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:	**2022/62/93793/E**
Site Address:	12, Jensen Avenue, Dewsbury, WF13 4QX
Description:	Erection of single and two storey rear extensions
Recommending Officer:	Alice Downham

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 07-Feb-2023

Officer Report

Site Description

12 Jensen Avenue is a two-storey semi-detached dwelling located in Dewsbury. It is situated at the turning head of the cul-de-sac. The site slopes downhill to the west (rear). The dwelling is faced in brick with areas of UPVC cladding to the front elevation. The roof is a dual-pitched design finished in concrete tiles. There is a driveway to the front which leads to a detached garage to the side of the dwelling. There is amenity space to the front and rear. There is a conservatory to the rear.

The property is located within a residential area. The neighbouring dwellings are predominantly similar to the application property in terms of size, age, style, and construction materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

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

The proposed rear extensions would run the full width of the host dwelling. The single-storey extension would project 6.0m and the two-storey element would project 2.0m. The extensions would both have dual-pitched roof forms. The single-storey extension would have an overall height of approximately 4.0m and an eaves height of approximately 3.0m. The two-storey extension would have an overall height of approximately 7.2m, being set down from the ridgeline of the host dwelling by approximately 0.75m.

The proposed extensions would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing.

History of negotiations/amendments received

The proposal was considered acceptable as originally submitted. As such, no amendments were sought or received during consideration of the application.

Relevant Planning History

At the application site:

2022/92968 – Prior notification for single storey rear extension. Not required.

At neighbouring properties:

93/05244 – Erection of 2-storey extension and conservatory. Conditional full permission. (14 Jensen Avenue).

2007/94037 – Erection of two storey extension and garage. Refused. (13 Jensen Avenue).

2007/94039 – Erection of single, two storey and dormer extensions. Refused. (15 Jensen Avenue).

2008/90325 – Erection of 2 storey and single storey extensions to 2 no. dwellings. Conditional full permission. (13 & 15 Jensen Avenue).

2008/92258 – Erection of single and two storey extensions (modified proposal). Conditional full permission. (15 Jensen Avenue).

2016/94293 – Erection of single and two storey rear and single storey front extensions. Conditional full permission. (16 Jensen Avenue).

2017/91210 – Prior notification for single storey rear extension. Not required. (16 Jensen Avenue).

Publicity and Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 6th January 2023.

As a result of the above publicity, no representations have been received.

No parish/town council comments are required in this instance.

Consultation Responses

None were considered necessary in this instance.

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.

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. The National Planning Policy Framework 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 pre-dates 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places

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

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) Conditions
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the House Extensions and Alterations SPD, suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

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:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out that proposals should promote good design by ensuring *"the form, scale, layout and details of all development respects and enhances the character of the townscape"*; and LP24 (c), which sets out 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".

With regard to the Council's House Extensions and Alterations SPD, Key Design Principle 1 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."* Key Design Principle 2 states 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 detail."*

Paragraphs 5.1 and 5.2 of the Council's House Extensions and Alterations SPD state that rear extensions should:

- *"[be] set behind the original building, and not projecting beyond the sides;*
- *… respect the original house and garden in terms of its size and scale;*
- *use appropriate materials which match or are similar in appearance to the original house"*

Paragraph 5.6 states that single-storey rear extensions should:

- *"be in keeping with the scale and style of the original house;*
- *not exceed 4 metres in height;*
- *not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties;"*

Paragraph 5.8 states that two-storey rear extensions should:

- *"be proportionate to the size of the original house and garden;*
- *not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);*
- *not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;"*

It is noted that the 6.0m projection, overall height, and eaves height of the single-storey element on the shared boundary with no.14 has already been agreed through a larger home extension prior approval application (2022/92968). This application seeks to add a first-floor element (2.0m projection).

In terms of design, the proposed rear extensions would be faced in brick to match the existing, with concrete tiles for the roof covering to match the existing. The extensions would both have dual-pitched roof forms. The details proposed are similar to the existing dwelling and would result in an acceptable relationship. The proposed extensions would be located to the rear of the property where they would be least visible within the street scene. In summary, the design, materials, and detailing are in keeping with the host dwelling and are therefore considered acceptable from a visual amenity perspective.

With regard to scale, given the previously granted larger homes extension (2022/92968), it is considered that this has established such a scale of extension at the house as being acceptable. The proposed two-storey rear extension is considered subservient to the host dwelling as it would be set down by approximately 0.75m from the ridgeline of the host dwelling and would have

a modest projection (2.0m). The proposed extensions would increase the footprint of the building. However, the size of the footprint is considered acceptable given the fall-back position provided by the previous application (2022/92968). Furthermore, the host property and its associated curtilage is of a scale which would support the proposed extension without amounting to overdevelopment or appearing incongruous. Furthermore, it is noted that a number of neighbouring properties on Jensen Avenue benefit from similar two storey rear extensions. As such, it is considered that the proposed extension would not be out of keeping with the local character. In summary, and taking into account the established fall-back position, the scale of the proposal is considered in keeping with the existing building and the local character and is therefore acceptable from a visual amenity perspective.

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, Key Design Principles 1 and 2 and the detailed guidance in the Council's House Extensions and Alterations SPD, 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, taking into account Policy LP24 (b), which sets out 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."*

Paragraphs 5.1 and 5.2 of the Council's House Extensions and Alterations SPD state that rear extensions should:

- *"[preserve] a back garden of a reasonable size, with a general principle that at least half the garden area is retained;*
- *[maintain] external access to the rear garden*
- *not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties."*

Paragraph 5.6 states that single-storey rear extensions should:

- *"not normally cover more than half the total area around the original house (including previous extensions and outbuildings);*
- *where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;*
- *retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge."*

Paragraph 5.8 states that two-storey rear extensions should:

- *"be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;*
- *not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;*
- *not adversely affect habitable room windows where they adjoin a neighbour's boundary."*

Impact on 14 Jensen Avenue

This is the adjoining property to the south of the application site. It is acknowledged that the proposed single-storey extension would introduce a significant amount of additional built development along the shared boundary with this neighbour. However, the impact of the single-storey element on 14 Jensen Avenue has already been established via the larger homes extension prior approval granted under application 2022/92968. Whilst the 6.0m projection would lead to an overbearing impact on no.14, given the 2022/92968 approval, there is no control via this application. Given that the proposed two-storey rear extension would have a modest projection (2.0m), and that the applicant property is located to the north of no.14, it is considered that this element would have no significantly detrimental overbearing or overshadowing impacts on this neighbour. To protect the privacy of the current and future occupiers of 14 Jensen Avenue, should planning permission be granted it is recommended to add a condition to the decision notice removing permitted development rights for the creation of openings in the southern side elevation of the extension. Therefore, there would be no additional overlooking impact on no.14 as a result of the proposed development. Officers are satisfied that the proposal would have no undue impacts on the amenities of 14 Jensen Avenue that would justify refusal of the proposal and that a departure from the guidance outlined in the SPD is justified in this isolated instance.

Impact on 10 Jensen Avenue

This is the neighbouring property to the north of the application site on rising land. This neighbouring property is set significantly forward in the street scene relative to the applicant property, such that its rear elevation is set forward of the front elevation of no.12. Therefore, officers are satisfied that the proposed rear extensions would have no significant impact on the amenities of 10 Jensen Avenue or its amenity space.

Impact on 8 Cresswell Lane

This is the neighbouring property to the west (rear) of the application site. There would be no significant overbearing or overshadowing impacts on the amenities of 8 Cresswell Lane, given the separation distance that would be maintained by the rear garden of the application property (approximately 11m). There are no windows in the eastern side elevation of 8 Cresswell Lane which faces the rear of the host dwelling. Therefore, the new windows would have no significant additional overlooking impact over and above the existing arrangements on site, whereby habitable room windows already look towards the amenity space of the property and share an oblique relationship with windows in its front elevation.

Impact on inhabitants and future occupiers

An appropriately sized and useable area of private outdoor space would be retained, with at least half the garden area retained.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policy LP24 of the Kirklees Local Plan, Key Design Principles 3, 4, 5, 6 and 7 and the detailed guidance in the Council's House Extensions and Alterations SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed extension would be constructed over existing amenity space to the rear and would accommodate a kitchen/dining room, utility room and bathroom on the ground floor, and extensions to an existing bedroom and bathroom on the first floor. There would be no increase in the number of bedrooms. The proposed development is therefore unlikely to result in an increase in the domestic use of the dwelling and would not affect the existing parking arrangements at the site. The current parking arrangements are considered sufficient and would maintain appropriate access and off-street 'in curtilage' parking for a three-bedroom dwelling.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Key Design Principle 15 of the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

Ample space remains on site for the storage of wastes in accordance with Key Design Principle 16 of the 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 would need to be adhered to as part of the construction process which would require compliance with national standards. For this reason, the proposed development is considered to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

6 – Representations:

No representations have been received.

7 – 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 recommend the inclusion of the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Removal of PD rights for creation of openings in the southern side elevation of the rear extension to protect privacy.

It is also recommended to include footnotes regarding the recommended hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for erection of single and two storey rear extensions at 12 Jensen Avenue, Dewsbury, WF13 4QX, has been assessed against relevant policies in the development plan as listed in the policy section of the report, 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 acceptable.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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: 2022/93793
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, Key Design Principles 1, 2, 3, 4, 5, 6, 7, and 15 in 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 southern side elevation of the rear extensions hereby approved.
Reason: So as not to detract from the amenities of occupants of the neighbouring property (14 Jensen Avenue) by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, the principles and guidance within the House Extensions and Alterations SPD, and guidance in 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 13.00 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.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	-	963685	22/11/2022
Grouped Plans and Elevations	JAD/101	963687	22/11/2022
Grouped Plans and Elevations	JAD/102	963686	22/11/2022

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 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 proposal was considered acceptable as originally submitted. As such, no amendments were sought or received during consideration of the application.

Report Dated: 31/01/2023