

**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:	2023/62/92133/E
Site Address:	21, Chadwick Crescent, Dewsbury, WF13 2JF
Description:	Erection of lower ground and ground floor rear extension and alterations
Recommending Officer:	Katie Wilson

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) 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: 28-Nov-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92133
Location	21, Chadwick Crescent, Dewsbury, WF13 2JF
Proposal	Erection of lower ground and ground floor rear extension and alterations
Publicity end date	11 th September 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 28 th November 2023
Recommendation	Conditional Full Permission

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

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

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	Spoke to the agent about applying a condition regarding removal of excavated material from the site, in order to prevent spreading around the roots of TPOed tree. The agent agreed to such a condition.

Parish/Town Council comments sought	N/A	
Planning History		At the application site: 2022/93447 – Tree work application to TPO 06/92 – Part granted, part refused Planning application details Kirklees Council Wider estate: 93/05909 - Erection of 87 Dwellings with garages. Conditional full permission Planning application details Kirklees Council 93/05910 – Erection of 87 dwellings with garages (alternative proposal). Conditional Full permission. Planning application details Kirklees Council 94/93754 – Erection of 4 no. additional detached houses. Conditional full permission. Planning application details Kirklees Council
Consultations required.	No	

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 (and listed below) and if they do not, they need to be justified:

Rear extensions should as a general rule:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>

Preserve a back garden of a reasonable size, with a general principle that at least half the garden area is retained;	Yes, at least half the garden area would be retained.	
Be set behind the original building, and not projecting beyond the sides;	Yes	
Maintain external access to the rear garden.	Yes	
Respect the original house and garden in terms of its size and scale;	Yes. The proposed extension would project no further than the existing ground floor extension and not beyond the side elevation of the original part of the house. It would also be subordinate in terms of size and scale to the original part of the house. Its roof would be mono pitched, with angle of pitch very similar to the existing dual pitched roof. like the existing and the ridge level would be significantly below the ridge of the original dwelling.	
Use appropriate materials which match or are similar in appearance to the original house;	Yes. Although there would be increased glazing in the rear elevation overall, the 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 proposed development would be at ground or lower ground level, and it is considered that it would not have an increased overlooking or overshadowing impact on neighbouring properties.	
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Two storey rear extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
be proportionate to the size of the original house and garden;	Yes – The original house is built on sloping ground with two storeys to the front and two and a half at the back. There is a moderately sized garden at the front with driveway to the side leading to detached garage, and relatively larger garden space to the side which slopes down and away from the house in series of terraced areas. At the back of the house is a ground floor conservatory with raised patio to the side and void underneath. The back garden is narrower but also terraced. The proposed extension would be at lower ground and ground floor and replace the existing conservatory and patio. It would be on roughly the same footprint,	

	projecting the same distance to the rear and not beyond the side elevations of the original house. As such it is considered to retain the predominance of the original house and not significantly impact upon the size of the garden.	
Not normally cover more than half the total area around the original house (including previous extensions and outbuildings)	Yes, it would retain at least 50% of the total area around the original house.	
Not exceed a height at eaves of 3 metres where the extension is within 1.5 metres of the property boundary		No, the eaves would be in excess of 3.0m high and within 1.5m of the property boundary with neighbouring house to the south at 23, Chadwick Crescent. However the projection would be restricted to 3.0m and the overall height considerably lower than the ridge of the original part of the house. It is considered that it would have an impact similar to that of the existing conservatory, with extra height being created by excavation required to form new lower ground floor snug / games room. The proposed extension is also

		orientated to the north of No. 23, Chadwick Crescent and so would not block out direct sunlight and this neighbouring property would retain existing relatively open aspects to the east and south at the back of the house. These factors are considered to provide sufficient justification for not meeting this criterion.
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 criterion.	
Retain a gap of at least 1.5 metre from a property boundary, such as a wall, fence or hedge.		No – The proposed extension would be within 1.5m of the property boundary. However, in officers' opinion for the reasons given above, it is considered that on balance this would not cause harm to residential amenity.
Not adversely affect habitable room windows where they adjoin a neighbour's boundary		The side elevation of the proposed extension which would look directly onto the boundary with 23, Chadwick Crescent would be blank, and it is recommended that

		new openings are controlled by condition. Double height windows in the rear elevation (east facing) of the proposed extension would potentially look onto the back garden of 1, Pickard Way (a two-storey house to the east of the application site). However, there would also be a gap of around 9.0m and tall evergreen hedge along the boundary, Furthermore, there would be no direct relationship between windows and the windows to existing conservatory together with raised patio are in a similar position and already have a similar impact. It is acknowledged that the proposed extension would have increased glazing at lower ground floor level but for the reasons set out above, it is considered that there would be very limited additional overlooking impact over and above that of the existing conservatory and raised patio it would replace.
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Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application property is a detached two storey house built into sloping land so that at the back it has a half height understorey area with conservatory and raised patio above at ground floor level. The walls are predominantly red brickwork with some pale coloured render and mock Tudor effect on the front elevation.

It is located within a larger residential estate of similar detached houses, all built around 30 years ago. Many of the houses have been extended or altered in various ways in the intervening time and street trees and landscaping are maturing. The proposed extension would not be seen from the front and whilst there is a cul-de-sac road to the south, it would be some distance from it and screened to a large extent by the garden fences and taller shrubs of two neighbouring gardens in between.

There is a footpath adjacent to the northern and eastern boundaries, but they are not public rights of way.

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

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposal is for a moderately sized domestic extension in matching materials at the back of the host dwellinghouse. Many other neighbouring properties have been extended in various ways and so it is considered that the proposed development would fit in comfortably within this context. As the proposed extension would be at the rear of the house and subordinate in terms of scale, it is considered that it would have no impact upon the street	

		scene. It may be visible from an adjacent road at Grangefield Avenue, but this would be at some distance, and it would blend in with the rear elevations of other nearby properties.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	As above. It is also considered that the double height glazing adds a contemporary style which enhances the appearance of the existing house.	
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The scale and massing of the proposed extension would be relatively modest and the overall height subordinate to the main part of the house.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The wall and roofing materials would be to match the existing house, and windows styles appropriate for a contemporary domestic extension.	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The roof would be mono pitched with angle of pitch similar to the host dwellinghouse. This is considered acceptable.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposal includes double height glazing in the rear elevation. This is a contrast the existing glazing but considered acceptable as a contemporary addition to the property.	

Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	
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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:

- *No. 19, Chadwick Crescent – This is a 2-storey detached house to the northwest of the application site and not parallel but orientated at an angle to the side and front of the application site. In officers' opinion the proposed extension would be entirely screened from this neighbouring property by the massing of the existing house at 21, Chadwick Crescent. As such it is considered that there would be very limited, if any overlooking, overbearing or overshadowing impact.*
- *No. 23, Chadwick Crescent – This is a 2-storey detached house, parallel and to the south of the application site.*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to southern side)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	In terms of privacy, the proposed extension would be at ground and lower ground floor level. It would replace an existing conservatory at ground floor level and project the same distance from the rear building line. Unlike the conservatory, which is glazed, the proposed extension would have a blank wall facing the boundary with 23, Chadwick Crescent. This is considered an	

		improvement and provided new openings in this elevation are controlled by condition, it is considered acceptable in terms of invasion of privacy.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As detailed above, in relation to 23, Chadwick Crescent, the proposed extension would retain the same top height, but the overall height would be increased due to new excavation works to form usable lower ground floor area (snug / games room) below. In officers' opinion the impact of the proposed extension at ground floor level would be similar to that of the existing conservatory. The additional space at lower ground floor level would be largely below the surface of land at 23, Chadwick Close and so it is considered that it would have minimal, if any adverse impact upon light or outlook from this neighbouring property. It is also noted that the proposed development would be orientated to the north and so unlikely to block direct sunlight and the back of 23, Chadwick Close would retain open aspects to the east and south.	

- *No 1, Pickard Way: This is a semi-detached 2-storey house to the east of the application site*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to southern side)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Double height windows in the rear elevation (east facing) of the proposed extension would potentially look onto the back garden of 1, Pickard Way (a two-storey house to the east of the application site). However, there would also be a gap of around 9.0m and tall evergreen hedge along the boundary, Furthermore, there would be no direct relationship between windows and the windows to existing conservatory together with raised patio are in a similar position and already have a similar impact.	
Impact on light and outlook of neighbours (to the rear)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The overall height of the proposed extension would be greater than the conservatory it would replace. However, the extra massing would be at lower ground floor level and so in officers' opinion the proposal is unlikely to have an increased overshadowing or overbearing impact.	

- *No 24, Northfield Road – This is a 2-storey detached house to the north east of the application site*

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to northern side)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There would be a gap of approximately 13.0m from the proposed extension to the mutual boundary with this neighbouring property and a further 16.0m or so to the nearest part of this neighbouring house, with tall trees along the boundary. Windows in the proposed extension would have no direct or indirect relationship to those at 24, Northfields Road. In the above circumstances it is considered that there would be no adverse impact upon privacy to occupiers of either property. This is considered acceptable in terms of overlooking impact.	
Impact on light and outlook of neighbours (to the rear)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Given the circumstances described above, it is considered that there would be no overshadowing or overbearing impact.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	The proposed development would involve some excavation at the back of the house to create usable area at lower ground floor. External steps to the side of the house would also	

		be re-modelled to suit the altered ground levels. However, the property would retain significant garden space to the front, side and rear of the house. This is considered appropriate for the enlarged 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?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed development would not impact upon existing access to the highway and complies with relevant policies.	
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposed development would not affect the existing parking arrangements at the site. There would also be no increased intensification of existing use.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Although the position of household waste bins is not shown on the proposed site plan, in officers' opinion it would be possible to store them within the site boundary without adversely impact on the highway or having	

		an adverse impact upon visual amenity.	
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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?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	In the north eastern corner of the site is a tall tree subject to a Tree Preservation Order. Last year an application was made to fell the tree in order to build a wall around the perimeter to secure the garden. Consent was given to clean out crown and remove dead branches, ivy and stubs The nearest part of the proposed development would be approximately 10.0m from the base of this tree. The proposal was discussed verbally with Trees officer. They support the principle of the proposal but raised some concern that excavated materials could be laid within the root protection area of the TPO'd tree to the detriment of its health. If the excavated materials are removed from the site then that would be acceptable.	

		The agent was informed and agreed to condition for this purpose.	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	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	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	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	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The proposed development is 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.	• Policy LP52 and LP53 of the KLP	Not applicable	
Conservation area	• Policy LP35 of the KLP	The boundary with Northfields Conservation Area is adjacent to the northern boundary of the site and screened to a large extent by a belt of	

		tall trees along the boundary. The proposed extension would be relatively small scale and considered acceptable in terms of impact upon the host dwelling and character of the surrounding area. As such it is considered that it would have no significant impact upon Northfields Conservation area. It is also noted that because it is outside the Conservation area and the proposed development relatively small scale with some distance to the boundary there was no need to advertise by site notice or in local paper.	
Public Rights of Way	Policy LP23 of the KLP	An adopted footpath (although not a public right of way) runs adjacent to the northern boundary of the site. The proposed extension would be approximately 12.0m from the boundary and as such it was considered un-necessary to advertise by site notice or in local paper.	

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:

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roof materials of the rear 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 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south facing side elevation of the rear extension hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Principles 1, 2, 3 and 4 of the Council's House Extension and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

5. During construction works, all excavated materials shall be permanently removed from the site.

Reason: In the interests of visual amenity and to protect trees subject to a Tree Preservation Order. In accordance with policies LP24 and LP33 of the Kirklees Local Plan and chapter 12 of 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: -

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, floor plans and roof plan as existing	Dwg no. 1016-ZZ-DR-A-S2_0001-P01 Sheet:001		17.07.2023
Elevations as existing	Dwg no. 1016-ZZ-DR-A-S2-0003-P01 Sheet:0003		17.07.2023
Floor plans and roof plan as proposed	Dwg no. 1016-ZZ-DR-A-S2-0002-P02 Sheet:0002		17.07.2023
Proposed elevations	Dwg no. 1016-ZZ-DR-A-S2-0004-P01 Sheet 0004		17.07.2023
Existing and proposed sections	Dwg no. 1016-ZZ-DR-A-S2-0005-P01 Sheet 0005		17.07.2023

Plan Type	Reference	Version	Date Received
Existing and proposed 3-D model	Dwg no. 1016-ZZ-DR-A-S2-0006-P01 Sheet 0006		17.07.2023
Supplementary information: Climate change statement.			17.07.2023

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 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: 27.11.2023