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:	**2023/62/91921/E**
Site Address:	24, Byron Grove, Dewsbury Moor, Dewsbury, WF13 4QZ
Description:	Erection of two storey side and single storey rear extensions with associated alterations
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: 23-Aug-2023

OFFICER REPORT

Site Description

24, Byron Grove, Dewsbury Moor, Dewsbury, WF13 4QZ is a 1.5 storey semi-detached dwelling which currently benefits from its own driveway, private rear garden. The property is located at the end of a cul de sac.

The property is constructed predominantly out of red brick and 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.

Description of Proposal

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

The proposed side extension would extend 2m beyond the side elevation of the existing dwelling and have a depth of 10m. This would have a pitched roof matching the existing dwelling.

The proposed rear extension would extend approximately 3.1m beyond the rear elevation of the host dwelling, have a width of 7.3m with a maximum height of 3.8m. This would feature a lean to roof.

The proposal is outlined to be a be matching materials on the principal elevation with a rendered side elevation.

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

KC Environmental Health: no objections subject to conditions

Strategic Waste: No landfill sites in close proximity to the site

KC Highways DM: No comments

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.

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

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

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 proposal features a rendered side and rear elevation which would not be in keeping with the street scene; however, this could be conditioned to be matching materials.

The single storey rear extension would be marginally visible within the street scene as there is a footpath immediately adjacent to the host dwelling.

Section 5.5 of the House extension 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 exceed 3m in depth; however, there is an existing rear extension at no.22 which the proposal would match in depth. The proposal would have an eaves height of 2.6m which would be subservient to the host dwelling. The proposal would feature a rendered finish which is not in-keeping to host dwelling; however, as this relates to a single storey rear extension; it is considered that this would not be overly prominent within the public realm or detract from the host dwelling.

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 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 22 Byron Grove: adjoins the application site to the east.

Overlooking: The proposed rear extension would not feature any side facing windows and as such would not result in a loss of privacy to the adjoining neighbour

Overshadowing/loss of light/overbearing: The two storey side extension would not extend beyond the rear elevation of the application property and therefore would not raise any significant concerns. The single storey rear extension would have a maximum height of 3.8m and be situated to the west of no.22; therefore, no significant issues would be raised regarding overshadowing/loss of light/overbearing.

Impact on 23 Byron Grove: adjacent the application site to the west:

Overlooking: The proposal would feature one side facing window in the two storey extension to a bathroom and three side facing windows at ground floor level. One of these is for a hallway, one is a bathroom and one is for a study. It is considered that the study window could be conditioned to be obscurely glazed and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The two storey side extension would not extend beyond the rear elevation of the application property and therefore would not raise any significant concerns. The single storey rear extension would have a maximum height of 3.8m and be situated to the west of no.22; therefore, no significant issues would be raised 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.

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 is not located within an area known to be contaminated; however, as the proposal involves groundworks, it is considered necessary to add a condition relating to the unexpected discovery of contaminated land.

6 – Representations:

No representations received.

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.

Not withstanding the approved plans, the side elevation shall be constructed out of matching materials

Obscured glazing to side facing study and bathroom

9 – Conclusion:

This application to erect a two storey side and single storey rear extension to 24, Byron Grove, Dewsbury Moor, Dewsbury, WF13 4QZ 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.

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: 2023/91921
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. Notwithstanding the approved plans, the side elevation of the extensions hereby approved shall be constructed so the external facing materials match in all aspects 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.

4. The ground floor study window in the west elevation of the side extension hereby approved shall be obscurely glazed to a Pilkington level of four or equivalent and thereafter be retained.
Reason: So as not to detract from the amenities of occupants of nearby properties as a result of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

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	Date Received
Location Plan		28.06.2023
Proposed ground floor plan	BGD/02	28.06.2023
Proposed first floor plan	BGD/03	28.06.2023
Proposed Roof & Elevations``	BGD/04	28.06.2023
Climate change statement		28.06.2023

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.