

**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:	2022/62/90404/E
Site Address:	8, Ashbourne View, Cleckheaton, BD19 5JE
Description:	Erection of three storey rear extension
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.

Emma Thompson

AUTHORISED OFFICER

Date: 04-Apr-2022

OFFICER REPORT

Site Description

No.8 Ashbourne View is a red brick, two storey (there is a change in ground levels resulting in the property being three storeys to the rear) detached dwelling which currently benefits from a private rear garden, its own driveway, and a small amount of amenity space in front of the dwelling which sets it back from the street scene.

The area is of medium density and predominantly residential in nature. To the west of the site is Green Belt.

The area is predominantly constructed out of brick with render frontages and properties are similar in scale and design.

The site resides within a low risk coal area and is in an area known for having bats.

Description of Proposal

This application has been received for a two storey rear extension.

The side element of the proposal would have a width of 8.3m, a depth of 4m a maximum height of 9m and an a symmetric eaves height of 8m along the western boundary and 6m along the eastern boundary (matching the existing dwelling).

The proposal would feature a gable end matching the existing dwelling and would be constructed with all external facing materials matching the existing dwelling.

The proposal would also feature an extension to the existing dormer on the eastern elevation of the property. This would increase the length of the dormer by 3.8m towards the rear of the dwelling.

Relevant Planning History

No previous planning permission

Representations

The application was advertised by neighbour letters, which expired on 18/03/2021

Three objection letters were received which raised the following concerns:

- Concerns regarding the scale of the extension
- Concerns regarding loss of light

- Concerns regarding overshadowing

Consultation Responses

The Highways Authority: No comments received

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

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

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

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) Negotiations
- 7) Conditions
- 8) 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 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

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 on to 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 scale is considered acceptable projecting 4 metres from the rear of the existing detached dwelling. This meets the guidance contained in the House Extensions and Alterations SPD applied to two storey extensions and is considered appropriate to apply to this development.

The proposal would not be visible from the street scene as it relates to the rear elevation of the existing dwelling.

The proposal would be constructed out of materials matching the existing dwelling, retains the characteristics of the existing dwelling (such as the asymmetric eaves), and would not alter the properties appearance within the street scene.

It is considered that, as the proposal would appear matching to the host property from the street scene, the proposal would not be overly discordant to the prevailing character of the area.

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.

3 – Impact on residential amenity:

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, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The development relates to the erection of a three storey 4 metre extension at the rear. The SPD regarding extensions refers to two storey rear extensions and it is considered relevant to apply this guidance to this development. The SPD sets out that rear extensions for detached dwellings should not exceed 4 metres. It does, however state that these should be set in from the boundary by more than 1.5 metres. Whilst there is a slight reduction to the boundary with no 10 of around 10 cm it is considered that there will be no harm caused as a result. Any setting would compromise the design and visual amenity. The development proposed is therefore considered, on balance, acceptable in principle.

The size of the extension would cover some of the amenity space of the application property; due to the proposal having a depth of 4m, it is considered that the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

6 Ashbourne View: adjoins the application property approximately 4m to the east.

Overlooking: The proposal would feature one additional side facing window relating to a bathroom. As this could be conditioned to feature obscured glazing, no significant issues would be raised regarding overlooking.

Overshadowing/loss of light: The proposal would not reside within the horizontal 45 degree visibility of the rear facing windows at no.6 or the vertical. Therefore, no significant issues would arise regarding loss of light to any habitable rooms at no.6. The proposal would be situated to the west of no.6, due to the location of the proposal it is acknowledged that there would be the potential for an overshadowing relationship for the occupiers of no.6; however, due to the orientation (the rear of the dwellings face north) and separation of the dwellings, the existing dwelling creates an overshadowing relationship and any increased overshadowing would be for a limited period. Therefore, the proposal would not raise any significant issues regarding overshadowing.

Overbearing: Due to the separation distance between the proposal and no.6, no significant issues would be raised regarding overbearing.

10 Ashbourne View: adjoins the application property to the west

Overlooking: The proposal would not feature any side facing windows.

Overshadowing/loss of light: The proposal would not reside within the horizontal 45 degree visibility of the rear facing windows at no.10 or the vertical. Therefore, no significant issues would arise regarding loss of light/overshadowing to any habitable rooms at no.10. Due to the proposal being situated to the east of no.10, it is considered that no significant issues would arise regarding overshadowing.

Overbearing: Due to the separation distance between the proposal and no.10, no significant issues would be raised regarding overbearing.

In order to ensure adequate privacy is maintained a condition is considered necessary to prevent any additional windows in the side elevation of the extension.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, the proposal would not alter existing parking arrangements, would not create an additional access and there is scope for additional parking on site. Therefore, the proposal 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:

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.

Bats

The site is in an area recorded as a bat alert area. Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies. On the basis of an external viewing would appear to have no bat roost potential as a result, no survey is required. However, a precautionary footnote shall be added to the decision notice to comply with the aims of chapter 15 of the NPPF.

6 – Representations:

Three representations were received relating to the following issues:
The potential for the development to impact on sunlight and daylight into the dwelling and garden of no.6 Ashbourne View.

Response: The proposals potential to impact the residential amenity of the occupiers of no.6 has been considered under section 3 of the report.

Concerns regarding the scale of the property and its potential to impact amenity of no.10 Ashbourne View

Response: The proposals potential to impact the residential amenity of the occupiers of no.10 has been considered under section 3 of the report.

7 – Negotiations:

No alterations were requested to the proposal

8 – 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.

The external facing materials of the principal elevation of extension hereby approved shall in all respects match those used in the construction of the existing building.

No additional windows or doors in the side elevations given the topography of the site and relationship to neighbouring land.

9 – Conclusion:

This application to erect a three storey rear extension to 8 Ashbourne View 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: 2022/90404

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings shall be created in the either side elevations of the extension hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 they 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: 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	Date Received
Site plan and front isometric	P10 rev:2	10/03/2022
Proposed Plans	166/03	7/02/2022
Proposed Elevations	166/04	7/02/2022
Existing Elevations	166/02	7/02/2022
Block Plan	166/05	7/2/2021

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 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 proposal has not been amended since submission of the application.