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:	**2022/62/90187/E**
Site Address:	2-12, Dale Street, Thornhill Lees, Dewsbury, WF12 9HT
Description:	Roof alterations and erection of first floor extension
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 17 March 2022

Officer Report

Site Description

2-12 Dale Street is a two storey mid-terraced property in Thornhill Lees, Dewsbury which serves a private school. The property comprises a number of buildings which have adjoined to serve the private school. The property is finished in stone with a tiled roof.

The property is predominantly surrounded by retail units with a residential area to the west of the host property.

Description of Proposal

The applicant is seeking permission for the roof alterations and erection of first floor extension.

The proposed extension would add a first floor to the existing single storey element at the front of the property. The proposed would be 5 metres wide and 3.3 metres deep. The proposed would have a hipped roof which would be extended across the adjacent existing first floor section of the property. The proposed extension would serve a staircase and hallway. The proposal would be constructed from materials to match the existing property.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

2000/93549 Change of use of public house as mini-mosque and madressah and associated parking. Conditional full permission.
2002/90896 Renewal of temporary permission for 2003/92045 Renewal of previous permission for use of public house as mini-mosque and madressah and associated parking. Conditional full permission.
2005/90788 Change of use of public house to madressah with prayer facilities and associated parking. Conditional full permission.

Representations

The application was advertised by neighbour letter. Final publicity expired 08/03/2022.

No representations were received.

Consultation Responses

KC Highways DM were consulted regarding the parking provision at this property - no objections.

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). This aligns with the National Planning Policy Framework (NPPF) which requires development to be considerate in terms of the character of the host property and the wider street scene.
The site is unallocated on the Kirklees Local Plan. The application site is partially located within the local centre for Thornhill Lees and is located within the Strategic Green Infrastructure Networks.

Kirklees Local Plan:

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

<u>1 – Principle of development</u>:

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.

This site is partially within the local centre of Thornhill Lees. The proposal is for a moderate, first floor addition to an existing property and would serve a hallway and staircase. The proposal would not change the existing use of the property and would not increase the footprint of the existing property.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan. LP31 of the Kirklees Local Plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links. The proposal is for an extension within the curtilage of an existing property. The extension would be relatively small in scale in relation to the host property and would not alter the footprint of the existing property.

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'.

The proposed extension would be a moderate, first floor addition to an existing single storey element of the property. It would have a hipped roof which would extend across the existing first floor side projection, which is set down and back from the main element of the host property. The proposal would be in keeping with the existing property in terms of design and materials. It would replace a flat roof with a hipped roof which would be more in keeping with both the existing property and surrounding area so is considered an improvement to the existing property.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host property 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 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.

The proposed development would remain within the footprint of the existing property. The application site is not adjoining any residential properties. There is a small residential area to the west of the property but this would remain a significant distance from the proposed development. It is therefore considered that no harm would be caused to residential amenity as a result of the proposed extension. To the rear (east) of the site is industrial/commercial premises.

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

4 – Impact on highway safety

The proposed extension would be a moderate addition which would not alter the footprint of the property and would serve a hallway and staircase. The application form states that the proposal would result in 5 less parking spaces, however after discussion with the agent it was confirmed that this was an error, and the proposal would not affect parking. 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.

5 – Other matters

Flood risk
The site is located within a flood risk zone. As the proposal would not increase the footprint of the existing dwelling, it does not consist of any ground works. It is therefore considered that no additional risk would be posed as a result of the proposed extension.

Carbon Budget
The proposal is a small scale development to an existing property. 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 a first floor extension to the front of 2-12 Dale Street, Thornhill Lees 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 acceptable nature of the development 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: 2022/90187

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 and LP24 of the Kirklees Local Plan, 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, and the aims of chapter 12 of the National Planning Policy Framework.
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
Location Plan	20204-D01-A		20/01/2022
Grouped plans and elevations	20204-D02-A		20/01/2022

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.
As the submitted plans were considered acceptable, no changes were sought.

Report Dated: 15/03/2022