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:	**2022/62/91317/E**
Site Address:	8, Bullfields Close, Thornhill, Dewsbury, WF12 0JH
Description:	Erection of single storey rear extension [within a Conservation Area]
Recommending Officer:	Lyle Robinson

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: 18-Jul-2022

Officer Report

Site Description

The application site relates to a detached two storey dwellinghouse in the settlement of Dewsbury. The building is of typical late C20 appearance and has an existing rear conservatory. The plot is at the head of a cul-de-sac and enjoys a large garden to the north and east. The site falls within the Thornhill Conservation Area.

Description of Proposal

This is a householder application for planning permission for a 5m projecting rear extension with two roof pitches, and a 2.3m side addition, forming a wrap around. The proposed extension would serve a kitchen/diner and side utility.

History of negotiations/amendments received

The applicant expressed a desire to amend the plans to a flat roof but it was considered that this would not accord with the requirements of the Kirklees House Extensions and Alterations SPD whereas the originally submitted scheme would. Therefore no revisions to the scheme were accepted and the application has been assessed on the basis of the drawings originally submitted.

A further drawing was sought to correct a minor dimensional error on the existing elevations for the purposes of completeness and clarity.

Relevant Planning History

2010/92994 Erection of wire mesh fence (within a Conservation Area) *Refused 26/JAN/2011*

Representations

Publicity is being taken in accordance with statutory requirements. Neighbour letters were sent out and a site notice and press advert issued with an expiry date of 1st July 2022. Following this publicity no letters of objection have been received.

Consultation Responses

KC Conservation & Design – no objection

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- **LP 35** - Historic Environment
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Land stability

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 6 – Building a strong competitive economy
- • Chapter 8 – Promoting healthy and safe communities
- • Chapter 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion/Planning Balance

Kirklees House Extensions and Alterations SPD (2021)
Kirklees Council has adopted supplementary planning guidance on new housing development 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)
Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework.

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site is unallocated in the Kirklees Local Plan. The application site is located within a settlement boundary and householder development such as this is generally considered acceptable subject to the satisfactory taking into account of material considerations.

2 –Impact on visual amenity, character of the area and heritage:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

Policy LP35 on the historic environment, compliant with section 16 of the NPPF, states, inter alia, that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.

Thornhill Conservation Area is focused upon the oldest part of Thornhill which is one of the earliest settlements in Kirklees. Combs Road has a number of historic buildings with special interest, however there has been a high amount of alteration carried out to the buildings on this street. Bullfields Close is a relatively modern development which dates back to the late 20th Century and can be accessed from Combs Road.
Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In determining applications, local planning authorities should require an applicant
to describe the significance of any heritage assets affected, including any
contribution made by their setting. The level of detail should be proportionate to
the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. (NPPF Paragraph 194).

The application is accompanied by a very brief Heritage Statement providing limited assessment in respect of the details of development. The works relative to context of its location and heritage merit are touched upon describing the development and limited impact.

Paragraph 199 of the NPPF (July 2021) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 goes on to state that: 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The development is located to the rear of the existing building and not considered to result in any harm to the heritage asset. As such, the proposal is considered acceptable.

The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that single storey rear extensions should:

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);

- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

The proposed roof pitches clearly reference the prevailing roof form of the host dwelling and the surrounding area. The addition would not take up more than half the area about the original house. The proposed extension would not exceed 4m in height and the eaves height would not exceed 2.5m. The extension would, at the eastern boundary, retain the same amount of space to the boundary as the existing side element which equates to approximately 1m.

As a 'wrap around' extension regard should be had to planning guidance on side extensions for the purposes of completeness.

The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres; and
- be set back at least 500mm from the original building line to allow for a visual break.

The side element would not extend more than two thirds the width of the original house. It would not exceed 4m in height, as stated above and the extension would be clearly set back from the building line, as it ties into a rear extension and would not be visible at the public realm.

Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. The proposed extension clearly accords with the guidance contained in the SPD and overall presents a good design solution for this property in a Conservation Area.

The development therefore would be acceptable in terms of general visual amenity and would accord with policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

<u>3 – Impact on residential amenity:</u>

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Impact on no. 6 Bullfields Close

The extension would project some 5m beyond the rear wall – 1 meter over and above the notional Permitted Development (PD) fallback. It is noted that levels are consistent between the application site plot and the neighbouring plot no. 6 Bullfields Close. The case officer also noted on site that the ground floor north facing window closest to the site boundary at the neighbouring property no. 6 Bullfields Close appears to serve a kitchen. This is supported by planning history showing a utility and kitchen at the ground floor (see 2002/92441). This lessens the weight afforded to potential loss of light as it is classed as a non-habitable room for this assessment. However, the north facing elevations of these windows receive limited sunlight and the reduction in evening light would not be materially significant enough in any case to warrant a refusal on these grounds. The proposed utility door would have an acceptable impact on the amenity of no. 6 Bullfields Close given it would be a ground floor non-habitable room window. Likewise the proposed ground floor WC window at the east facing side elevation would not overlook any window at no.6. For this reason, and given its ground floor siting, a condition mandating obscure glazing is not considered necessary.

Impact on properties on Combs Road

The rear garden is at an elevated position, overlooking Combs Road. The Google maps imagery below depicts the relationship between the house at the application site, shown with the existing conservatory, ad Combs Road behind the plot.



Special attention must be paid therefore to the relationship between the north facing rear fenestration of the proposed addition and the south facing windows at properties on Combs Road. The proposed extension's north facing rear fenestration would retain some 23 ½ m to the opposite facing first floor

fenestration at no. 26 Combs Road. Due to the topography of the area, the proposed extension would not be visible from the ground floor windows and would only be partially visible from the first floor windows. In any case, as 23 ½ m would be retained it is considered that the interface between these windows is acceptable, having regard to the 21m guideline for habitable room windows in paragraph 4.10 of the Kirklees House Extensions and Alterations Supplementary Planning Document (SPD).

Other impact

The neighbouring properties to the west would not be impacted by the proposed extension in light terms due to the space about the plot. There would be no windows at the west facing side elevation.

Therefore, for the reasons given above, policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

Parking provision would be retained off-road as at present. There would be no new bedroom accommodation proposed. There would be no change to the access.

The proposed development, therefore, is considered to be acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

5 – Other matters:

Climate change

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 pre-dates 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.

The proposal is a domestic extension to a dwellinghouse, of a householder nature. Further conditions attendant to the climate change agenda are not necessary in this instance.

Coal Mining/Land Stability

The application site is washed over by a low risk development area designation in respect of the legacy of coal mining. As a householder application for planning permission however the application proposal falls under the Coal Authority exemptions list and as such a coal mining risk assessment (CMRA) is not required in any case.

6 – Representations:

None received.

7 – Conclusion/Planning Balance:

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: Approval

Decision Authorisation – Delegated Powers
Application Number: 2022/91317
Officer Recommendation: Approve
Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
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 LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external facing 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 Policies LP24 and LP35 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapters 12 and 16 of the National Planning Policy Framework

NOTE Noisy construction related activities should not take place outside the hours of:
07.30 to 18.30 hours, Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

NOTE Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan			20/APR/2022
Proposed Floor Plans and Elevations			18/JUL/2022
Proposed Site Plan			20/APR/2022
Heritage Statement			20/APR/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 Authority has, 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 development proposal has been found to be acceptable a recommendation of approval has been duly made.