached dwelling in Thornhill, Dewsbury. The property has a driveway to the front and a garden to the rear. There is a conservatory erected to the rear of the property. The property is finished in brown with tiled roofing.

The property is in a residential area with other properties of a similar age but a variety of sizes and designs.

Description of Proposal

The applicant is seeking permission for the erection extensions and alterations.

The existing conservatory would be demolished.

First floor front extension

The existing first floor gable end feature to the front of the property would be widened and the roof height would be increased to match the existing roof ridgeline.

Single and two storey side extension

The first floor would be extended north, to align with the ground floor side projection. The roof style and height would match the existing. This would extend two-storey behind the existing side projection, to align with the rear elevation of the existing dwelling.

Single storey rear extension

The proposed single storey rear extension would project 4 metres out the rear of the dwelling. It would be 8.3 metres wide, set in from the northern side elevation by 1 metre.

Two storey rear extension

The proposed two-storey rear extension would project 3 metres with a width of 6.5 metres. It would have a gable end roof to mirror the front elevation.

The proposed development would be constructed from materials to match the existing dwelling.

History of negotiations/amendments received

Officers had concerns regarding the bulk and massing of the original scheme and the impact on residential amenity. A reduced scheme was agreed upon and amended plans were received.

The development was not re-advertised via neighbour notification letters as no representations were received and the amendment reduces any impact on residential amenity than the original proposal.

Relevant Planning History

2011/91820 Erection of single storey extensions and alterations. Refused.
2011/90624 Erection of extensions and alterations. Refused.
2002/93987 Erection of two storey and single storey extensions. Conditional full permission.
2000/91380 Erection of two storey extension. Conditional full permission.
97/92763 Erection of detached garage and utility room. Conditional full permission.
88/02016 Erection of 51 dwellings with integral garages. Granted conditionally.
87/04643 Erection of 7 no. dwellings with associated roads and sewers. Refused.

At 12 Thornhill Park Avenue:

2020/94011 Prior approval for a single storey rear extension. Not required.
2021/93122 Erection of extensions and alterations. Conditional full permission.

Representations

The application was advertised by neighbour letter. Final publicity expired 10/11/2021.

No representations were received.

Consultation Responses

Northern Gas Network were formally consulted – no objections subject to footnote.

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 27th February 2019).

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. 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

SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity

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, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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

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 (para.127 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'.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

The proposed extensions would alter the appearance of the front of the dwelling and would therefore be visible in the street scene. There is variety in the design of the street scene which lacks uniformity, and the proposed extensions would be in keeping with the existing dwelling in terms of design and materials. It is therefore considered that no material harm would be caused to the character or visual amenity of the wider street scene.

Although the first-floor extension would extend frontwards, the proposal would not protrude past the existing ground floor front elevation. The gable end feature would remain in keeping with the existing dwelling and would be considered a moderate addition. The proposed first floor side extension would align with the existing roof ridgeline and roof pitch, given the relatively small addition this is considered to remain subservient to the host dwelling. Taking the above into consideration the proposal is considered to not cause harm to the visual amenity of the street scene or host dwelling.

The proposed rear extension would project 4 metres at ground floor and 3 metres at first floor. This is considered an appropriate scale and would remain subservient to the host dwelling. The proposal therefore complies with the House Extensions and Alterations SPD. The two-storey rear extension would mirror the gable end feature to the front of the dwelling and would therefore be in keeping with the design of the existing dwelling. The flat roofed single storey extension would be a contemporary addition to the property. It is noted that a flat roofed rear extension was also approved at the neighbouring property under application 2021/93122 and therefore the proposed would be in keeping with the surrounding area.

Although the proposal would add some massing to the rear and side of the property, in comparison to the original, the proposed would remain subservient to the host dwelling in terms of both footprint and height.

Having taken the above into account, the proposed extension would not cause any 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 (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,

KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

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, providing a high standard of amenity for future and neighbouring occupiers.

Impact on 14a Thornhill Park Avenue

14a Thornhill Park Avenue is located due north of the application site and is angled at approximately 45 degrees away from the host dwelling. The proposed two storey side extension would result in some overshadowing of the neighbouring occupants. The depth of the two-storey element was reduced by 3 metres to mitigate the impact. On balance, the amended scheme is considered acceptable as the primary windows for 14a Thornhill Park Avenue are on the front elevation which would not be affected by the scheme. The proposed would also be set in from the boundary by approximately 1.3 metres, and the windows on the side elevation of 14a Thornhill Park Avenue are set in significantly from the boundary.

The single storey element of the rear extension was also reduced by 3 metres and set in from the side elevation by 1 metre to reduce the overbearing and overshadowing impact on the neighbouring occupants. The proposed 4 metre projection is considered an acceptable scale for a detached dwelling, and the proposed flat roof is considered to mitigate the overshadowing impact. The two-storey element of the rear extension would have a projection of 3 metres and, following amendments, would be set in from the side elevation by 2.8 metres which is considered a significant distance to prevent any harmful overshadowing or overbearing.

There would be one window proposed in the side elevation of the ground floor extension which would serve a utility room. As this is not a primary inhabited room and it would not be directly opposite a window in the neighbouring property, this is considered to not cause any significant overlooking harm.

There are existing windows in the first floor rear of the dwelling and the development is not considered to result in any loss of privacy when taking into account the existing relationship.

Officers raised concerns regarding the impact of the proposed scheme on 14a Thornhill Park Avenue. Significant reductions were made to the scheme and for the reasons outlined above the proposed is considered acceptable in terms of residential amenity.

Impact on 12 Thornhill Park Avenue

12 Thornhill Park Avenue is a single storey dwelling to the south of the application site. It is set back significantly from host dwelling, and it currently holds permission for a significant extension to the rear (2020/94011 and

2021/93122). It is therefore considered that no significant overshadowing or overbearing harm would be caused to the amenity of 12 Thornhill Park Avenue as a result of the proposed extensions.

Windows are shown in the side elevation serving ensembles that face the side of number 12 Thornhill Park Avenue. Number 12 is a bungalow which is set back significantly from the host dwelling. Therefore, the proposed windows would be adjacent to the driveway of 12 Thornhill Park Avenue. Taking this into considerations, and as the proposed windows would serve bathrooms which are not primary inhabited spaces, it is considered, in this instance, that no significant overlooking harm would be caused that would reduce the amenity of the neighbouring occupiers.

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 Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The extension would serve an additional bedroom resulting in the property having four bedrooms. A block plan has been provided showing three in-curtilage parking spaces, so the existing parking provision is considered acceptable. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5 – Other matters

Ecology

The site is located within a bat alert layer. If approved, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

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 will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect extensions and alterations to 14 Thornhill Park Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, 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 extension is considered to be 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 is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93773

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD 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, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The property is in close proximity to a main gas line. As such, Northern Gas Network has been consulted and have no objection to the proposal. HOWEVER, Northern Gas Network have asked for the developer to contact them on 0800 040 7766 or beforeyoudig@northerngas.co.uk to discuss their requirements in more detail.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: Please note that the granting of planning permission does not override any private 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 may involve access to land outside your ownership

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 13.00hours, 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	Version	Date Received
Existing plans and elevations			30/09/2022
Proposed plans and elevations		Rev D	31/03/2022

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 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.

Officers had concerns regarding the bulk and massing of the original scheme and the impact on residential amenity. A reduced scheme was agreed upon and amended plans were received.

Report Dated: 13/04/2022