

**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>2023/62/90018/E</b>
Site Address:	6, Hirst Avenue, Heckmondwike, WF16 9PT
Description:	Erection of single and two storey extensions
Recommending Officer:	Craig Hewitt

**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: 28-Feb-2023**

## Officer Report

### Site Description

The application site relates to the two-storey semi-detached dwellinghouse at 6 Hirst Avenue, Heckmondwike. The property is located within a short cul-de-sac. The dwelling has a gable roof and front porch. The dwelling has three bedrooms, whilst space for three vehicles exists to the front and side of the property. The primary amenity space is located to the rear of the dwelling, with ground levels falling towards the rear boundary of the site. The immediate context of the site is largely one of semi-detached houses within a predominantly residential area.

### Description of Proposal

Planning permission is sought for the erection of a two storey rear extension, and single storey front, side and rear extensions. The two storey rear extension would project 3m from the rear elevation of the dwelling. The single storey rear extension would project 5m from the rear elevation, the single storey side extension would project 3.5m from the side elevation, whilst the single storey front extension would project 1.15m from the front elevation, to meet flush with the existing porch. The proposed two storey extension would have a dual-pitched roof, with a gable rear elevation, whilst the single storey extensions would all have lean to roofs.

The extensions would be constructed of brickwork and roof tiles to match the existing materials of the property. A living room and an enlarged kitchen/dining room would be created at ground floor, whilst bedrooms would be enlarged at first floor.

### History of negotiations/amendments received

This planning application has been assessed based on the drawings originally submitted with the current application. No further details or amendments were sought thereafter.

### Relevant Planning History

2022/91814 - Erection of two storey side and rear and single storey front and rear extensions. Refused and appeal dismissed.

2022/91128 - The proposal is for erection of single storey rear extension. The extension projects 5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m. Prior Approval Not Required.

## Representations

This application was publicised by nine neighbour letters, of which the consultation period expired on 24th February 2023. Following this publicity, two letters of support and one objection, primarily relating to the scale and overshadowing impact of the proposal, were received. No further representations were received from neighbours.

## Parish/Town Council comments

None.

## Consultation Responses

None.

## Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

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:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- 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

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

### 1 – Principle of Development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates 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. Policy LP24 of the KLP is the overarching policy in relation to the design, requiring proposals to respect the appearance and character of existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety, and to promote sustainability.

The application is for an extension to a residential property within a settlement boundary, where the principle of development such as this is acceptable, subject to the satisfactory assessment of material considerations. These considerations, along with others, are addressed in the following sections in this report.

### 2 – Impact on Visual Amenity:

Policy LP24 of the Kirklees Local Plan, consistent with Chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

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

The Householder Extensions and Alteration SPD states that single-storey side extensions should not extend more than two thirds of the width of the original house, not exceed a height of 4 metres, and be set back at least 500mm from the original building line to allow for a visual break. 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, not project out more than 3m from the rear wall of the original house, not exceed a height at the eaves of 3m where the extension is within 1.5m of the property boundary, and be separated from the property boundary by at least 1.5m. Front extensions should be small, subservient to the original building, well-designed and not harm the character of the original house or the area.

In this case, the proposed two storey rear extension would project 3m from the rear elevation of the dwelling, meet flush with the side elevation and retain a distance of 1.6m to the common boundary with No.4 Hirst Avenue. The single storey side extension would project 3.5m from the side elevation of the dwelling and retain 2.3m to the splayed common boundary with No.8 Hirst Avenue at the front of the extension and 1m at the rear, to comply with the SPD. The width of the side extension would be less than two thirds the width of the original property. The applicant has received prior approval for the proposed single storey rear extension and thus has a realistic fall-back position in relation to the proposed single storey rear extension, therefore that element of the proposal is considered acceptable. The proposed front extension is of a modest scale and not considered to appear incongruous within the street-scene.

The proposed gable roof would continue the existing roof eaves and match the architectural style of the property. The proposed roof ridge of the two storey rear extension would be considerably lower than the main roof ridge of the dwelling and would appear acceptably subservient to the main dwelling. The proposed development is not considered to appear overly dominant within the street-scene, and the scale of the proposal is considered acceptably proportionate to the main dwelling. The impact of the overall proposal on spaciousness and visual amenity is considered acceptable.

The proposed window openings and 3no. roof lights are of acceptable size, style and positioning. The extensions would be finished in matching brickwork and roof tiles - the proposed palette of materials are acceptably in-keeping with the existing materials of surrounding properties. The proposed extensions are considered not to appear incongruous within the surrounding area or unduly impact the street-scene.

The development, therefore, would be acceptable in terms of visual amenity and would accord with key design principles 1 and 2 of the Householder

Extensions and Alterations SPD, Policy LP24 of the KLP, and Chapter 12 of the NPPF

### 3 – Impact on Residential Amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Key Design Principles 3 (Privacy), 5 (Overshadowing/loss of light), and 6 (Preventing overbearing impact) of the Kirklees House Extensions and Alterations SPD expand upon Policy LP24 and are discussed below.

At first floor, the rear extension would maintain a 45-degree line of sight from the centre of the nearest rear elevation window at No.4 Hirst Avenue to comply with the SPD. Given the fall-back position of the single storey rear extension, its impact on residential amenity is considered acceptable. The proposal is not considered to have an unacceptable overbearing or overshadowing impact on No.4 Hirst Avenue.

The two storey rear extension would retain 10.5m to the rear boundary and over 21m to the rear elevation windows of the properties to the rear of the application property, and is therefore not considered to have an unacceptable overlooking impact on those properties.

The single storey side extension would sit at a higher level than No.8 Hirst Avenue. Given that it would retain at least 1m to the common boundary, and that it would have a lean to roof with eaves 2.6m high, the single storey side extension is not considered to have an unacceptable overbearing or overshadowing impact on No.8 Hirst Avenue. The two storey rear extension would retain 4.5m to the common boundary with No.8 Hirst Avenue and the rear elevation would be 9m from the rear elevation windows of No.8 Hirst Avenue – it is therefore not considered to have an unacceptable overbearing or overshadowing impact on No.8 Hirst Avenue.

A new first floor side elevation window is proposed at the application property – given the orientation of the window in relation to No.8 Hirst Avenue, it is not considered to cause an unacceptable loss of privacy on the side or rear elevation windows, and would not directly overlook the majority of the private amenity space at No.8 Hirst Avenue. No.8 Hirst Avenue have also made a representation in support of the proposal. It is therefore considered that the proposal would not cause an unacceptable overlooking impact or loss of privacy.

As such, the proposal would comply with Key design principles 3, 5 and 6 of the House Extensions and Alterations SPD and Policy LP24 of the KLP in terms of residential amenity.

### 4 – Impact on Parking:

The number of bedrooms would remain the same, although parking space would be retained for at least two vehicles within the curtilage of the property. Accordingly, a householder extension of this type is considered acceptable in terms of planning regulation.

The development concerned is acceptable in terms of parking and consistent with Policy LP22 of the KLP.

#### 5 – Other Matters:

##### Carbon Budget

The proposal is a small-scale 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 and which will require compliance with national standards.

#### 6 – Representations:

One objection was received during the course of the application, primarily relating to the scale and overshadowing impact of the proposal. This has been assessed and considered acceptable.

#### 7 – Conclusion:

This application for a two storey rear extension and single storey front, side and rear extensions at No.6 Hirst Avenue, Heckmondwike has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered 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: 2023/90018  
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 Policy LP24 of the Kirklees Local Plan 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 or specified in the proposed plans and thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

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 may 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, Existing and Proposed Site Plans			04.01.2023
Existing and Proposed Floor Plans			04.01.2023
Existing and Proposed Front and Rear Elevations			04.01.2023
Existing and Proposed Side Elevations			04.01.2023

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 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 was considered acceptable. No further details or amendments were sought thereafter.

Report Dated: 24.02.2023

