

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:	2022/62/93109/E
Site Address:	220, Partridge Crescent, Thornhill, Dewsbury, WF12 0HW
Description:	Erection of two storey side and single storey front extensions including external alterations
Recommending Officer:	Nicole Helliwell

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-Nov-2022

Officer Report

Reference No. 2022/62/93109/E

Site Address: 220, Partridge Crescent, Thornhill, Dewsbury, WF12 0HW

Proposal: Erection of two storey side and single storey front extensions including external alterations

Site Description

The application relates to 220 Partridge Crescent, a two-storey end terrace situated in a residential area in Thornhill. The dwelling is faced in pebble dashed render and incorporates a dual pitched roof. The property benefits from a driveway to the front and a sufficiently sized garden to the rear. The neighbouring dwellings are of residential use and comprise bungalows and two storey properties of similar materials, ages and architectural styles.

Description of Proposal

The applicant seeks planning permission for the construction of a two-storey side extension, a single storey front extension and external alterations to the original dwellinghouse. The proposed single storey extension would project approximately 2.3m from the front elevation of the original build. It would feature a maximum height of approx. 3.6m and a height to eaves of approx. 2.5m. The proposed two storey side extension would be built in line with the western boundary and would extend 2.95m from the front of the side elevation and 3.42m towards the rear. It would have a maximum height of approx. 6.58m and a height to eaves of approx. 5.2m.

Relevant Planning History

Not applicable.

Representations

The application was advertised by neighbour notification letters, which expired on 2nd November 2022. As a result of the above publicity, no representations have been received.

Consultation Responses

KC Environmental Health

Environmental Health have reviewed application no. 2022/93109 and have made the following comments and recommendations.

Contaminated land

The site is not on land identified as potentially contaminated. The proposed development involves ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a footnote is necessary to limit the hours of operation for the site.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving sustainable development
- **LP 2** - Place shaping
- **LP 21** - Highways and access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity

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, 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

Assessment

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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Visual amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) states 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 SPD goes on to 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.

Single Storey Front Extension

The proposed single storey front extension would extend approximately 2.3m from the front elevation of the original dwellinghouse. The enlargement would incorporate a mono-pitched roof and would be finished in a material palette to match the appearance of the host property. Although the extension would have a large scale, it would maintain a distance of approx. 8.8m to the pavement, which would reduce its prominence from public vantage points. Furthermore, documentation was submitted to evidence that the proposal would help to support the applicants' medical needs. In this instance, it was considered that the personal benefit created would outweigh any harm to visual amenity.

Two Storey Side Extension

The proposed two storey side extension would be built in line with the western boundary. The enlargement would incorporate a dual pitched roof and would be faced in pebble dashed render to match the appearance of

the host property. The extension would also feature a lower ridge line and would be set back from the principal elevation at first floor level. Although the extension would encroach the building line and would fail to retain 1m to all property boundaries, it would be a subservient addition and would maintain a sense of space within the plot. Due to the siting of the neighbouring property, set well back in relation to the application property, the proposal would not have the effect of 'closing the gap' as would be found with a traditional building line. Therefore, it is considered, on balance, that the proposed development would respect the visual amenity of the host dwelling and neighbouring properties and would be acceptable in this regard.

External Alterations

The application also seeks to replace the existing kitchen window on the rear elevation with French doors. The submitted plans confirm that the doors would be appropriately designed and would be in keeping with the style of the original build. Therefore, it is considered that the proposed alteration would respect the visual amenity of the host dwelling and the surrounding area and would be acceptable in this regard.

Summary

Having taken the above into account, the proposed development 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 proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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.

Impact on 222 Partridge Crescent

222 Partridge Crescent is a residential dwelling sited to the rear of the application site. The submitted plans confirm that the proposed two storey side extension would not contain any rear fenestration at first floor level and

would measure approximately 12m to no.222. Whilst the neighbouring property contains a first floor window on the front elevation, it is noted that the window is obscure glazed and serves an ensuite, which is a non-habitable room. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking, overshadowing and overbearing impact.

Impact on 236 Partridge Crescent

236 Partridge Crescent is a semi-detached bungalow sited west of the application site and would occupy a position approximately 58m from the proposed development. Given that the separation distance retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

Impact on 218 Partridge Crescent

218 Partridge Crescent is a two storey property located east of the application site. The plans confirm that the proposed single storey front extension would be positioned approximately 3.15m away from the common boundary shared with no.218 and would accord with the 45-degree rule in relation to the neighbour's ground floor windows. Furthermore, it is noted that the proposed two storey side extension would be located at the opposite side of the dwellinghouse and would not surpass the neighbour's front and rear elevations. On this basis, it is considered that the proposed development would have an acceptable impact on the neighbour's residential amenity.

Impact on 143 Partridge Crescent

143 Partridge Crescent occupies a position approx. 29m from the front elevation of the proposed two storey side extension. Given that the separation distance retained would be sufficient, it is considered that there would be no undue harm to the neighbouring occupants with regard to overlooking.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. On this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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 Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Highway Safety

The proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. Although it is noted that the House Extensions and Alterations SPD requires three off road parking spaces for a four bedroomed dwellinghouse, it is considered that cumulatively the existing hardstanding and pathway to the front of the property could support three vehicles. Therefore, on balance, the proposed development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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.

Biodiversity

Whilst the site is in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, given that the proposed development is small scale, a footnote will be added to the decision notice to provide advice to the applicant should bats or bat roosts be found during construction.

Contaminated land

The site is not on land identified as potentially contaminated. However, given that the proposed development would involve ground works, it will be necessary to recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works. KC Environmental Health also recommended a condition relating to construction hours; however due to the scale of the development, it is considered that this would be acceptable as a note for the applicant.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Amendments were sought during the course of the application. A request was made to alter the projection of the proposed single storey front extension to 1.6m. This was to reduce its prominence from public vantage points given that the street scene is devoid of front extensions. Although revised drawings were not received, documentation was submitted to evidence that the proposal would help to support the applicants' medical needs. On this basis, it was considered that the personal benefit created, and taking into account the design of the proposal, would outweigh any harm to visual amenity.

7. Conclusion

This application for the erection of a two-storey side extension, single storey front extension and external alterations to 220 Partridge Crescent 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 development 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. 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: 2022/93109

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations 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 1 & 2 of the House Extensions and

Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of the 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 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: 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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

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
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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
Existing Location and Layout	2209/100	20/09/2022
Existing Elevations	2209/101	20/09/2022
Existing Layouts	2209/102	20/09/2022
Proposed Location and Layout	2209/110	20/09/2022
Proposed Elevations	2209/111	20/09/2022
Proposed Layouts	2209/112	20/09/2022

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 18/11/2022

