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:	**2023/62/91281/E**
Site Address:	11, Lodge Farm Close, Thornhill, Dewsbury, WF12 0DG
Description:	Alterations to existing outbuilding including front dormer to create dwelling forming annex accommodation associated with 11, Lodge Farm Close, Thornhill, Dewsbury, WF12 0DG
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: 10 July 2023

OFFICER REPORT

11 Lodge Farm Close, Thornhill, Dewsbury is a detached artificial stone-built bungalow sited in a cul-de-sac location with an open garden to front and a drive to the side leading to a detached storey and a half outbuilding to the rear. The property does have large gardens to the rear of the property.

The property backs onto Mullaco and there are similar properties to the front and side. There are older terraces to the south-west.

Description of Proposal

The applicant is seeking permission for alterations to existing outbuilding with front dormer to create a dwelling forming an annex associated with 11 Lodge Farm Close.

The works include the formation of a flat roofed dormer on the front elevation. The dormer is flat roofed, set slightly down from the eaves of the roof, set in from the sides of the buildings and no higher than the ridge of the roof. The front and cheeks of the dormer have been finished in anthracite grey cladding. The scheme also includes building up to the rear, although this is set in by 1.8m resulting in a small lean-to element to the rear. The eaves have been raised to the same level as the front, although there would be no dormers. The roof form over the outbuilding is pitched.

The external walls have been finished with artificial stone and the roof is tiled.

The accommodations provided include a kitchen, hallway, office and shower room on the ground floor and the upper floor includes two bedrooms and a bathroom.

The proposals are retrospective.

Relevant Planning History

2020/93169 - erection of extensions to form two storey outbuilding - granted

2019/92008 - erection of extension to existing garage and conversion to hobby room and gym - approved although not implemented

2000/92329 - erection of extensions - approved

1998/934478 - erection of extension to existing garage - approved

1991/04879 - erection of detached double garage - approved

Representations

The application was advertised by neighbour letters, which expired on 20/06/2023

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 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
- **LP 30** – Biodiversity

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
- 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. In terms of the provision of an annex within the curtilage of the 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.

Planning permission was granted in 2020 for extensions and alterations to an existing outbuilding including an increase in height and the formation of dormers. The outbuilding described uses within which were considered to be ancillary including a gym, games room, utility room and storage. The current application seeks to regularise alterations to the original design and alter the use to form annex accommodation associated with 11 Lodge Farm Close.

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. The wording of 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 outbuilding proposed for conversion has a close association with the main house and as such, for the purposes of assessment against the House Extensions & Alterations SPD, is considered to be an extension to the dwelling.

The scale of the outbuilding was agreed during the previous application. The design detail with the larger front dormer, increased depth at first floor and the change to materials alters the appearance from the approved scheme. However, this is not considered to be a significant enough alteration to result in an unacceptable appearance in terms of visual amenity and resultant impact upon the character of the area. Furthermore, this is to the rear of the dwelling with limited views from the wider area, although the building is noticeable from the car park of the supermarket to the rear. On balance, the building can be considered to be acceptable in terms of visual amenity.

The use as an annex, in association with the host dwelling, is considered to have no visual impact in the wider area.

Having taken the above into account, the proposals 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, 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.

There are no residential properties to the rear of the site which could be affected by the works proposed.

Impact on 15 Lodge Farm Close

The annex building is set back substantially from the neighbouring 15 Lodge Farm Close and, as such, the changes to the building along with the proposed use are considered not to result in any harm to the amenity of the occupiers of the neighbouring property.

With regards to the impact on the adjacent 15 Lodge Farm Close, 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 193, 195 & 197 Slaithwaite Road

The annex building is closer to the rear elevations of the neighbouring properties on Slaithwaite Road, although there would still be a separation of 11.7m. The building has been increased in height, as was agreed during the last application. That being said, it was also noted on site that the annex is on a lower land level. As such, it is considered by officers that there is no significant overbearing or overshadowing impact.

The annex has openings on the ground floor facing towards the terraced properties. However, these are screened by the existing concrete boundary treatment and as such would not result in any loss of privacy. It is further noted that there are no openings on the first floor rear elevation of the annex although there would be roof lights. As these angle up and away from the properties at the rear, there are no concerns in terms of loss of privacy.

With regards to the impact on the neighbouring 193, 195 & 197 Slaithwaite 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.

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 increase in the size of the building has already been agreed for purposes ancillary to the main house on the basis that there was significant parking for at least 4 vehicles off street. The use as an annex is association with the main dwelling is not considered to be dissimilar to the approved scheme and subject to the annex remaining associated with 11 Lodge Farm Close, there are no concerns in terms of highway safety. 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 Policies LP21 & LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

After a visual assessment of the building by the officer during the previous application, it appeared that the building was in good order, well-sealed and unlikely to have any significant bat roost potential before works commenced. 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 within the grounds of 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

Negotiations:

None

Proposed conditions

Given the works are retrospective, the standard timescale condition, which is normally a requirement of Section 91 of the Town and Country Planning Act 1990 is redundant. However, 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.

Conclusion:

This application to make alterations to an existing outbuilding to form annex accommodation with 11 Lodge Farm Close 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. 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: 2023/91281
Officer Recommendation: Approve
Conditions and Reasons

1. 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.

2. The development hereby approved shall be used ancillary to the host dwelling, no.11 Lodge Farm Close, Thornhill, Dewsbury, WF12 0DG and shall not be sold or rented out as a separate residential unit.
Reason: In the interest of visual and residential amenity, as well as highway safety, as different standards would apply if the building were to be used independently from the host dwelling, in accordance with the aims of Policies LP21 and LP24 of the Kirklees Local Plan.

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: -

Plan Type	**Reference**	**Web ID**	**Date Received**
Existing plans	002	987604	15/05/2023
Previously approved	S01B	987605	15/05/2023
Proposed plans	S02B	987606	15/05/2023
Planning statement	-	987292	15/05/2023
Climate change statement	-	987607	15/05/2023

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 03/07/2023