# 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: | **2022/62/90756/E** |
| Site Address: | 5, Lawnhurst Mews, Dewsbury Moor, Dewsbury, WF13 4TB |
| Description: | Erection of single and two storey rear extension, single storey front extension, installation of side window, lowering of rear garden level and associated works |
| Recommending Officer: | Jennifer Booth |

**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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 03-May-2022**

## OFFICER REPORT

### Site Description

5 Lawnhurst Mews is a stone built, modern semi-detached property with an open garden to the front, drive to the side leading to a detached garage at the rear and an enclosed garden to the rear of the property.

The property is surrounded by other dwellings with a mix of ages, palettes and styles.

### Description of Proposal

The application seeks planning permission to enlarge the existing front porch, the installation of a side window, lowering of the rear garden level, single & two storey rear extension and associated works.

The width of the porch would be increased by 2m, in line with the existing porch. The roof would continue the existing lean to.

The extension is proposed to project 3m from the original rear wall of the dwelling. This would extend the full width of the dwelling on the ground floor with a set back from the shared boundary of 1.8m at first floor. The extension is proposed to have a lean to roof form over the single storey section and a perpendicular pitched roof over the first floor.

The walls of the extensions are proposed to be constructed using stone with tiles for the roof covering.

The plans also show the insertion of a new first floor window in the side elevation to serve a study which would be obscurely glazed.

### Relevant Planning History

2021/94320 - porch extension and rear extension - refused

2006/93720 - erection of two storey extension - granted although not built

### Representations

The application was advertised by neighbour letters, which expired on 12/04/2022

As a result of the above publicity, one objection has been received which raised the following material considerations: -

- Overlooking/loss of privacy
- Overbearing
- Out of scale with the wider area
- Parking

**Consultation Responses**

None

**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

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**

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.

Planning permission was refused earlier this year for a similar application. Given there have been alterations from the previous refusal, the scheme shall be assessed fully.

Impact on visual amenity:

The host property is located on a small, modern residential cul de sac of similar properties. 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.

*Front porch*

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The proposed porch would be small in scale with a limited width and projection which would be constructed using materials to match the main house. The front porch 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 scale of the rear extension has been reduced since the previous application to a 3m projection with a set back from the shared boundary with the adjoining property which is in line with advice within the House Extension SPD. Furthermore, the materials proposed would match the main house. Therefore, the rear extension is considered to be acceptable in terms of visual amenity.

*Summary*

Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 (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.

*Impact on 4 Lawnhurst Mews*

The limited scale of the front porch and its continuation of an existing structure towards the shared boundary with the adjoining property is such that there would be no impact on the amenities of the occupiers of the adjoining 4 Lawnhurst Mews.

The rear extension proposed would be constructed along the shared boundary and would have the potential to form an overbearing and oppressive impact on the rear windows and amenity space of the adjoining dwelling with some overshadowing in the morning. It is appreciated that the neighbouring property occupies a lower position than the host property. However, the projection of the extension is proposed to be 3m with a set back at first floor from the shared boundary which would mitigate the impact on the adjoining dwelling. The effect on the amenities of the occupiers of the adjoining dwelling are not considered to be so significant given the reductions from the previous refusal.

With regards to the impact on the adjoining 4 Lawnhurst Mews, the scheme is considered to be acceptable in terms of 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.

*Impact on 381 & 383 Staincliffe Road*

The adjacent neighbours to the east occupy an elevated position some 9m from the site. Given the significant land level difference, the proposed extension would not have any significant impact on the amenities of the occupiers of the adjacent 381 or 383 Staincliffe Road. The plans do show the insertion of a new window in the first floor of the original house. However, this window is shown as being obscurely glazed and would serve a study. As such, there are no concerns in terms of privacy.

With regards to the impact on the adjacent 381 & 383 Staincliffe Road, the scheme is considered to be acceptable 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.

*Impact on 154 Moor End Lane*

The very limited scale of the porch and the relationship between the host property and the neighbour to the north is such that there would be no harm caused to the amenities of the occupiers of the neighbouring 154 Moor End Lane.

With regards to the impact on the neighbouring 154 Moor End Lane, the scheme is considered to be acceptable 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.

*Impact on 377 Staincliffe Road*

The angled relationship between the host property and the neighbour to the southeast is such that the extension would have no significant impact on the windows in the rear elevation or the immediate amenity space. There would be a relationship between the new windows and part of the neighbour's garden area. However, this effect would be not significantly greater than the existing dwelling.

With regards to the impact on the neighbouring 377 Staincliffe Road, the scheme is considered to be acceptable 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.

*Impact on 373 Staincliffe Road*

The blank side elevation of the neighbouring 377 Staincliffe Road is situated some 20m from the existing rear elevation of the host property with part of the neighbouring garden of 377 between the sites.

With regards to the impact on the neighbouring 373 Staincliffe Road, the scheme is considered to be acceptable 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.

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.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use with the addition of a new bedroom and resulting in a four bedroom property. As per paragraph 4.42 of the House Extension, a property with 4 or more bedrooms should have parking for three vehicles. It is noted that the dwelling has parking to the side for one vehicle and another space within the garage. Being located on a mews there is limited on street parking. Indeed, the previous application had been refused, in part, on the ground of insufficient parking. However, the agent has supplied a plan indicating an additional parking space opposite the main house.

However, whilst not ideal, the proposals have been reduced in size a with a reduction in the projection of the rear extension and the width at first floor and therefore the proposals are considered to result in a limited additional impact in terms of highway safety as there is a parking provision for two cars. As such, the scheme would not represent significant additional harm in terms of highway safety so as to justify refusal and as such can be considered to be

acceptable with regards to Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extension SPD.

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.

There are no other matters for consideration.

Representations:

One objection has been received which raised the following material considerations: -

- Overlooking/loss of privacy
- Overbearing
- Out of scale with the wider area
- parking

These matters have been addressed under the relevant sections of this report.

Negotiations:

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.

Conclusion:

This application to erect a porch to the front and a single & two storey extension to the rear of 5 Lawnhurst Mews 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**: 2022/90756
**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.

**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 plan | Slp | 920391 | 02/03/2022 |
| Existing ground floor | 100 | 920394 | 02/03/2022 |
| Existing first floor | 101 | 920396 | 02/03/2022 |
| Existing elevations | 102 | 920398 | 02/03/2022 |
| Site plan | 300 | 920390 | 02/03/2022 |
| Proposed ground floor | 200 | 920397 | 02/03/2022 |
| Proposed first floor | 201 A | 929434 | 28/04/2022 |
| Proposed elevations | 202 | 920389 | 02/03/2022 |

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.

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

**Report Dated** 14/04/2022