

**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:         | <b>2022/62/93963/E</b>                          |
| Site Address:         | 32, Walnut Lane, Chickenley, Dewsbury, WF12 8NJ |
| Description:          | Erection of dormer windows to front and rear    |
| 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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 02-Feb-2023**

## **Officer Report**

**Reference No.** 2022/62/93963/E

**Site Address:** 32, Walnut Lane, Chickenley, Dewsbury, WF12 8NJ

**Proposal:** Erection of dormer windows to front and rear

### **Site Description**

The application relates to 32 Walnut Lane, a two-storey semi-detached property situated in a residential area in Chickenley, Dewsbury. The dwelling is faced in brick and incorporates a dual pitched roof finished in grey concrete interlocking tiles. The property benefits from off road parking to the front and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying materials and architectural styles.

### **Description of Proposal**

The application seeks planning permission for the erection of front and rear dormer extensions. The proposed rear dormer extension would have a width of approx. 5.25m, a depth of approx. 2.2m and a maximum height of approx. 1.6m. Furthermore, the proposed front dormer extension would have a width of approx. 19m, a depth of approx. 1.83m and a maximum height of approx. 1.6m.

### **Relevant Planning History**

Not Applicable.

### **Representations**

The application was publicised by neighbour notification letters, which expired on 21<sup>st</sup> January 2023. As a result of the above publicity, no representations have been received.

### **Consultation Responses**

Not Applicable.

### **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 27<sup>th</sup> 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

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.

#### **2. Visual amenity**

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state 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.

#### *Front and Rear Dormer Extensions*

The proposed dormer windows would be located within the front and rear roof planes and would be faced in grey concrete interlocking tiles to match the appearance of the original dwellinghouse. The dormer extensions would be set back from the eaves line and sited below the existing ridge height. The dormer windows would also be of an appropriate size and design and would generally align with the existing fenestration. Whilst it is noted that the area is generally devoid of dormer extensions, in this instance, the dormers are considered acceptable given the lack of uniformity within the street scene. On this basis, the proposed development would not have any significant visual impact on the character and appearance of the host property and 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, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

### **3. 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 submitted plans confirm that no properties located north or south of the application site would be affected by the proposed works.

#### *Impact on 25 and 27 Cedar Road*

25 and 27 Cedar Road are two storey semi-detached dwellings located to the rear of the application site. The submitted plans confirm that the

neighbouring properties would occupy a position approximately 37m from the proposed rear dormer extension. Given that the separation distance retained would be sufficient, it is considered that there would be no overbearing impact, overshadowing or overlooking of the adjacent occupant's amenity as a result of the proposed works.

#### *Impact on 29 Walnut Lane*

The plans also confirm that the proposed front dormer extension would occupy a position approximately 110m from the front elevation of 29 Walnut Lane. Given that the separation distance retained would be substantial, 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.

### **4. Highway Safety**

The proposal would create one additional bedroom, which would intensify the domestic use at the dwelling. However, it is noted that off road parking would be retained for two vehicles which is considered to represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, 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.

#### **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.

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

**5. Representations**

No representations were received following the statutory publicity.

**6. Negotiations**

No amendments were sort or received during the course of the application.

**7. Conclusion**

This application for the erection of front and rear dormer extensions at 32 Walnut Lane 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:** 2022/93963**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 Policies LP1, LP2, LP21, LP22 and 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 and thereafter be retained.

**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.

**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: -**

| <b>Plan Type</b>                  | <b>Reference</b> | <b>Date Received</b> |
|-----------------------------------|------------------|----------------------|
| Site Location & Site Plan         | AR-01            | 08/12/2022           |
| Existing Floor Plans & Elevations | AR-02            | 08/12/2022           |
| Proposed Floor Plans & Elevations | AR-03            | 08/12/2022           |

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: 25/01/2023**