

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:	2023/62/90458/E
Site Address:	13, Harewood Avenue, Heckmondwike, WF16 0DB
Description:	Erection of single storey side and rear extension, ramp access and external alterations following partial demolition of existing garage
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: 20-Apr-2023

Officer Report

Reference No. 2023/62/90458/E

Site Address: 13, Harewood Avenue, Heckmondwike, WF16 0DB

Proposal: Erection of single storey side and rear extension, ramp access and external alterations following partial demolition of existing garage

Site Description

The application relates to 13 Harewood Avenue, a two storey semi-detached property situated in Heckmondwike. The dwelling is faced in brick and incorporates a dual pitched roof finished in tiles. The property benefits from off road parking to the front, a detached garage and gardens to the front and 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 applicant seeks planning permission for the erection of a single storey side and rear extension, ramp access and external alterations. The existing detached garage would be partially demolished to allow for the proposed works. The proposed single storey extension would project approx. 3m from the existing side elevation and approx. 4.32m from the existing rear elevation. The extension would have a maximum height of approx. 3.67m and an eaves height that ranges from approx. 2.83m to 3.17m due to its flat/pitched roof form.

Relevant Planning History

2012/90182: Erection of single and two storey extensions. [Planning application details | Kirklees Council](#)

2011/92927: Erection of 2 storey and single storey extension. [Planning application details | Kirklees Council](#)

2011/92363: Erection of 2 storey and single storey extension. [Planning application details | Kirklees Council](#)

Representations

The application was advertised by neighbour notification letters, which expired on 11th April 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 27th 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
- **LP 53** - Contaminated and Unstable Land

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.

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 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

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. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement.

The application has no specific allocation within the Kirklees Local Plan. As such, Policy LP24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, the proposal would be considered acceptable in principle.

1. 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.

Single Storey Side and Rear Extension

The extension proposed would project approx. 3m from the existing side elevation and approx. 4.32m from the rear elevation of the original dwellinghouse. The enlargement would incorporate a flat/pitched roof form finished in tiles and would be faced in brick to match the appearance of the host property. Although the rear extension would have a large projection, it would appear subservient in relation to the original build and would maintain a sense of space within the plot. Furthermore, the side element of the extension would have a suitable scale relative to the original build and would retain a distance of approximately 11.8m to the pavement which would reduce its prominence from public vantage points. On this basis, the proposed development would respect the visual amenity of the host property and wider street scene and would be acceptable.

Ramp Access

The ramp would be installed to the front of the proposed single storey extension and would facilitate access from the driveway to the bedroom which is sited on slightly higher ground. The ramp would be a small-scale structure and would be typical to that used to provide access in residential properties. It is therefore considered that the proposed development would

not have any significant visual impact on the character and appearance of the host property and therefore would be acceptable in terms of visual amenity.

External Alterations

The proposed external alterations would see the existing dining room window on the rear elevation replaced with patio doors. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would be acceptable from a visual amenity perspective.

The existing detached garage to the rear of the application site would also be reduced in size as part of the application and would be used as a store room. Given that the external alterations would match the appearance of the original build and would not detract from the character of the wider street scene, they would be acceptable in terms of visual amenity.

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 (a) in terms of the form, scale and layout and (c) as the proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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.

Impact on 11 Harewood Avenue

11 Harewood Avenue is a two storey semi-detached property situated south of the application site. It is noted that the proposed single storey side and rear extension would have no material impacts on the neighbour's residential amenity given that it would be positioned approximately 5m away from the shared boundary and would accord with the 45-degree rule in relation to the neighbour's ground floor fenestration.

Impact on 14 Harewood Avenue

14 Harewood Avenue is a semi-detached bungalow located east of the application site and sits at an elevated position relative to the host property. The proposed single storey extension would occupy a position approximately 25.9m from the neighbour's front elevation and would accord with the separation distances outlined within the SPD. Therefore, it is considered that there would be no undue harm to the neighbouring amenity with regards to overbearing, overshadowing or overlooking.

Impact on 12 Fernlea Close

12 Fernlea Close is a detached bungalow situated to the rear of the application site and is positioned on significantly lower ground relative to the host property. The proposed single storey side and rear extension would occupy a position approximately 10m from the rear elevation of the neighbouring dwelling. However, given the difference in ground levels, it is considered that the proposal would not result in any further harm to the neighbour's residential amenity over the existing.

Impact on 15 Harewood Avenue

The proposed single storey side and rear extension would be positioned in close proximity to the common boundary shared with 15 Harewood Avenue. However, the submitted plans confirm that the proposed enlargement would accord with the 45 degree rule in relation to the neighbour's fenestration. As such, the proposed development is considered to have an acceptable impact on the neighbour's residential amenity.

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.

3. Highway Safety

The proposal would create an additional bedroom, which would intensify the domestic use at the dwelling. It is noted that the SPD requires three off road parking spaces for a four bedroomed dwellinghouse. However, given that

off road parking would be retained for one vehicle and given that there are no parking restrictions on street, it is considered that on balance the parking arrangements would be adequate. 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.

4. 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.

Contaminated Land

This site has been identified as potentially contaminated land due to its previous use as a quarry (site ref 192/5). Therefore, it will be necessary to recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works.

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 sought or received during the course of the application.

7. Conclusion

This application for the erection of a single storey side and rear extension, ramp access and external alterations at 13 Harewood Avenue 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: 2023/90458

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, LP24 and LP53 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 retained thereafter.

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.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a

Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 178 and 179 of the National Planning Policy Framework

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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
Existing and Proposed Site, Roof and Location Plan	23-5069	13/02/2023
Existing and Proposed Site and Floor Plans	23-5069	13/02/2023
Existing and Proposed Side Elevations	23-5069	13/02/2023
Existing and Proposed Front and Rear Elevations	23-5069	13/02/2023

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 15/04/2023