

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:	2023/62/90175/E
Site Address:	129, High Street, Thornhill Edge, Dewsbury, WF12 0PR
Description:	Demolition of existing conservatory, erection of single storey front and rear extensions, alterations to side elevations and raised platform
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.

Julia Steadman

AUTHORISED OFFICER

Date: 22-Mar-2023

Officer Report

Site Description

The application site relates to the dwellinghouse at 129 High Street, Thornhill Edge, Dewsbury. The dwelling appears as single-storey from the High Street street-scene but lower ground levels towards the rear (south) and side (east) mean that a lower ground floor is revealed. The dwelling has a cross-gable roof and an attached garage with partly flat roof to the western side. The dwelling also has a rear conservatory and patio and enjoys a generous rear garden. The dwelling is constructed of brick and stone with some timber cladding. The immediate context of the site is largely of residential use, with a mixture of single and two-storey detached properties.

Description of Proposal

Planning permission is sought for the erection of single storey front and rear extensions following the demolition of the existing conservatory. The front extension would infill under an existing front canopy and meet flush with the front elevation of the garage. The proposed rear extension would project slightly beyond the rear elevation of the existing rear gable and have a flat roof. The existing flat roof of the garage would be altered to a gable roof. The existing raised rear patio would be extended to the eastern side of the dwelling, whilst there would be external alterations to create new window openings in the eastern side and rear elevations. An additional bedroom would be created to increase the total number of bedrooms to four.

History of negotiations/amendments received

This planning application has been assessed based on the amended drawings submitted after the originally proposed rear terrace was considered to have an unacceptable overlooking impact. No further details or amendments were sought thereafter.

Relevant Planning History

None.

Representations

This application was publicised by four neighbour letters, of which the consultation period expired on 13th March 2023. Following this publicity, no representations were received.

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 Kirklees House Extensions and Alterations SPD reflect the above.

The House Extensions and Alterations SPD states that single storey front extensions should be set well back from the pavement, be small-scale and subservient to the original dwelling, without harming the character of the dwelling or area, have matching materials and features of the original dwelling, and not unreasonably affect neighbouring properties. Single-storey rear extensions should, as a guideline, be in-keeping with the scale and style of the original house, not exceed 4m in height, not project more than 4m from the rear elevation for a detached dwelling, and should retain a gap of at least 1m to the property boundary.

In this case, the proposed front extension would infill to meet flush with the front elevation of the garage – this would represent a projection of 1m from the most recessed part of the front elevation of the dwelling. The existing flat roof of the garage would be altered to a gable roof with the existing height of the eaves and ridge of the dual-pitched main roof of the dwelling maintained. Development already exists up to the common boundary with No.131 High Street - the proposed roof alteration is not considered to create a terracing effect given that there is a flat roof at No.131 High Street, and the resulting impact on spaciousness within the street-scene would not be unduly impact, particularly given the low level the properties sit at in relation to High Street given the fall in land levels.

The proposed single storey rear extension would project 2m from the most recessed part of the rear elevation of the dwelling, would not project beyond the side elevations of the dwelling, and its flat roof would be 3.3m above the ground level adjacent No.131 High Street. The overall scale of development is proportionate to the main dwelling, and the proposed brick and stone would be acceptably in-keeping with the surrounding materials of the street-scene - the front extensions and alterations would comply with the House Extensions and Alterations SPD.

The existing raised rear patio would be extended to the eastern side of the dwelling where it would meet the side elevation. There would be external alterations to create new window openings in the eastern side elevation and rear elevation which would not unduly impact the street-scene. The proposed new window openings in the side and rear elevations are of acceptable size and style, and positioning. Overall, the proposal is considered to be of acceptable appearance, would not harm the surrounding character and would not have an unacceptably harmful impact on visual amenity.

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.

The proposed roof alteration adjacent No.131 High Street would not have an overbearing impact on any main habitable room window at No.131 High Street, whilst the proposed rear extension would not project beyond the adjacent rear elevation at that property. The terrace proposed in the original

application has been amended so that it would maintain the relationship that the existing terrace has with No.131 High Street – there is therefore not considered to be an unacceptable overbearing impact on any habitable room windows or private amenity space towards No.131 High Street. The extension of the terrace eastwards is not considered to cause an unacceptable loss of privacy given the existing conifer hedging at the common boundary with No.127 High Street, which would screen views of any habitable room windows or private amenity space.

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 proposal would retain parking space for at least three vehicles within the curtilage of the four-bedroom property. Accordingly, a householder extension of this type is considered acceptable in terms of planning regulation.

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

5 – Other matters:

Bats

The site is located within a bat alert layer. After a visual assessment of the building by the officer, the building appeared to be in good order, well-sealed and unlikely to have any significant bat roost potential. A cautionary 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 accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, and Chapter 15 of the National Planning Policy Framework.

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:

No representations were received during the course of this application.

7 – Conclusion:

This application for single storey front and rear extensions, roof alteration, raised terrace and external alterations at No.129 High Street, Thornhill Edge,

Dewsbury 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: 2023/90175

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.

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

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to 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: 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	2225/100		18.01.2023
Existing and Proposed Site Plans	2225/110	A	21.03.2023
Existing Ground and Garden Level Plans	2225/102		18.01.2023
Proposed Ground and Garden Level Plans	2225/112	A	21.03.2023
Existing Elevations	2225/101		18.01.2023
Proposed Elevations	2225/111	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 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 found unacceptable and therefore amendments were sought during the course of the application to reduce the overlooking impact. No further amendments or details were sought thereafter.

Report Dated: 21.03.2023