

**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:	2023/62/92338/E
Site Address:	Stoneleigh, 196, Crackenedge Lane, Dewsbury, WF13 1RY
Description:	Erection of single storey extension to rear and dormer window to rear
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: 04-Oct-2023

OFFICER REPORT

Site Description

Stoneleigh, 196, Crackenedge Lane, Dewsbury, WF13 1RY is a stone fronted semi-detached dwelling which currently benefits from its own driveway and private rear garden. The pair of semi-detached houses is elevated above the public highway and separated by private gardens with hedgerows and stone retaining walls for boundary treatments.

The property is constructed with a stone front and side elevation with a red brick rear elevation. Dwellings within the immediate vicinity of the site are of similar scale and design; however, there are some variations in details.

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 dormer to the rear elevation of the dwelling and a single storey rear extension and two roof lights.

Previously the site has had a refusal for Erection of extensions and alterations, dormer windows to front and rear and new double garage to front.

The previous application was refused for the following reasons:

' The proposed garage extension would remove on street parking provision and provide for insufficient off-street parking provision. The development is therefore considered to be unacceptable in terms of parking and contrary to Policy LP22 of the Kirklees Local Plan. As insufficient bin collection provision would be provided the proposal would also prejudice objective (a) of Policy LP21 of the Kirklees Local Plan.

The proposed front dormer extension would read as an over dominant and incongruous addition to the roof slope of this characterful period property, to the detriment of the character of the dwelling itself and of the surrounding built environment. The proposal would therefore be contrary to Policy LP24 of the Kirklees Local Plan the key design principles of the House Extensions and Alterations SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

The proposed front garage extension would result in the removal of the existing stone wall and hedgerow boundary treatments, and by virtue of its design, location and scale would detract from the character of the host

dwelling and of the streetscene, contrary to Policy LP24 of the Kirklees Local Plan, the key design principles of the House Extensions and Alterations SPD and guidance contained within Chapter 12 of the NPPF.'

As a result, the front dormer, front garage extension and front dormer extension have been removed from the proposal and a single storey rear extension and rear dormer have been retained.

The dormers would feature a flat roof, width of 4.96m, a height of 2.08m, 21cm above the eaves and project 4.37m.

The dormer to the rear would have a height of 2.9m, a width of 3.1m and project 4m. This would be finished in tiles matching the existing roof.

The proposed single storey rear extension would wrap around the existing two storey projection to the rear of the dwelling and extend 3m beyond the existing projection. This would result in the proposal having a maximum projection of 6.02m. This would have a width of 6.04m and a flat roof with a maximum height of 3m. This would be finished in red brick matching the existing dwelling

Relevant Planning History

2001/91085: FORMATION OF STEPPED ACCESS FROM PRIVATE YARD TO GARDEN WITH DECKING WALKWAY: Conditional full permission

2022/92623: Erection of extensions and alterations, dormer windows to front and rear and new double garage to front. Refused and dismissed at appeal.

Representations

The application was advertised by neighbour letters, which expired on 21/09/2023

No representations were received.

Consultation Responses

No formal consultations deemed necessary

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 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) does state 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.

Section 5.4 of the HEASPD states that dormer extensions should:

- relate to the appearance of the house and existing roof
- be designed in style and materials similar to the appearance of the existing house and roof
- not dominate the roof or project above the ridge of the house
- be set below the ridgeline of the existing roof and within the roof plane
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

The proposed dormer alteration would not be prominent within the street scene as it relates to the rear of the dwelling and would be constructed in materials matching the host property. It is considered that the dormer would not raise any significant issues regarding the visual impact of the proposal. The single storey extension is the same as previously assessed as the previous application. The following assessment was made in relation to the single storey rear extension:

'The Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) states that single storey extensions should:

- be in keeping with the scale and style of the original house; *would comply*
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings); *would comply*
- not exceed 4 metres in height; *would comply*
- 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; *would not comply*
- where they exceed 3m in length the eaves height should generally not exceed 2.5 meters; *would not comply* and
- retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge. *Would comply*'

The SPD has a 'comply or justify' policy. The justification for the increase over the 3m guideline for extensions on semi-detached houses and the eaves height is that the proposal would not extend more than 3m from the rear elevation wall as it is read when viewing the rear of the property. This is because the rear extension would technically extend 6m from part of the rear elevation wall due to the existing outrigger, although as there is no planning history for the outrigger and it appears to predate 1947 it is taken to be a true rear extension and not a 'wrap around' rear and side addition. There is ample space retained about the side of the property so the increases over the eaves and projection guidelines figures are justifiable'

As the previous application was assessed under the same policy context, it would be unreasonable for officers to take a different approach.

It is considered that the roof lights to the principal elevation would not cause significant harm to the dwelling or the character of the area.

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 proposed dormer would be situated above the eaves of the existing dwelling and not feature any side facing windows. The rear dormer would face onto the rear garden of the application property.

Impact on 198 Crackenedge Lane: adjoins the application property to the north.

Overlooking: The proposal would not feature any side facing windows, and as such would not result in a loss of privacy

Overshadowing/loss of light/overbearing: The proposed rear extension would be marginally situated within the vertical 45 degree visibility splay of a rear window at no.198; however, this serves a non-habitable kitchen window. The remainder of the rear of this plot receives limited light already by virtue of the topography. It is considered that there would be no material decrease in light to an extent where a refusal on these grounds would be justified. Therefore, no significant issues regarding overshadowing/loss of light/overbearing would be raised.

Impact on 194 Crackenedge Lane: is situated to the south of the application property. The properties are separated by the driveway of the application property.

Overlooking: The proposal would feature side facing fenestration however this would be screened by the boundary treatment on site. As such no loss of privacy would occur.

Overshadowing/loss of light/overbearing: The proposal would be single storey and retain the separation distance between the dwellings. Therefore, no significant issues would be raised regarding overshadowing/loss of light/overbearing impact.

4 – Impact on highway safety:

The proposals would marginally intensify the domestic use of the dwelling; however, the proposal would not alter parking allocation on the site 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 located in a low risk coal area and would involve groundworks, it is therefore considered necessary to add a condition related to the unexpected discovery of contaminated land to ensure the proposal would accord with LP53 of the Kirklees Local Plan.

Bats

The proposal is also situated within a Bat Alert Layer on the council's GIS system. Due to the nature of the proposal, details have not been requested clarifying the presence of bats on site; however, all bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017. It is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement. As a result, in informative will be added to the decision notice of this application.

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
Matching materials

9 – Conclusion:

This application to erect a single storey extension to rear and dormer window to rear of Stoneleigh, 196, Crackenedge Lane, Dewsbury, WF13 1RY has 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: 2023/92338

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. The external facing materials shall 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.

4. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees

Local Plan and policies contained within Chapter 15 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: 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: 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
Proposed Elevations	00064-A-108 P1	9.08.2023
Climate change statement		9.08.2023
Proposed Floor Plan	00064-A-109	9.08.2023
Location Plan	300064-A- 101 P1	9.08.2023
Existing Plans	300064-A- 101 P1	9.08.2023
Site Plan	00064-A-107 p3	9.08.2023

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.