

**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:	2021/62/94201/E
Site Address:	53, Whitley Road, Thornhill, Dewsbury, WF12 0LP
Description:	Erection of conservatory extension with alterations to existing elevation and extension of external patio area including reconstruction of existing retaining wall and incorporation of external store
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04-Feb-2022

Officer Report

Site Description

No. 53 Whitley Road, Dewsbury WF12 0LP is a two storey detached dwelling which currently benefits from a private rear garden, its own driveway and a detached garage along the northern boundary of the site. The property is set down and back from the highway due to a change in ground levels which reduces the dwellings prominence within the street scene . The existing property is constructed with red brick and does not reside within a conservation area.

Description of Proposal

This application is for a single storey rear extension, a storage room which would be situated below the ground floor of the dwelling and the extension of the existing patio.

Should the proposal receive permission, it would extend 3.7m beyond the rear elevation of the existing dwelling, have a maximum height of 2.7m and a width of 6m. The proposal would feature a flat roof and be constructed with a grey aluminium fascia finish. The proposal also includes a glass balustrade above the extension which would create a balcony for the first floor bedroom.

The extension to the patio along the western elevation would not extend beyond the furthest point of the existing patio. This would have a depth of 4m and a width of 6.6m. The storage room would be situated below this and feature a new retaining wall.

History of negotiations/amendments received

No amendments were requested to this application

Relevant Planning History

98/91906: Erection of granny flat and alterations to bungalow. Granted

2010/91571: Erection of first floor and two storey extensions and garage.

Conditional Approval

2010/92784: NMA to 2020/91571

2010/92784: erection of double garage and storerooms. Conditional Approval

Representations

Final publicity date Expires: 21/12/2021

No representations received.

Consultation Responses

No additional consultees were required to support this application

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).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) 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. Policy LP2 sets out that, 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 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 property is located within a residential area which is not uniform in appearance, and the street scene does not follow a distinct building line. The existing dwelling is not highly prominent within the street scene; however, the rear elevation is marginally visible along Bristfield Road

The proposed single storey extension would adjoin a large property with ample private amenity space, it would be accommodated on the existing patio area and would not significantly detract from the host dwelling in scale and form. It is acknowledged that the proposed materials do not match those of the existing dwelling; however, these would be situated on the rear elevation of the existing dwelling and not highly prominent along Bristfield Road.

Having taken the above into account, the proposed development 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 and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

No.51 Whitley Road: adjoins the application site to the east. The proposal would be situated 19.9m away from the shared boundary between the two dwellings.

Overlooking: The proposal would feature side facing fenestration. However, due to the separation distance between the proposal and the private amenity space of no.51; it is considered that there would not be a significant overlooking relationship created by the proposal.

Overshadowing/loss of light/overbearing: Due to the scale and location of the proposal, there would be no significant issues raised regarding overshadowing/loss of light/overbearing.

No.55 Whitley Road: adjoins the application property to the west.

Overlooking: The proposal would be situated 10m away from the shared boundary between the two dwellings and features side facing fenestration. It is considered that a condition requiring a screen to the western elevation of the balcony would sufficiently mitigate any overlooking relationship and this has been agreed with the agent.

Overshadowing/loss of light/overbearing: Due to the scale and location of the proposal, there would be no significant issues raised regarding overshadowing/loss of light/overbearing. The patio as extended would not significantly alter the existing relationship between the application property and No.55.

4 – Impact on highway safety:

The site currently benefits from its own driveway and private garage. The proposal would not provide any additional bedrooms to the property and therefore, would not have the potential to impact the parking arrangements on site. Therefore, the proposal would be considered to be acceptable in the context of highway safety.

5 – Other matters:

The property does not reside within a Bat Alert Zone and therefore, there are no other matters required to be considered

6 – Representations:

No representations were received in response to this application.

7 – Conclusion:

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. 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: 2021/94201

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 Policy LP24 of the Kirklees Local Plan.

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.

4. Notwithstanding the details submitted, prior to the construction of the first floor balcony hereby approved, details of a 1.8 meter privacy screen to be erected along the western elevation of the balcony shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include materials and extent of screening. The privacy screen(s) shall be installed and retained thereafter for the lifetime of the development

Reason: In the interests of preserving the residential amenity of the occupiers of no.55 Whitley Road in accordance with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	10(02)		4/11/2021
Site location plan	00 (01)		4/11/2021
Design and Access Statement			4/11/2021

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 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.

As the submitted plans were considered acceptable, no alterations were requested.

Report Dated: