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:	**2021/62/94228/E**
Site Address:	63, Centenary Square, Thornhill Lees, Dewsbury, WF12 9HN
Description:	Erection of single storey front and single and two storey rear extensions
Recommending Officer:	Jennifer Booth

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 13-May-2022

OFFICER REPORT

Site Description

63 Centenary Square is a brick built, mid terraced property with gardens to the front and rear. There is a small outbuilding to the rear of the dwelling.

The property is located on a residential street with properties of a similar age and style.

Description of Proposal

The application seeks planning permission for a single storey front extension and a single & 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 with a lean to roof form.

The rear extension is proposed to project 5.5m on the ground floor reducing to 3m at first floor across the full width of the property with a lean to roof form over the single storey element and a hipped roof form 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

At neighbouring properties:

2022/90479 - Erection of front porch and two and single storey rear extension and external alterations – pending consideration

History of negotiations

The submitted plans raised significant concerns in terms of the impact on the adjoining property. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. The officer engaged with the applicant and a second application was then submitted for the adjoining dwelling to build a similar scheme, to try and mitigate the impact of the proposed extension on the amenities of the occupiers of the adjoining 64 Centenary Square. However, this was not considered to be sufficient. Amended plans were sought and received to reduce the projection at first floor to 3m to overcome the concerns. As the alteration reduced the scheme, the amended plans were not advertised.

Representations

The application was advertised by site notices and neighbour letters, which expired on 29/12/2021

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

Consultation Responses

K.C. Highways – support the proposal

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 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 predates 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

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 27** - Flood risk
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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.

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, 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

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 the House Extension SPD and 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.

Impact on visual amenity:

The host property is located on Centenary Square which is a residential street with properties of a similar age and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey front extension

Front extensions are highly prominent in the street scene. Careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character of the surrounding area. The House Extension SPD suggests in point 5.14 that they may be appropriate where the house is set back from the pavement. The SPD also states that front extensions should be small and subservient to the main house.

The modest projection of 1.6m and the single storey nature of the extension is considered to be small and would be subservient to the main house. The materials proposed would match the main house with the use of brick for the walling and tiles for the roof covering. The front extension is therefore considered to be acceptable in terms of visual amenity.

Single & two storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The rear extension would have a greater ground floor projection than normally recommended at 5.5m. However, in this instance, this can be considered to be justifiable as it is replacing an existing outbuilding along the boundary with the adjoining 63 and the other neighbour also has an outbuilding which would mitigate much of the visual impact. The reduced projection of the first floor at 3m would be similar to others within the street. The materials proposed would match the main house with the use of brick for the walling and tiles for the roof covering. A reasonable amenity space would be retained which would still be in keeping with the character of the area. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions to the front and rear 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.

<u>Impact on residential amenity</u>:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future

and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties directly to the front which could be affected by the works proposed

Impact on 62 Centenary Square

The limited scale of the front extension would have little impact on the amenities of the occupiers of the adjoining dwelling given the 1.6m projection and single storey nature of the extension.

The rear extension would be constructed along the shared boundary with the adjoining dwelling and would have the potential to result in an overbearing and oppressive impact. Furthermore, the position of the extension to the south of the neighbour has the potential to result in some overshadowing in the morning. However, the ground floor is replacing an existing outbuilding and the adjoining house has their own outbuilding which would mitigate the impact of the ground floor. The neighbours first floor window towards the shared boundary serves the bathroom for the property which would not be considered to be a habitable room. As such, the proposed extension to the rear would not have a significant impact on the amenities of the occupiers of the adjoining dwelling.

With regards to the impact on the adjoining 62 Centenary Square, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be justifiable.

Impact on 64 Centenary Square

The limited scale of the front extension would be unlikely to have any significant impact on the amenities of the occupiers of the adjoining dwelling to the south.

The rear extension would be constructed along the shared boundary with the adjoining dwelling and would have the potential to result in an overbearing and oppressive impact. However, the ground floor is replacing an existing outbuilding and as such there would not be an increase in terms of the impact of the ground floor. Furthermore, the neighbour has their own application in for a similar extension which would mitigate the impact of the first floor should this be approved. As such, the proposed extension to the rear would not have a significant impact on the amenities of the occupiers of the adjoining dwelling.

With regards to the impact on the adjoining 64 Centenary Square, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and

KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be justifiable.

Impact on 9 Dale Street

The rear extension would align with part of the front garden of the neighbouring 9 Dale Street. Given the relationship between the properties, the extension proposed would not have a significant impact on the amenities of the occupiers of the neighbour dwelling to the rear.

With regards to the impact on the neighbouring 9 Dale Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

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 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. It is noted that there is no parking provision within the curtilage for the property. However, there is on street parking on Centenary Square which is a residential estate road which runs around all four sides of an existing public open space. 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 Principle 15 of the House Extension SPD.

Other matters:

Contaminated Land

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

Representations:

None

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.

As the site is close to a potential source of contaminated land, it is considered to be reasonable to include a condition regarding the reporting of unexpected contamination.

Conclusion:

This application to erect a single storey extension to the front and a single & two storey extension to the rear of 63 Centenary Square has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension 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: 2021/94228
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 Policy LP24 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.

4. In the event that 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: So as 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 13.00hours, 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	Web ID	Date Received
Location & existing plan	-	904140	19/11/2022
Proposed floor plans	02	931036	09/05/2022
Proposed elevations	03	931037	09/05/2022
Flood risk	-	905664	19/11/2022

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.

The submitted plans raised significant concerns in terms of the impact on the adjoining property. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and

agents/applicants. The officer engaged with the applicant and a second application was then submitted for the adjoining dwelling to build a similar scheme, to try and mitigate the impact of the proposed extension on the amenities of the occupiers of the adjoining 64 Centenary Square. However, this was not considered to be sufficient. Amended plans were sought and received to reduce the projection at first floor to 3m to overcome the concerns. As the alteration reduced the scheme, the amended plans were not advertised.

Report Dated 10/05/2022