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:	**2023/62/92185/E**
Site Address:	22, Caldermill Way, Thornhill Lees, Dewsbury, WF12 9QP
Description:	Erection of single storey rear extension
Recommending Officer:	Edward Cheseldine

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: 14-Sep-2023

Officer Report

2023/92185 - 22, Caldermill Way, Thornhill Lees, Dewsbury, WF12 9QP

Site Description

22 Caldermill Way is a two-storey, detached dwelling in the area of Thornhill Lees. The property is constructed with red-brick exterior walls which fall under a pitched roof, clad in clay tiles. The property has a substantial sized garden, given the residential setting. The property is situated on a cut off lane from the main street, due to this, the side of the property faces onto Caldermill way. The rear of the property is visible from the public domain. There is a protected tree line beyond the rear boundary of the garden.

The property is not situated within a conservation area or in close proximity to a listed building. The property is not situated within designated green belt.

Proposal Description

The applicant is seeking permission to erect a single storey extension to the rear of the property.

The rear extension is proposed to project ~5.00m from the rear elevation, to a width of ~12.10m. The height of the extension is proposed to be a height of 2.864m to the eaves, with a maximum heigh including the pitched roof of 3.940m.

The materials will match the existing dwelling.

There has previously been a prior notification application for the erection of a single storey rear extension under application no. 2023/91586.

Relevant Planning History

2005/94018 – Erection of conservatory – Full permission granted.

2013/93818 - Erection of single storey extension and porch - Full permission granted.

2014/90463 - Erection of extension to dwelling – Full permission granted.

2023/91586 – HHPD Extension – NANR Not Required

Consultation Responses

None.

Public Representations

Neighbourhood notification letters were issued to advertise the planning application. Letters expired on the 01 September 2023. As a result of the publicity, there were no representations.

History of Negotiations

None.

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 Proposals Map.

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
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions (House Extension and Alterations SPD) 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 House Extensions and Alterations Supplementary Planning Document (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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

<u>Principle of development</u>:

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 Extension 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.

<u>Impact on visual amenity</u>

Rear extensions should be an appropriate size and scale so not to appear disproportionate to the host dwelling. A reasonable proportion of the outdoor space should remain as to maintain a usable outdoor area. Similarly, the construction of a rear extension should not impact neighbouring occupants or their associated outdoor areas.

Policy complying with designed is entrenched within the English planning system. National guidelines, found within the National Planning Policy Framework (2021), forms policy regarding design. Chapter 12, Achieving well-designed places, ensures planning decisions take into consideration how development will add to the overall quality of the area, provide a visual attractiveness and is sympathetic to development's current surroundings.

Additionally, local policy, directed through the Kirklees Development Plan (2019), reinforces the weight given to design. Policy LP 24 states 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;
A)
B) extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

Single storey extensions should:

- Be in keeping with the scale and style of the original house;
- 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.
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In terms of scale the rear extension will be 5.0m x 12.10m. In this instance, prior approval has been granted for a 5.00m x 8.30m single storey rear

extension at this property under application 2023/91586 which can be afforded weight in the decision-making process. The additional width will be 4.80m, which will appear as a section of extension that meets the existing width of the current dwelling. As the extension will fit within the current width and there is a prior notification, the size of the extension is acceptable. This has established such a scale of extension at the property. A 1-meter boundary between the extension and property boundary will be kept. The height of the rear extension is proposed to be 3.940m which is in line with Kirklees Planning Policy. Given the installation of a dual-pitched roof, the style is considered to be visual acceptable as the design references the roof of the main building. There is adequate outdoor space maintained in the rear plot space. The rear extension will be visible from Caldermill Way. It will appear as a commonplace addition to the house which suits its residential setting.

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 would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>

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 HEASPD goes into further detail with respect to outlining principles.

Key Design Principle 3 of the House Extensions and Alterations SPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

Impact on 24 Caldermill Way

No. 24 is the adjacent site to the east of the application site. There are no proposed side windows that will face the neighbouring dwelling. Given the spatial relationship with the neighbour, it will be conditioned that additional openings will need planning permission in order to protect the privacy of both current and future inhabitants. The extension is proposed to be 2.864m to the eaves of the property, with a dual pitched roof. There is a 1.20m gap to the property boundary. Due to the height of the extension and roof style, there will not be an impact to light, or an overbearing impact from the extension. There may be a slight reduction in the amount of sunlight observed to the rear

garden, however given the pitch of the proposed roof, this would only occur during the winter months, in the evening.

Due to distance and the rear tree line, there are no other dwellings to consider.

Impact on Highway Safety

The proposal will not increase the amount of bedrooms within the existing dwelling. As there will be no impact to the current car parking provisions and side access to the property will be maintained, there is considered to be no impact to highway safety.

Other matters

Trees

There is a line of protected trees to the rear of the property. There will be of minimum of 7.70m between the tree line and the extension. As such there will be no impact to the roots of these trees.

Biodiversity

The development is for a rear extension which is to be single storey. Whilst the property is located in an area, which is known to include bat habitats, as the proposed works are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

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.

Conclusion:

This application to erect a single storey rear extension at 22 Caldermill Way has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations 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**

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.

1. 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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. 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, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the north-west elevation of the side extension at any time.
   Reason: So as not to detract from the amenities of the adjacent property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

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: 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: 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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	S01	A	26/07/2023
Proposed Plans and Elevations	S02	A	26/07/2023

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 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. No amendments were sought.