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:	**2022/62/92379/E**
Site Address:	34, Ullswater Road, Dewsbury, WF12 7PR
Description:	Erection of two storey and single storey extensions to side and rear. demolition of existing garage and addiiton of dropped kerb
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: 26-Oct-2022

Site Description

34, Ullswater Road, Dewsbury, WF12 7PR a two-storey semi-detached dwelling which currently benefits from a private garden to the rear and a driveway. The property previously featured a garage to the side however this has been cleared as the applicant has recently acquired the property and started renovation works.

The site is located within an established residential area of two storey and single storey dwellings.

Description of Proposal

The applicant is seeking permission for a two-storey and single storey side and rear extension. This application has been received after a previous pre-application enquiry and the refusal of a previous application.

The proposal would extend 2.7m beyond the side elevation of the existing dwelling and have a depth of 10m. This would feature a hipped roof with a maximum height of 7.4m and an eaves height of 5.4m.

The single storey rear element of the proposal would feature a lean-to roof, extend 3m beyond the rear elevation of the existing dwelling, have a maximum height of 4m (40cm larger than previous application and an eaves height of 2.5m (30cm larger than previous application)

The first floor element of the side extension has been revised to be set 4.1m back from the principle elevation of the dwelling.

The proposal would be constructed with external facing materials matching the existing dwelling.

Relevant Planning History

2022/91362: Erection of two storey side and single storey rear extensions demolition of existing garage and dropped kerb. Refused. Appeal submitted.

Representations

The application was initially advertised by neighbour notification letters, which expired on 19/10/2022.

No comments were received.

Consultation Responses

KC Highways DM: No objections providing the previously proposed dropped kerb is re-instated and the driveway is surfaced and drained accordingly.

KC Environmental Health: No objections however a condition relating to hours of construction is deemed necessary

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

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 proposal would be visible from the street scene as it relates to the side elevation of the dwelling.

Key design principle 1 of the Kirklees House Extensions and Alterations SPD requires extensions to be in keeping with local context and character and Key

design principle 2 of the Kirklees House Extensions and Alterations SPD refers to the impact of the proposal to the original dwelling.

Section 5.19 and 5.20 of the guide refers to two storey side extensions and states:

- Proposals should not take up all or most of the space to the side of a house
- Proposals should maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- Proposals should be set back at least 500mm from the front wall of the house

The proposal has been set down and back from the principal elevation of the dwelling, with the set back being increased to 4.1m compared to the previous refusal. It is considered that this set back would decrease the scale, mass and resultant prominence of the proposal within the street scene and enable it to appear subservient to the host dwelling from the public realm.

The proposal would be situated in close proximity to the shared boundary with no.36; however, it acknowledged that the proposal would be constructed in a similar location to the previously demolished garage which was erected close up to the shared boundary. As the proposal would be subservient when compared to the previous refusal, it is considered that the proximity of the proposal to the shared boundary would be acceptable, on balance, in this instance.

On the basis of the above, the proposals are considered to be acceptable, on balance, and generally in accordance with Policy LP 24 and guidance contained within the House Extensions and Alterations SPD, or therefore otherwise justified by the specific site circumstances.

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.

No.36 Ullswater Road : adjoins the application property to the west. The garage of the application property previously separated the two dwellings; however, this was removed during the course of the previous application. The neighbouring property (bungalow) has two side facing windows which serve a bedroom and a utility type room.

Overlooking: The proposal would not feature any side facing windows and as such would not result in a loss of privacy to No.36

Overshadowing/loss of light: The proposal would be situated to the east of no.36. It is acknowledged there was previously a single storey garage on the boundary between the two dwellings. The two storey element of the proposal has been further set back from the principal elevation of the existing dwelling; the result of this would be that it would no longer intercept the bedroom at no.36. As a result, the proposal would be a continuation of the previous relationship between the two dwellings and for this reason, on balance, it is considered that no significant issues would be arise regarding overshadowing/loss of light.

Overbearing: As the two storey element of the proposal would be set back in relation to the adjacent bungalow, and would not project beyond the rear elevation of that property, Officers consider that the proposals would not have a detrimental overbearing impact upon the occupants of No.36.

No.32 Ullswater Road: is attached to the application property as a semi-detached pair

Overlooking: the proposal would not feature any side facing windows facing the boundary with No.32.

Overshadowing/loss of light: The proposal would be situated to the west of no.32, and the two storey element would be set in from the boundary by approximately 2.0m. No.32 currently benefits from a single storey rear extension which is multiple aspect. Therefore, no significant issues would arise regarding overshadowing/loss of light

Overbearing: The proposal would be single storey next to the shared boundary between the dwellings and therefore no significant issues regarding overbearing would arise.

The properties opposite the site are considered to be a significant distance away so as not to be impacted upon by the proposals. There are no properties to the rear.

In summary, the proposals are considered to have no significant detrimental impact upon residential amenity, in accordance with Policy LP24 of the KLP, the House Extensions and Alterations SPD and guidance contained within Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use. KC Highways DM have been consulted on the above application and have not raised any concerns subject to the 4m dropped kerb being re-instated on this application and the driveway being surfaced appropriately.

Therefore the proposal would comply 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 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.

Ecology
The site is within a Bat Alert Area as identified on the Council's mapping system. The alterations are for a domestic property which from a site visit appeared at low risk of bat activity.
A note will be added to any decision notice advising the applicant of the presence of bats.
As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.
Environmental Health
The site is within a Low Risk Coal Alert Layer. As a result it is deemed necessary to add a condition requiring that works on site cease immediately should coal or other contamination be discovered on site.
The LPA's Environmental health team have requested conditions are imposed on the application relating to hours of construction; however, due to the scale of the proposal being relatively small, it is considered this would be sufficient as a condition.
Therefore the proposal would accord with Policy LP53 subject to conditions.
6 – Representations:

No representations were received

7 – Negotiations:

The agent for the application was requested to amend the site plans to feature a dropped kerb to enable the proposal to accord with Policy LP21 and 22 of the Kirklees Local Plan.

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.

- Matching materials to ensure that the proposed development harmonises with the host dwelling.
- Unexpected discovery of coal or previous mining activity
- Surfacing and draining of driveway in appropriate materials

Notes will also be added regarding the recommended hours of work, notifying the applicant that neighbours do not have to grant access to their land and the discovery of bats

9 – Conclusion:

This application to erect a two storey and single storey side and rear extension and 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 design and harm in terms of visual amenity, the proposed extensions are considered 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.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2022/92379
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, LP24, LP51, and LP52 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. In the event that contamination or coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.
Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required.
The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority.
Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.
4. Prior to the development being brought into use, the areas to be used by vehicles and/or pedestrians are to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.
NOTE: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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, and 08.00 and 13.00 hours, 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.

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.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Proposed site Plan	**2022 / 368 / 08**	17.10.2022
Proposed side elevation	2022 / 368 / 07	1.09.2022
Proposed front elevation	2022 / 368 / 05	1.09.2022
Proposed Ground Floor Plan	2022 / 368 / 02	1.09.2022
Location Plan	2022 / 368 / 07	1.09.2022
Existing Elevations	2022 / 368 / 01	1.09.2022
Proposed Right Side Elevation	2022 / 368 / 09	1.09.2022
Existing Floor Plan	2022 / 368 / 02	1.09.2022
Proposed Rear Elevation`	2 022 / 368 / 06	1.09.2022

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.

Revised site plans were requested for the application due to comments raised from KC Highways Authority