

**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:	2023/62/91670/E
Site Address:	28, Caldermill Way, Thornhill Lees, Dewsbury, WF12 9QP
Description:	Erection of extension with associated alterations
Recommending Officer:	Nina Sayers

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: 09-Oct-2023

Officer Report

Site Description

28 Caldermill Way is a detached, two-storey dwelling in Dewsbury. There is a driveway to the front of the property and a garden to the rear. The exterior of the property is constructed from brickwork walling and tiles to match the existing. The property is located within a residential area, with properties of a similar size and age but a variety of designs.

There are mature trees running along the rear boundary of property which form part of a protected woodland. The property is located within the Strategic Green Infrastructure Network on the Kirklees Local Plan.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey rear extension. The proposed development would project 3.8 metres from the rear elevation of the existing dwelling. It would be the entire width of the existing property. The proposed extension would have a lean-to roof design with a height of 2.8 metres to the eaves and a total roof height of 3.9 metres.

The proposed development would be constructed from materials to match the existing and would include a window and bi-folding doors on the rear elevation and four small velux windows.

It is noted that this is a resubmission of a previously approved scheme (2020/93629) which is extant at the time of assessment.

History of negotiations/amendments received

An additional plan was requested and provided showing the overhanging crown spreads and root protection areas plotted accurately on a plan with the footprint of the extension, in order for the trees officer to make an accurate assessment of the application.

Relevant Planning History

2010/92932 Erection of extension to dwelling – Conditional Full Permission
2012/92515 Erection of extensions – Conditional Full Permission
2015/91862 Erection of single rear extension and alterations - Conditional Full Permission
2020/93005 Prior notification for single storey rear extension – Refused
2020/93629 Erection of a single storey rear extension – Conditional Full Permission.

Representations

Final publicity date: 25/07/2023.

The application was advertised by neighbour letter. Final publicity expired 25th July 2023.

No representations were received.

Consultation Responses

KC Trees officer were consulted regarding the close proximity of this application to an area of protected trees. Their comments will be summarised in section 6 of this report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees

Supplementary Planning Documents:

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. 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 these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees House Extensions and Alterations SPD (2021).
- National Described Space Standards (2015).

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a single-storey rear extension to an existing residential property. 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 Chapter 12 of the NPPF, regarding design.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the KLP.

Policy LP31 of the KLP states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would be located with an existing garden area. 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.

2 – Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) states 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.

The proposed extension would be to the rear of the existing property and so would not be visible from the street scene. It would be single-storey with a moderate roof height and would therefore be considered subservient to the host dwelling, which would remain the dominant feature following development. The development would be in-keeping with the existing property in terms of design and materials.

Having taken the above into account, it is considered the proposed extension would not cause significant harm to the visual amenity of the host dwelling and the wider street scene. Therefore, the proposal fails to comply 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 and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Section B and C of LP24 of the Kirklees Local Plan states that alterations to existing buildings should: “...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.” Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Impact on 26 Caldermill Way

The application property is located at a slight angle, facing away from this adjacent property. The proposed development would be single storey and would not include any openings on the side elevation. Due to the positioning of the host property and the proposed extension it is considered to not cause any significant overbearing or overshadowing harm to the neighbouring occupants.

Impact on 30 and 32 Caldermill Way

The proposed development would extend from the rear elevation of the host property by 3.8 metres. This would be visible from the shared driveway which runs alongside the side boundary of 28 Caldermill Way. There would be no openings on the side elevation of the proposed extension and there would remain a significant distance between the proposed extension and the neighbouring properties. It is therefore considered that no significant harm would be caused to the amenity of the neighbouring occupants as a result of the proposed development.

Taking the above into consideration, the proposals are considered to not 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.

4 – Impact on highway safety

The proposed development would serve a kitchen/dining area and is, therefore, considered not to result in the intensification in the domestic use of the dwelling. Therefore, the existing parking provision is considered acceptable. 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 and Alterations SPD.

5 – Other matters

Trees

KC Trees were consulted on the proposal due to the proximity of the proposed development to an area of protected woodland. KC Trees objected to the proposal as they required the applicant to provide overhanging crown spreads and root protection areas plotted accurately on a plan with the footprint of the extension.

Officers requested that this information was provided for the current application. It is noted that this application is a resubmission of an extant permission under application 2020/93629. This information was also provided under the previous application, for which Officers were satisfied that the distance between the protected trees and the proposed development overcame KC Trees initial concerns. Given this is a resubmission of a

previous, extant application, for the same scheme, it would be unreasonable to refuse this application on these grounds.

Should approval be recommended, it would be conditioned that protective fencing is erected during construction and that any additional works are submitted to and approved by the LPA. It is therefore considered the proposed scheme would not cause any significant harm to the nearby trees and the scheme would accord with Policy LP33 of the Kirklees Local Plan.

Ecology

The site is located within a bat alert layer on the Council's GIS mapping system and therefore consideration has to be given to the impact of the proposed development on bats and bat roosts. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential. There would be no works to the existing roof as part of the proposal. Should approval be recommended, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Climate change

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 pre-dates 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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a single-storey extension to the rear of 28 Caldermill Way has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered 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: 2023/91679

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, LP30, LP31 and LP33 of the Kirklees Local Plan, 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.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to development commencing, protective fencing, in accordance with British Standard BS 5837, shall be erected around all protected trees and trees to be retained on the site. The protective fencing shall be retained

throughout all construction phases of development and shall not be removed until the development is occupied.

Reason: So as to protect the trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. Details of any additional tree works required during the construction process, which have not been identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: So as to protect the trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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 13.00 hours, 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 may 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
Grouped existing plans and elevations	15.1740.01C	13/06/2023
Grouped proposed plans and elevations	15.1740.02D	13/06/2023
Tree block plan	15.1740.04	09/10/2023

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 has, 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.

An additional plan was requested and provided showing the overhanging crown spreads and root protection areas plotted accurately on a plan with the footprint of the extension, in order for the trees officer to make an accurate assessment of the application. This was considered acceptable.

Report Dated: 09/10/2023