

**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>2023/62/91436/E</b>
Site Address:	10, Mavis Avenue, Scout Hill, Dewsbury, WF13 3RU
Description:	Erection of extensions, front dormer and associated alterations
Recommending Officer:	Katie Wilson

**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: 11-Sep-2023**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2023/91436
<b>Location</b>	10, Mavis Avenue, Scout Hill, Dewsbury, WF13 3RU
<b>Proposal</b>	Erection of extensions, front dormer and associated alterations
<b>Publicity end date</b>	7 <sup>th</sup> July 2023
<b>Number of representations received</b>	None
<b>Kirklees Local Plan Allocation/Designation</b>	Unallocated
<b>Extension to Time (EoT)</b>	Yes EoT Date: 11 <sup>th</sup> September 2023
<b>Recommendation</b>	Conditional Full Permission

	<b>NO</b>	<b>YES</b>
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

### If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

### **Policy**

#### **National**

National Planning Policy Framework (NPPF) July 2021  
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development

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

### Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History		At the application site:

		<p>None.</p> <p>Neighbouring properties:</p> <p><i>8, Mavis Avenue:</i>  2012/90564 – Erection of three-storey rear and front dormer extension. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p> <p><i>4 &amp; 6, Mavis Avenue:</i>  2015/90788 - Erection of extensions to front and rear and dormer widow to front. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p> <p><i>16, Mavis Avenue:</i>  2011/91980 - Erection of 3 storey rear extension and roof lights. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p> <p><i>2011/92737 – Installation of dormer window to front. Conditional full permission.</i>  <a href="#">Planning application details   Kirklees Council</a></p> <p><i>18, Mavis Avenue:</i>  2016/90387 – Erection of front dormer and alteration to height of existing rear extension. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p>
Consultations required.	one	Environmental health – no objections subject to condition

### **Assessment**

The Kirklees SPD sets out that rear extensions should comply with certain parameters set out at paragraph 5.17 on page 28, and paragraph 5.6 on page

24 respectively for rear extensions; paragraph 5.14 on page 27 for front extensions; and paragraphs 5.24 to 5.27 on pages 31 and 32 (listed below) and if they do not, they need to be justified:

<b>Rear extensions should as a general rule:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
<p>Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;</p>	<p>No</p>	<p>The proposed extension at the back would fill most of the back yard. However, the application site is a 2-storey inner terraced house, thought to date from the 1930's. It is within a row of approximately 11 houses and all (except one other) have 2 or 3-storey extensions which fill much of their back yards in similar way to the proposed development. It is considered that this provides acceptable justification for not complying with this part of the SPD</p>
<p>Be set behind the original building, and not projecting beyond the sides;</p>	<p>Yes</p>	
<p>Maintain external access to the rear garden.</p>		<p>No. This is an inner terraced house with no existing external access between the front and back gardens. It is considered that this provides acceptable justification for not complying with this part of the SPD.</p>

Respect the original house and garden in terms of its size and scale;	Yes. The footprint of the proposed rear extension would be less than that of the host property half that of the original house and it would be full height.	
Use appropriate materials which match or are similar in appearance to the original house;	Yes. External wall and roof materials would be to match the existing.	
Not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	Yes. The adjoining houses to either side already have similar extensions and the proposed rear extension would project no further	

<b>Two storey rear extensions should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
<b>be proportionate to the size of the original house and garden;</b>	Yes. The footprint of the proposed rear extension would be less than that of the host property.	
<b>Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)</b>		The proposal would cover much of the back yard, but retain much of the front garden. For the reasons given above this is considered to justify not complying with this part of the SPD.
<b>Not exceed a height at eaves of 3 metres</b>		No, the eaves would be in excess of 3.0m high

where the extension is within 1.5 metres of the property boundary		and within 1.5m of the property boundary. However as described before most of the other terraced houses in the same row have very similar extensions.
Not project out more than 3 metres from the rear wall of the original house for a semi-detached or terraced house, or by 4 metres for detached properties	Yes, it would meet this criteria.	
Retain a gap of at least 1.5 metre from a property boundary, such as a wall, fence or hedge.		No – For the reasons given before, the proposal is considered acceptable.
Not adversely affect habitable room windows where they adjoin a neighbour's boundary	Yes, the neighbouring properties already have similar extensions up to the mutual boundary. The proposed extension would fill in the gap and project no further. As such there would be no significant overlooking impacts.	

<b>Single storey front extensions should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
The house is set well back from the pavement or is well screened; and	Yes – the extension would be set back from the pavement. Approximately 3.6m	

The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and	Yes – the extension would project just 1.2m and appear subservient. It has also been designed with a lean-to roof, in-keeping with host property.	
The materials and design match the existing features of the original house; and	Yes – materials would match existing	
The extension would not unreasonably affect the neighbouring properties.	Yes – the modest scale would result in minimal impact on neighbouring property.	

<b>Dormer windows should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
relate to the appearance of the house and existing roof	Yes – in officers' opinion it would relate reasonably well to the appearance of the existing terraced house.	
be designed in style and materials similar to the appearance of the existing house and roof	Yes – The house has some white render on the front elevation and the use of white upvc cladding would reflect this material. It would also be in keeping with other front dormers to houses in the same street-scene.	
not dominate the roof or project above the ridge of the house	Yes – it would not dominate the roof or project above the ridge level of the existing house.	
	Yes	

be set below the ridgeline of the existing roof and within the roof plane;		
be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.	Yes	

**Design and Visual Amenity:** Are the considerations in the following table acceptable?

*Summary of local street scene/character:*

*The application property is a 2-storey mid terraced house thought to date from the 1930's. The walls are predominantly red brickwork, with some white render and the roof is dual pitched and surfaced in grey coloured tiles.*

*It is within a row of approximately 11 houses and most of them have 2 or 3 storey extensions at the back and around half already have front dormers. Several also have a front extension or porch. The existing rear extensions fill most of the back yards, but most of the front gardens are relatively free from development.*

*The land is relatively flat and in the wider area there is more housing to the north and north east, whilst to the east is a railway line and to the south and south west are industrial buildings.*

*Consideration has been given here in terms of the proposal's impact on the local character and street scene, including subservience, terracing and building line*

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>KDP1 of the SPD</li> </ul>	The housing in this area are mainly rows of two storey terraced houses in predominantly red	

	<ul style="list-style-type: none"> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	<p>brickwork with dual pitched roofs surfaced in grey tiles.</p> <p>However, the application site is within a row where almost all the others have two or three storey extensions at the back and roughly half have dormer windows at the front, with several also having front extensions or porches.</p> <p>The proposed rear extension would in fill a gap between others to either side and the dormer would blend in with others in the same row. The proposed front extension would be relatively small and be similar to two or three porch extensions in the same row.</p> <p>As such it is considered that the impact of the proposed development would blend in with the local character and street-scene.</p>	
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	As above.	
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The scale and massing of the proposed extensions and dormer would be relatively modest and the overall height subordinate to the main part of the house.	

Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The wall and roofing materials of the extensions would be to match the existing house, and dormer window would be clad in white upvc boards to match those on the front of the house.	
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The roof style of the rear and front extensions would be to match the existing. The dormer would have a flat roof, which reflects to some degree the box bay windows on the front elevation and other dormer windows in the same row.	
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	There are a mixture of window styles within the row and those proposed would be suitable for a domestic extension are considered acceptable.	
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Residential Amenity:** Are the considerations in the following table acceptable?

*The main properties affected are:*

- *Nos 8 and 12, Mavis Avenue – These are the neighbouring properties attached to either side of the application site. They both already have 2-storey extensions at the back, and no 8 also has a front dormer window and a porch.*

*As such it is considered that the proposed development would have no overshadowing, overbearing or invasion of privacy impacts on no 8. No 12 would be unaffected by the proposed rear extension or dormer. There may be a relatively small impact from the proposed front extension, but it is single storey and projects just 1.2m, with no openings in the facing side elevation. As such it is considered that the impacts would be relatively limited.*

- No. 11 and 11a, Mavis Avenue - are to the north east and on the opposite side of the road. The proposed dormer and front extension may have some impact, but there is a separation distance of approximately 16.5m and as such it is considered that there would be no significant overshadowing or overbearing impacts. In terms of overlooking, the windows in the proposed ground floor extension would be almost the same distance from the facing front elevations as the existing box bay window, and the proposed dormer window would be further from facing windows than existing bedroom windows on the front elevation.*

*As such overall, it is considered that the proposal would have an acceptable impact in terms of overshadowing, overlooking and overbearing.*

No other properties would be impacted.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	For the reasons given above it is considered that the proposed development would have an acceptable level of overlooking impact upon residential amenities of neighbouring occupiers.	
Impact on light and outlook of neighbours	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	For the reasons given above, it is considered that the proposal would have no significant overlooking or overbearing impact upon neighbouring occupiers.	

Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposal would significantly decrease the garden space at the back of the application site, like many others in the same row. It would however keep much of the garden space at the front of the house.	
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The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Highways and Parking:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed development would not impact upon existing access to the highway, and complies with relevant policies.	
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>The application site and surrounding property do not have off street parking.</p> <p>The proposed development would not affect the existing parking arrangements at the site which are on the street.</p> <p>The proposed development would be an intensification of the existing use as it could turn a 3-bed house into a 4-bed house.</p>	

		However, there is a precedent set by other properties in the same row. It would be unreasonable to justify refusal of the proposal on highway safety grounds only	
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	The proposed development would retain a small amount of space at the back where household waste bins could be stored, or there is further space in the front garden.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Other matters:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv)</li> <li>• Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	No trees would be affected by the proposed development	
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policy LP30</li> <li>• Chapter 15 of the NPPF</li> </ul>	The site is in an area where bats may be roosting. The existing house appears to have walls of good construction with no holes suitable for bats to enter. As such it is recommended that a precautionary footnote is	

		applied stating what should be done if bats are discovered during construction.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>• KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>• Policy LP51</li> <li>• Chapter 14 of the NPPF</li> </ul>	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> <li>• KDP 14 of the SPD</li> <li>• Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	The proposed development is at first floor level and not located within an identified Flood Risk Zone 2 or 3 area. Surface water run-off would be towards rear garden and neighbouring properties at lower level.	✓
Contaminated land.	<ul style="list-style-type: none"> <li>• Policy LP52 and LP53 of the KLP</li> </ul>	The site is on land that is shown as being partially contaminated from its former use. Environmental health officers have been consulted and commented that the site is already established as residential. As such they recommend a condition regarding finding unexpected contamination.	

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

**Representations, including Parish/Town Council comments:**

Summary of Representation	Officer response	Addressed N/A
None	None received	



4. The external front and side cheeks of the front dormer hereby approved shall be clad in white upvc, and thereafter retained.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy 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 the whole 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 identify and remove unacceptable risks to human health and the environment and to accord with Policy LP 53 of the Kirklees Local Plan and the aims in 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 3.00hours, 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>Version</b>	<b>Date Received</b>
Location plan	Dwg no. 20.2723.01		16.05.2023
Plans and elevations as existing	Dwg no. 20.2723.01		16.05.2023
Plans and elevations as proposed	Dwg no. 20.2723.02A		16.05.2023

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

**Report Dated:** 08.09.2023