

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:	2022/62/93579/E
Site Address:	Freckleton A, Bristfield Road, Bristfield, Dewsbury, WF12 0NX
Description:	Erection of two storey and single storey extensions and external alterations
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: 06-Jul-2023

OFFICER REPORT

Site Description

The application relates to Freckleton A, which is a two-storey semi-detached dwelling on Bristfield Road in Dewsbury. It is constructed from stone for the external walls and slate tiles for the roof. The north-western elevation of the dwelling fronts onto Bristfield Road and vehicular access is taken to the south-west, with a driveway which runs through the site to the property. To the south of this, there is a large garden area and a detached outbuilding.

The site is located within the Green Belt. This stretch of Bristfield Road is rural in its character, surrounded by open land and small clusters of development, which are predominantly residential in nature.

Description of Proposal

This application has been received following the approval of a previous application.

The previous permission was for the Erection of two storey and single storey extensions and external alterations. The description associated with this application is the same as the previous permission as the applicant is proposing to amend the plans to include a side facing window.

This application was initially received as a variation of condition application; however, upon reviewing the plans, the applicant has constructed a cellar below the two storey side extension and is proposing to add a fence into south facing wall. It was therefore deemed that this could not be considered as a variation of condition and a full application would be required.

The single storey rear element of the proposals would have a height of 3.2m with a flat roof, with a width of 4.5m and a depth of 3.2m. This would feature a roof lantern. The two storey side extension would be consistent with the previously approved scheme and would project 5.8m from the side elevation of the dwelling, sitting flush with the existing north-western and south-eastern elevations. It would be designed with a gable roof form, which would form a continuation of that of the main dwelling.

Relevant Planning History

96/91573 – Erection of two storey extension. Granted.

87/01181 – Extension to form dining area, double garage and bedrooms. Granted.

2021/90300- erection of two storey and single storey extensions and external alterations

Representations

The application was advertised by neighbour letters, which expired on 26/04/2023.

Three representations were received. Two related to the section 73 application and the other to the full application which raised the following concerns:

- Loss of privacy
- Development being constructed without permission
- Footings on neighbour's land

Consultation Responses

No formal consultations required.

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 located in the Green Belt 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 24** - Design
- **LP 57**- Extension, alteration or replacement of existing buildings

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 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 14 – Meeting the challenge of climate, flooding and coastal change

Chapter 15 – 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
- 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 application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for alterations to a previously approved development.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to

extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

Within the previous application it was stated that 'The application dwelling and the adjoining property appear to have historically served one dwelling, which has subsequently been subdivided and extended. During consideration of the application, officers must first determine when the property was extended and subdivided to understand what constitutes the original dwellinghouse. Whilst there is no planning history for the subdivision of the property, during consideration of the application the applicant's agent submitted a Land Registry document, which confirms that the two dwellings were registered as separate parcels of land in 2001. The historic applications for extensions to the property (87/01181 and 96/91573) have been reviewed, and the redline boundary for each of the applications appears to extend around the whole building, including both the dwellings now known as Freckleton A and Freckleton B. When taking this information into consideration, on the balance of probability, officers consider that the property was extended before they were subdivided. On this basis, and for the purposes of the assessment of this planning application, the application property, Freckleton A, shall be considered as the original dwellinghouse.

Whilst the proposed extensions are relatively large in scale, when considering the size of the existing dwelling, it is considered that they would not constitute disproportionate additions to the host property in this case. Notwithstanding this, it is considered appropriate to include a condition removing permitted development rights for the erection of extensions and building within the curtilage of the dwelling, to prevent future additions amounting to disproportionate additions to the property.'

The proposed extensions would be located to the side and main elevations of the host dwelling. They are constructed predominantly from matching materials and are considered in keeping with rural character of the host property and wider area. Whilst there would be some impact on the openness of the Green Belt from Briestfield Road due to the proposed side extension, when considering its projection in relation to the main dwelling, this impact is considered acceptable in this case.

As previously highlighted, a cellar has been constructed below the previously approved extension to the rear of the property. It is considered that, although this extension increases the volume of the development, it would not result in disproportionate additions and in this instance not impact the openness of the Green Belt.

The proposal is considered to constitute appropriate development within the Green Belt, compliant with Chapter 13 of the NPPF together with Policy LP57

of the KLP and it is considered that the principle of development is acceptable.

2 – Impact on visual amenity and character of the Green Belt

Part of policy LP57 of the KLP stipulates that ‘the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting’.

As previously highlighted, the principle of the development has already been established via application 2021/903

The application dwelling and the adjoining property are both within a rural area, separated from the nearest properties by open fields. The proposed extensions are considered subservient to the host property in terms of scale. Whilst the proposed side extension would extend from the roof form of the existing dwelling, sitting flush with the existing front and rear elevations, when considering the width of the existing dwelling, it is considered that it would not appear overly dominant on the property in this case. The extensions are constructed from materials to match existing and are considered in keeping with the host dwelling in terms of their design. Whilst the extensions would be relatively modern in terms of their fenestration, including larger areas of glazing at ground floor level, the overall relationship with the host property is considered acceptable.

The design of the extensions would not detract from the rural Green Belt setting and it is noted that the adjoining property benefits from a single storey extension which is of a similar design.

Having taken to the above into account, the proposed development would not cause significant harm to the visual amenity of the host dwelling, wider street scene or the rural Green Belt setting, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 and 13 of the NPPF.

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 application site is located within a rural setting, with the only property which would be affected by the development being the adjoining dwelling, Freckleton B.

Overlooking: The proposal was previously agreed to feature a high-level window in the rear elevation of the development. This has been constructed with the rear facing window only being 1.6m above finished floor level which is

considered to still warrant an element of overlooking into the rear private amenity space of Freckleton B. However, the kitchen also benefits from a side facing kitchen door and the plans indicate a roof lantern which would result in sufficient light for future occupiers of the site if this rear facing window was to be obscured. Therefore, subject to a condition requiring the rear facing window to be obscured, no significant issues would arise regarding overlooking. In addition, the cellar features a rear facing window which has been demonstrated to be 1.8m above finished floor level. It is considered that this is sufficient height to not raise any significant concerns regarding overlooking.

Overshadowing/loss of light: The single storey rear extension is of similar scale to an existing projection at Freckleton B and therefore no significant issues would arise regarding overshadowing/loss of light.

Overbearing: As previously highlighted, the single storey rear extension is of similar scale to a projection at Freckleton B and therefore no significant issues have been raised regarding overbearing.

Land Ownership: Officers undertook a site visit for this application and understand that the single storey rear extension associated with this application is in close proximity to the private amenity space of Freckleton B. As a result of this, the introduction of a window into the cellar as a means of escape would result in the window opening over land associated with Freckleton B. Officers note that certificate B has been signed in relation to this application and land ownership disputes are not a material planning consideration. Therefore, the location of the proposed windows/their opening over third party land would not warrant a reason for refusal in this instance.

4 – Impact on highway safety:

The development would introduce an additional bedroom to the property and a guest room. The site benefits from a large driveway which would be sufficient to accommodate this intensification in use. As such, the scheme would not represent additional harm in terms of highway safety and it would comply with Policies LP21 and LP22 of the KLP.

5– Other matters:

Carbon Budget

The proposal comprises domestic development to an existing dwelling. As such, no special measures are 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. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

PROW

Public Right of Way Bridleway DEW/88/40 is located to the east of the application site. Given the distance retained between the proposed extensions

and the bridleway, which is separated from the application site by the adjoining property, it is considered that the proposed extensions would not have a significant impact on the bridleway and its users. As such, the proposal was not advertised as affecting a Public Right of Way and it is considered to comply with Policy LP23 of the KLP.

Bats

The site is identified as being located within a bat alert layer on the Council's GIS Mapping system and therefore consideration must be given to the impact of the proposed development on bats and bat roosts. The building appears to be well sealed and there was no evidence of bat roosts or bat roost potential. The majority of the development had taken place when officers conducted their site visit. As a precautionary measure, a footnote has been 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 chapter 15 of the NPPF and policy LP30 of the KLP.

6 – Representations:

Three representations were received. Two related to the section 73 application and the other to the full application which raised the following concerns:

- Loss of privacy
Response: Privacy concerns have been addressed within the residential amenity section of the report.
- Development being constructed without permission.
Response: This application is partly retrospective and has been assessed accordingly.
- Footings on neighbours land
Response: Land ownership and boundary disputes are a civil matter and are not a material planning consideration.

7 – Negotiations:

Amended plans were requested which reflect the development as it has been constructed on site. This includes the spacing between the extension of Freckleton B being shown, the roof being amended and the windows being added.

8 – Proposed conditions

The standard timescale condition is not considered necessary in this instance as development is already underway. However, 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 extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Removal of Permitted Development Rights
Obscuring of rear facing window

9 – Conclusion:

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: 2022/93579

Officer Recommendation: Approve

Conditions and Reasons

1. 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.

2. 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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A – G of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the openness of the Green Belt in accordance with the requirements of Policy LP57 of the Kirklees Local Plan and the provisions of the NPPF (2021).

4. Within 6 weeks of the date of this permission, the windows in the south eastern elevation (rear) of the single storey extension hereby approved shall be obscure glazed in Pilkington level four or equivalent. The obscure glazing shall thereafter be retained.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south eastern elevation of the single storey extension hereby approved.

Reason: To not detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan 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
Location Plan	(P01) 2021 01 13 - REV	21/03/2023
Proposed Elevations	PLANNING (P06) 2021 01 13 - REV A	1/06/2023
Proposed Elevations	PLANNING (P05) 2021 01 13 - REV C	1/06/2023
Proposed Plans	PLANNING (P04) 2021 01 13 - REV C	1/06/2023
Existing Plan	PLANNING (P02) 2021 01 13 - REV A	21/03/2023
Existing Elevations	PLANNING (P03) 2021 01 13 - REV A	21/03/2023

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.

The application has been amended to a full application and amended plans have been sought which reflect the development as built on site.

