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:	**2023/62/90818/E**
Site Address:	11, West Park Road, Healey, Batley, WF17 7EL
Description:	Erection of single storey extension to rear, dormer window to rear, porch to front, and detached outbuilding
Recommending Officer:	Jennifer Booth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Jul-2023

OFFICER REPORT

Site Description

11 West Park Road is a brick built, semi-detached dwelling with a paved parking area to the front, path at the side with a shared outbuilding and an enclosed garden to the rear.

There are similar residential properties to the front, rear and sides.

Description of Proposal

The applicant is seeking permission for a porch to the front, a single storey rear extension, rear dormer and a detached outbuilding at the rear.

The front porch would be centrally sited within the front elevation with a projection of 1.5m and a width of 2.7m. The roof form would be pitched.

The rear extension would project 3m from the original rear wall of the dwelling, extending across the width of the property with a lean to roof form with roof lights.

The rear dormer would be inset 1m from each side and have a width of 5.5m and a height of 1.7m.

The detached outbuilding would be located at the rear corner of the property with a width of 3.6m, a split depth of between 3m and 4.2m with a height of between 2.7m and 2.8m.

The walls of the extensions and outbuilding would be constructed using brick with tiles for the roof coverings. The dormer would be clad with shiplap boarding.

Relevant Planning History

2022/91557 - formation of vehicle access - agreed

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initial plans raised concerns with the rear extension given the 3.7m projection and the impact on the adjoining dwelling and the rear dormer with regards to the significant size. Both elements have been reduced. As the alterations reduced the level of development, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 01/05/2023

As a result of the above publicity, 3 representations have been received. The material considerations raised are summarised as follows:

- Loss of privacy from the rear dormer,
- Noise during construction,

Although other matters may have been raised, such as damage to neighbouring properties, this is not a material planning consideration.

Consultation Responses

None

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

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 Policies

- **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, and 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

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 & Alterations SPD and Chapter 12 of the NPPF, regarding design. 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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations SPD goes onto 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.

The proposal under consideration consists of four distinct elements which shall be addressed below.

Front porch

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The porch proposed is limited in terms of its size and as such is considered to be of an acceptable scale. The materials proposed include the use of brick for the walling and tiles for the roof covering which would match the main house. The porch is therefore considered to be acceptable in terms of visual amenity.

Single storey rear extension

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The rear extension would project 3m, in line with the SPD. The materials proposed would match the main house, the detailing is considered to be appropriate, and the property would retain a reasonable amenity space. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Rear dormer

In point 5.25 of the House Extensions & Alterations SPD, it is suggested that rear dormers can be considered to be appropriate dependent upon design and size. The rear dormer would be a box like structure built out of the roof plane. This does not appear particularly organic in terms of the appearance of the dwelling. However, the width has been reduced from the initially requested 7m to 5.5m with a clear 1m set in from each side. The colour finish for the shiplap cladding will be conditioned to be dark grey to allow a more organic relationship with the roof of the property. On balance, the rear dormer can be considered to be acceptable in terms of visual amenity.

Detached outbuilding

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The outbuilding is modest in terms of its scale and will allow for the retention of a reasonable amenity space. The materials proposed are considered to be

appropriate. The outbuilding is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions and outbuilding 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 extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 9 West Park Road

The front porch is set in from the boundary with the adjoining property. Given the limited scale, there would be no overlooking, overshadowing or overbearing.

The single storey rear extension would be constructed along the shared boundary with the potential to result in an overbearing impact. However, the extension is single storey, limited in terms of its height and its projection. The rear extension would not therefore result in any significant overbearing, overshadowing or overlooking.

The rear dormer would be set up within the roof plane and would have no further impact on the adjoining neighbour in terms of overlooking than the existing first floor windows. As the works are up within the roof, there would be no overshadowing or overbearing.

The outbuilding is proposed to be located at the end of the garden. As a single storey outbuilding, there are no concerns in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjoining 9 West Park Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 13 West Park Road

The front porch is small in scale and would be set away from the boundary with the adjacent dwelling. As such, there would be no overlooking, overshadowing or overbearing.

The adjacent property occupies a position set back further from the road than the host property. As such, the proposed rear extension and the rear dormer would align with the side elevation of the neighbouring dwelling with limited potential for any overlooking, overshadowing or overbearing.

The outbuilding would be located in the opposite corner of the rear garden. As a single storey outbuilding, there are no concerns in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjacent 13 West Park Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 40 West Park Road

The works proposed would not reduce the space between the host property and the neighbouring dwelling on the opposite side of the road, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring property opposite – 40 West Park Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 22 Abbey Road

The neighbouring property to the rear occupies a position some 25m from the host property. As such, the rear extension and dormer would result in no significant overbearing, overshadowing or overlooking.

The outbuilding would be constructed along the shared boundary. However, this is a single storey structure which would have limited ability to result in any overlooking, overshadowing or overbearing.

With regards to the impact on the neighbour to the rear – 22 Abbey Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on

neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Noise generation

Concerns have been raised in the representations relating to noise. Noise and disturbance are an unavoidable part of any construction or development. However, this is a transient effect. A footnote will be included, should permission be granted, reminding the applicant regarding the protections in place, through Environmental Health legislation, and working within socially acceptable hours.

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 & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the recently approved parking area to the front of the property provides 3 parking spaces which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations 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 for consideration.

Representations:

3 representations have been received. The material considerations raised are summarised as follows:

- Loss of privacy from the rear dormer – *this is a material consideration relating to residential amenity which has been fully considered within the relevant section of this report*,

- Noise during construction – *this is a material consideration relating to residential amenity which has been fully considered within the relevant section of this report*,

Although other matters may have been raised, such as damage to neighbouring properties, this is not a material planning consideration.

Proposed 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 add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials for the extensions and outbuilding to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

It is considered to be reasonable and necessary to condition the colour finish of the dormer cladding to ensure an appropriate relationship with the main house.

Conclusion:

This application to erect a porch to the front, single storey extension to the rear, rear dormer and outbuilding at 11 West Park Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

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.

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: 2023/90818
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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The dormer cladding shall be of a dark grey finish.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & 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: -

Plan Type	Reference	Web ID	Date Received
Existing plans	S01	981126	14/03/2023
Proposed plans	S02C	997590	07/07/2023
Climate change statement	-	981144	14/03/2023

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 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.

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initial plans raised concerns with the rear extension given the 3.7m projection and the impact on the adjoining dwelling and the rear dormer with regards to the significant size. Both elements have been reduced. As the alterations reduced the level of development, the amended plans have not been advertised.

Report Dated 11/07/2023