

**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>2023/62/90932/E</b>
Site Address:	16, Camroyd Street, Dewsbury, WF13 1PE
Description:	Change of use of land to domestic use, Erection of two storey side extension, two storey rear and single storey front extensions, drop kerb and associated alterations
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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date:** «Current\_Date»

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## **OFFICER REPORT**

### **Site Description**

16 Camroyd Street is a brick built, end terraces property set down from the road level with a garden to the front, an outbuilding and yard area to the rear.

The property is located on a residential street with properties of a similar age although all of the other properties in this row have been extended.

### **Description of Proposal**

The applicant is seeking permission for a change of use of vacant land to the side and erection of a single storey front extension, two storey side extension and a single & two storey rear extension.

The front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including to the front of the proposed side extension with a lean to roof form.

The two storey side extension would project 3m from the original side wall of the dwelling, extending the full depth of the property with a corresponding set down of the roof.

The single & two storey rear extension would project 4m on the ground floor across the full width of the dwelling- including to the rear of the proposed side extension. Then reducing to 3m at first floor to the rear of the original house only with a perpendicular pitched roof form over the two storey element and lean to over the single storey element.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

The plans also show two doors in the side elevation being bricked up with a small high level window.

### **Relevant Planning History**

2022/92018 - erection of single storey front and single & two storey rear extension - approved

### **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. The initially submitted plans raised concerns in terms of the side and rear extensions. Amended plans have been sought and received to

in reduce the width of the side extension and remove the first floor rear corner. As the alterations reduced the development, the amended plans have not been advertised.

## **Representations**

The application was advertised by neighbour letters, which expired on 23/05/2023

As a result of the above publicity, no representations have been received.

## **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 considered 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 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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
- Chapter 15 – Conserving and enhancing the natural environment

### **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.

The proposal includes a change of use of vacant land adjacent to the dwelling. The land is currently undeveloped land in a residential area. The land is unallocated on the Kirklees Local Plan and the proposed use would be in keeping with the surrounding area.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension & 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:

Part of the application relates to the change of use of a grassed area to the rear of the property to garden land. The land does not currently have a designated purpose of use and therefore no additional harm is considered to occur as a result of the change of use. The surrounding area is predominantly residential so the change of use to garden is considered appropriate and would not cause harm to the character of the surrounding area.

Key Design Principle 1 of the House Extension & 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 Extension & 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.

Planning permission has already been granted for a single storey front extension along with a single & two storey rear extension previously. The current proposals now include a side extension with single and two storey elements. The proposals shall be considered below.

#### *Single storey front extension*

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 front extension proposed would be prominent within the streetscene. However, there are other such extensions in the area and as such, this would not be out of character with the street. The scale is modest and the materials proposed would match the main house. As such, the front extension is considered to be acceptable in terms of visual amenity.

#### *Single & two storey side extension*

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The side extension does not include a set back from the front at first floor with a corresponding set down, which is normally encouraged to allow the formation of a more subservient addition to the property and avoid any potential terracing impact. This is considered to be acceptable in this instance, as the extension at the opposite end of the building group has a similar extension and would help to ensure the existing character of the row, as well as the street scene, is maintained. The materials proposed include the use of brick for the walling with tiles for the roof covering. The side extension is therefore considered to be acceptable in terms of visual amenity.

#### *Single & two 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 scale of the rear extension is similar to the other properties within the row and as such would not be out of character. A modest amenity space would be retained. Furthermore, the materials proposed include the use of brick for the walling and tiles for the roof covering which would match the host dwelling. It is noted that this property has a degree of prominence with its elevated position on the corner. However, the extension proposed can be considered to be acceptable given the appropriate scale relative to the other properties in the row and the use of matching materials. The rear extension is therefore considered to be acceptable in terms of visual amenity.

The plans show the provision of parking to the front which would require the removal of the grass. Whilst it is preferable to retain greenery, there are already a number of other properties within this street which have carried out similar works. Furthermore, it is noted that there are some public green areas in the street which would reduce the potential for a harsh sterile impact on the street scene.

Having taken the above into account, the proposed extension 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 Extension & 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 Extension & 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.

There are no properties to the west which could be affected by the works proposed.

#### *Impact on 18 Camroyd Street*

The adjoining neighbour has their own front and rear extensions which would mitigate the impact of the proposed works in terms of overbearing, overshadowing and overlooking.

Whilst first floor windows would be nearer to neighbouring land it is not considered that these would result in any loss of privacy over and above the existing relationship.

With regards to the impact on the adjoining 18 Camroyd Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & 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 15 Camroyd Street*

Given the 23m separation between the host property and the neighbour on the opposite side of the road, the proposed front & side extension would have no impact on the amenities of the occupiers of the neighbouring dwelling with regards to overshadowing, overlooking or overbearing.

With regards to the impact on the neighbouring 15 Camroyd Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & 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 28 & 30 Eastborough Crescent*

The dwellings to the rear occupy positions some 20m from the site and at a lower level. However, as the ground floor element would replace an existing outbuilding and the first floor would be limited in terms of its projection to 3m, the impact on the neighbours at the rear is not likely to be significant in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 28 & 30 Eastborough Crescent, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & 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.

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 Extension & 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. The submitted plans show parking being formed to the front of the dwelling for three vehicles 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 Extension SPD.

Other matters:

*Biodiversity*

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

*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:

None

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

Conclusion:

This application to change the use of vacant land adjacent and erect a single storey front extension, two storey side and single & two storey rear extension for 16 Camroyd Street has been assessed against relevant policies in the

development plan as listed in the policy section of the report, the House Extension & 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 extension 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.

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:** 2023/90932

**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 Extension & 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.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone 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 13.00hours, 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>Web ID</b>	<b>Date Received</b>
Location plan	-	982794	12/04/2023
Existing plans	01	982800	12/04/2023
Proposed site plan	07	993081	08/06/2023
Proposed ground floor plan	05	992186	05/06/2023
Proposed first floor plan	06	993033	08/06/2023
Proposed front elevation	02	993032	08/06/2023
Proposed side elevation	03	993036	08/06/2023
Proposed rear elevation	04	993034	08/06/2023
Design & access statement	-	982969	12/04/2023
Climate change statement	-	982793	12/04/2023

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. The initially submitted plans raised concerns in terms of the side and rear extensions. Amended plans have been sought and received to in reduce the width of the side extension and remove the first floor rear corner. As the alterations reduced the development, the amended plans have not been advertised.

**Report Dated** 12/06/2023

