

**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:	2022/62/92495/E
Site Address:	16, Fir Parade, Ravensthorpe, Dewsbury, WF13 3BH
Description:	Erection of two and single storey rear extension and installation of side window
Recommending Officer:	Nina Sayers

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: 25-Oct-2022

Officer Report

Site Description

16 Fir Parade is a two-storey, semi-detached dwelling in Ravensthorpe, Dewsbury. The property has a garden to the front and rear of the property and a driveway to the side. The property is finished in red-brick with tiled roofing. It is noted that development has already begun of a single storey rear extension.

The property is located on a residential street with other dwellings of a similar size, age and design. It is noted that properties in the surrounding area have been extended.

Description of Proposal

The applicant is seeking permission for the erection of a single and two storey rear extension.

Single and two storey rear extension

The proposed single storey element of the rear extension would project 6 metres out from the rear of the existing dwelling. It would be almost the entire width of the existing dwelling and would have a lean-to roof. It is noted that the single storey element of the rear extension has already been approved under application 2022/91650 – prior approval for a larger homes extension.

The proposed two-storey rear extension would project 3 metres out from the rear elevation of the existing extension. It would be almost the entire width of the existing dwelling. It would have a hipped roof which would be set down from the existing ridgeline.

The proposed would be constructed from materials which match the existing dwelling.

History of negotiations/amendments received

Officers had concerns regarding the impact of the proposal on the neighbouring occupant's residential amenity. Amended plans were sought but not provided. A justification statement was provided which gave examples of other schemes in the area which had been approved.

Relevant Planning History

2022/91650 - Prior approval for a single storey rear extension. Not required.

Representations

The application was advertised by neighbour letter. Final publicity expired 20/09/2022.

No representations were received.

Consultation Responses

Kirklees Council's Strategic Waste officers were consulted due to the proximity of this site to a historic landfill site – no objections were raised.

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).

Kirklees Council has adopted supplementary planning guidance on house extensions 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.

The site is unallocated on the Kirklees Local Plan. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP53** – Contaminated and unstable land

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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 Chapter 12 of the NPPF, regarding design. The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan.

LP31 of the Kirklees Local plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for an extension within the curtilage of an existing residential property. 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 will along with other policy considerations will be addressed below.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

Single and two storey rear extension

The proposed extension would be to the rear of the host dwelling and so would not be visible from the street scene. The single storey element would have a lean-to roof and would be finished in materials to match the existing dwelling. This would be in keeping with the existing dwelling, and other extensions erected in the surrounding area, in terms of design and materials.

The proposed rear extension would have a significant projection which would be large in scale. This would enlarge the footprint of the building which would increase the bulk and massing. Given the previously granted larger homes extension (2022/91650), it is considered that this has established such a scale of extension at the house as being acceptable. In view of this it is considered that, despite any concerns about the size of this extension, a refusal of this element of the proposal on either of these grounds could not reasonably be sustained in this instance.

The proposed two storey element of the rear extension would project 3 metres from the rear elevation and would also be finished in materials to match the existing dwelling. The proposed extension is considered proportionate to the size of the original property and garden. It is noted that there are other properties in the directly surrounding area, that have had similar scale and design extensions approved and erected, some of which have been approved since the adoption of the SPD. In this instance, it is considered that a proposal of this scale and design would be acceptable, given the similar designs and scales at the immediately surrounding properties.

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, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

With regard to the House Extensions and Alterations SPD, Key Design Principle 3 states that “*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.*” Key Design Principle 4 states that “*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.*” Key Design Principle 5 states that “*extensions and alterations should not adversely affect the amount of natural light presently*

enjoyed by a neighbouring property.” Key Design Principle 6 states that “extensions and alterations should not unduly reduce the outlook from a neighbouring property.” Key Design Principle 7 states that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

The proposed single storey rear extension would have a significant projection along the boundary with the adjoining neighbouring property. As discussed previously, the proposed ground floor rear extension has already been granted prior approval under application 2022/91650 and is currently under consideration. No comments were made on the previous application and therefore no formal assessment of the site was required. The principle of a large extension has already been granted so therefore a refusal of this element of the scheme could not be sustained in this instance.

The proposed first floor side extension would be set in marginally from the shared boundary with 14 Fir Parade. It would not comply with the House Extensions and Alterations SPD which requires two-storey rear extensions to have a 1.5 metre set in from the shared boundary. Officers raised concerns regarding the overshadowing and overbearing impact of the proposed two-storey extension on the windows in the rear elevation of no.14 which appear to serve primary inhabited spaces.

It is noted that there has been a similar scheme approved at the adjacent pair of semi-detached dwellings with a similar relationship to the neighbouring property. It is therefore considered in this instance that this would not be a sustained reason for refusal in this instance.

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.

4 – Impact on highway safety

The proposed extension would serve one additional bedroom taking the property from a three-bedroom to a four-bedroom dwelling. For a property of this size normally three in curtilage parking spaces are required. The site currently has a driveway to the side of the property with provision for three vehicles. As the properties existing parking would remain unaffected by the proposal, it is considered that the proposed parking is acceptable. As such the scheme would not represent any additional harm in terms of highway safety and therefore complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5 – Other matters

Ecology

The site is located within a bat alert layer on the Council's GIS mapping system. If approved, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Historic landfill site

KC Strategic Waste were formally consulted as the application site is within 200m of a historic landfill site. It is noted that development has already begun as the ground floor works have already been approved under application 2022/91650. In this instance it would be considered unnecessary to impose any further conditions or restrictions given this application predominantly relates to the first-floor extension in terms of ground works. Non the less, a precautionary footnote would be added to the decision notice, should approval be recommended, to advise on landfill gas monitoring.

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.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a single and two storey rear extension and installation of a side window at 16 Fir Parade 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: 2022/92495

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, LP30, LP31 and LP53 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: The applicant is hereby advised that there is one closed landfill site within 250m of the application site. It is advised that the applicant should consider carrying out landfill gas monitoring prior to development to establish

whether landfill gas levels are significant. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: Please note that the granting of planning permission does not override any private 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 may involve access to land outside your ownership

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	Version	Date Received
Location Plan			28/07/2022
Block Plan			28/07/2022
Grouped plans and elevations	01		28/07/2022

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.

Officers had concerns regarding the impact of the proposal on the neighbouring occupant's residential amenity. Amended plans were sought but not provided. A justification statement was provided which gave examples of other schemes in the area which had been approved.

Report Dated: 21/10/2022

