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:	**2022/62/92106/E**
Site Address:	568, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HH
Description:	Alterations to existing out building
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18-Aug-2022

OFFICER REPORT

Site Description

568, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HH is a mid terrace dwelling which currently benefits from amenity space to the rear. The front of the property is currently used as a fabric shop.

The area is mixed use of residential first floors, commercial ground floors and various trade companies.

There is no uniformity between the design of the buildings within the street scene

Description of Proposal

This application has been received for alterations to the existing outbuilding on site to form a hobbies room. The building is not visible from Huddersfield Road, but can be viewed when travelling in a northern direction along Queen Street.

The proposal would be retained with all external facing materials matching the existing building.

The existing structure has a length of 7.1m and this would be reduced to 3.6m. The proposal has a flat roof with a maximum height of 2.5m; this would be altered to a lean-to roof with a maximum height of 3.1m to the northern elevation.

Relevant Planning History
2000/91666: Installation of new shop front. Granted
2010/92155: Installation of new shop front and shutters. Granted
2010/92114: Erection of externally illuminate fascia signs. Granted

Representations

The application was advertised by neighbour letters, which expired on 10/08/2022

No additional comments were received

Consultation Responses

KC Highways DM: No objection
KC Environmental Health: No objection

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

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:

The host property is located on an adopted road with other residential properties although there are variances in terms of age and style

Key Design Principle 1 of the House Extension & Alterations supplementary planning document (SPD) stats 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.

Section, 5.6 of the Kirklees House Extensions and Alterations SPD sets out the guidance for outbuildings within the district. This requires that outbuildings reflect the existing buildings in terms of design, are subservient in scale and retain sufficient amenity space to prevent dominating the site.

There are a variety of properties along Huddersfield Road in terms of scale and design; therefore, alterations to the outbuilding would not be discordant to the existing street scene and would not significantly harm the wider character of the area.

The proposal would reduce the length of the outbuilding and therefore reduce its prominence within the area.

Having taken the above into account, the proposed outbuilding 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 proposal would cover less of the private amenity space of the application property, as previously highlighted within the report; therefore, 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.

There are several residential properties/flats to the rear of the site which have windows facing the application property. The existing outbuilding currently forms part of the boundary treatment between these dwellings. It is considered that the 60cm increase to the height of the outbuilding would not significantly harm the residential amenity of the occupiers of these properties. The proposal would be retained as single storey, not sit within the vertical 45 degree visibility splay of any of these windows and not extend any closer to the access of these dwellings.

4 – Impact on highway safety:

Due to proposal not increasing the number of bedrooms on the site and retaining existing parking arrangements and not altering access to the site, 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 Principles 15 & 16 of the House Extensions and Alterations 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.

Flood Risk
The property resides within flood zone 2 and a flood risk assessment has been provided. This outlines that
floor levels within the proposed development will be set no lower than existin g levels AND, flood resilient and/or flood resistant measures have been inco rporated in the proposed development where appropriate. Therefore, the proposal would accord with LP27 of the Kirklees Local Plan.

6 – Representations:

No additional representations were received for or against this application

7 – Negotiations:

No negotiations were required.

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.

No additional openings to be added to the extension without prior consent from the Local Planning Authority in the interests of preserving the residential amenity of neighbouring dwellings.

9 – Conclusion:

This application to alter an existing out building at 568 Huddersfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations 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: 2022/92106
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 Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Unless otherwise agreed in writing by the Local Planning Authority no windows or other openings shall be made in the development other than those shown on the approved plans, including at any time in the future.
Reason: To ensure the satisfactory protection of the residential amenity of neighbouring residents in accordance with LP24 of the Kirklees Local Plan and the Key Design Principles of the House Extensions and Alterations SPD and the aims 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**	**Date Received**
Grouped Plans and Elevations: Site Plans	22 5043	22/06/2022
Grouped Plans and Elevations: Proposed Elevations	22 5043	22/06/2022
Flood Risk Assessment		22/06/2022

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.

No alterations required to the application after submission.