

**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>2023/62/91820/E</b>
Site Address:	6, Summerbridge Crescent, Gomersal, Cleckheaton, BD19 4LW
Description:	Erection of single storey side and rear extensions
Recommending Officer:	Elenya Jackson

**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: 30-Aug-2023**

## **OFFICER REPORT**

### **Site Description**

6, Summerbridge Crescent, Gomersal, Cleckheaton, BD19 4LW is a 2 storey detached dwelling which benefits from its own driveway, private rear garden and has previously been extended to the rear.

The property is constructed from brick and stone facings, the property is of similar scale and design to neighbouring properties within the street scene.

The dwellings that form the street scene are not uniform in appearance or scale. However, the area is predominantly residential in nature and adheres to a reasonably consistent building line and material palette.

### **Description of Proposal**

This application has been received for the construction of a single storey side extension and a single storey infill extension.

The single storey side extension would project 2.4m beyond the side elevation of the existing dwelling with a depth of 7.4m. This would adjoin an existing rear projection on the dwelling.

The single storey rear extension would have width of 1.6m but not extend beyond the side elevation of the existing dwelling and would have a depth of 4m. This would feature a lean-to roof and adjoin the existing projection on site.

The proposal is outlined to be a be matching materials to the existing dwelling and constructed in buff brick.

### **Relevant Planning History**

N/A

### **Representations**

The application was advertised by neighbour letters, which expired on 17/08/2023.

No representations were received as a result of site publicity.

### **Consultation Responses**

No formal consultations were undertaken.

### **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.

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

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 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 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

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

#### 1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

#### 2 –Impact on visual amenity:

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 HEASPD 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 is visible from the street scene as it relates to the side elevation of the dwelling.

The proposal would extend a minimal distance beyond the side elevation of the existing dwelling and would be set down and back from the host property. The use of matching materials on the principal elevation of the proposal would aid its integration with the host dwelling.

The proposed side extension is to be constructed out of buff brick matching the existing dwelling and would retain a reasonable separation distance from neighbouring dwellings.

Section 5.5 of the House Extensions and Alterations SPD refers to rear extensions and states:

- Extensions should not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- Not exceed 4 metres in height
- Not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties; where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

The proposal would be 4m in depth; however, there is an existing rear extension at the property which the proposal would match in depth. Due to the location of the proposed rear extension, it would not be overly prominent within the public realm.

Having taken the above into account, the proposed extensions 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 forms a subservient addition to the property in keeping with the existing building.

### 3 – 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 SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The size of the extension covers some of the amenity space of the application property. It is considered that, in this instance, sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

*Impact on 8 Summer Bridge Crescent:* adjoins the application site to the south  
Overlooking: The proposal would not feature any side facing windows and as such would not result in a loss of privacy to the occupants of the adjoining property.

Overshadowing/loss of light/overbearing: The single storey side extension would not extend beyond the rear elevation of no.8 and therefore would not raise any significant concerns regarding overshadowing/loss of light/overbearing.

*Impact on 4 Summer Bridge Crescent:* adjoins the application site to North.

Overlooking: The proposal would not feature any side facing windows; therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The single storey rear extension would not extend beyond the side elevation of the application property and therefore would not be situated closer to no.4 than the host dwelling, as a result, it would not raise any significant concerns regarding overshadowing/loss of light/overbearing.

#### 4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, the proposal does not create any additional bedrooms and the space occupied by the side extension is currently enclosed by a fence; therefore, the proposal would not alter parking arrangements on site.

Therefore, the proposal 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:

##### *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.

##### Contaminated Land:

The site does not reside in an area known to be contaminated; however, the site is located within a High Risk Coal Area. As the proposal involves groundworks, it is considered necessary to add a note to the decision notice advising the applicant to contact the Coal Authority, in accordance with their guidance for householder extensions.

#### 6 – Representations:

No representations were received during the consultation process; however, an email was received questioning the footings of the development and encroachment on neighbouring properties.

Certificate A has been signed by the applicant indicating the development would be wholly within the applicants land; however, as boundary disputes are a civil matter, this would not be a material planning consideration and would not warrant grounds for a refusal.

#### 7 – Negotiations:

N/A

## 8 – Proposed conditions

The standard time condition which is a requirement of Section 91 of the Town and Country Planning Act 1990.

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

Matching Materials

## 9 – Conclusion:

This application to erect a single storey side and single storey rear extension to 6, Summerbridge Crescent, Gomersal, Cleckheaton, BD19 4LW been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations Design 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:** 2023/91820

**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 and Alterations SPD and the aims of the National Planning Policy Framework.

3. All external facing materials of the proposed extensions shall be constructed to match in all aspects to 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 and 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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan		05.07.2023
Proposed ground floor plan	PL(002)	05.07.2023
Proposed Site Plan	(PL) 001	05.07.2023
Proposed Elevations`	(PL) 003	05.07.2023
Proposed Elevations	(PL) 004	05.07.2023
Climate Change Statement		05.07.2023
Existing Elevations	(00)004	05.07.2023
Existing Elevations	(00)003	05.07.2023
Existing Elevations	(00)005	05.07.2023
Proposed site/block plan	(PL) 001	05.07.2023
Existing site/block plan	(00)002	05.07.2023

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.

No alterations have been made since submission.