

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:	2023/62/92484/E
Site Address:	73, Westfield Lane, Scholes, Cleckheaton, BD19 6DR
Description:	Erection of two storey rear extension
Recommending Officer:	Elenya Jackson

DECISION – CONDITONAL 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: 10-Nov-2023

OFFICER REPORT

Site Description

73, Westfield Lane, Scholes, Cleckheaton, BD19 6DR is a two storey semi-detached dwelling which currently benefits from a private rear garden and a front garden.

The site has parking to the front of the dwelling which is adjacent to the roadside.

The property is constructed out of red brick which is matching to neighbouring dwellings and the immediate vicinity is relatively uniform in design and building line.

The area is within a low risk coal area.

Description of Proposal

This application has been received for the erection of a two storey rear extension which would be constructed out of materials matching the host dwelling.

The proposal would extend 3m beyond the rear elevation of the existing dwelling, have a maximum height of 6.7m with an eaves height of 5.1m

The proposal would feature a hipped roof.

The proposal is to be finished with a rendered finish.

Relevant Planning History

2009/92646: Formation of vehicular access. Conditional full permission.

Representations

The application was advertised by neighbour letters, which expired on 6/10/2023

No representations were received.

Consultation Responses

Northern Gas Network: no objections however informative requested
Environmental health: no objections subject to conditions
Strategic waste: no objections

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 of the House Extension and Alterations SPD refers to two storey rear extensions and states that extensions should:

- be proportionate to the size of the original house and garden
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties; not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre
- not adversely affect habitable room windows where they adjoin a neighbour's boundary.

The proposed two storey extension would extend a maximum of 3m beyond the rear elevation of the dwelling and would be set away from the shared boundary between neighbouring dwellings. It is acknowledged that the proposal would be half a meter from the shared boundary with the eastern neighbour; however, it is considered that due to the open nature of the site, the extension would not appear cramped in its plot as a result of this reduced separation distance.

It is considered that, the proposal would not be visible from the public realm and would be constructed in materials matching the host dwelling.

Having taken the above into account, the proposed development would not cause significant harm to the visual amenity of the host dwelling and the wider street scene, and would accord with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

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.

71 Westfield Lane: is attached to the application property to the east.

Overlooking: the proposal would not feature any side facing windows

Overshadowing/loss of light/overbearing: the two storey extension would be situated 0.5m away from the shared boundary between the dwellings. The windows for both properties are currently situated 1.5m away from the shared boundary between the dwelling. The proposal would fall within the vertical 45 degree visibility splay of the ground floor rear facing windows of no.71 but not the horizontal and therefore no significant issues would arise regarding overshadowing/loss of light/overbearing.

75 Westfield Lane: adjoins the application property to the west.

Overlooking: The proposal would feature one side facing window in the host property for a bedroom. This would be in line with the host property and therefore no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: the proposal would be set away from the shared boundary between the dwellings and therefore no significant issues would arise regarding overshadowing/loss of light/overbearing.

Due to the location of the proposal and the dwellings separation distance from neighbouring dwellings, no significant issues would arise regarding the residential amenity of neighbouring residents.

4 – Impact on highway safety:

The proposal would not alter parking provision on site, however, the proposal would create additional bedrooms to form a 4 bedroom property. The proposal has received previous permission for an access onto the site to provide parking which has been implemented to provide off street parking. This is adequate in this instance.

Due to the proposal not impacting existing parking arrangements it is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension 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 proposal would involve groundworks and resides within a low coal risk area. It is considered that a condition related to the unexpected discovery of contaminated land would be sufficient to ensure the proposal would accord with LP52 of the Kirklees Local Plan.

National Grid:

The site is within the immediate vicinity of a high pressure gas pipeline. As a result, the northern gas network has been consulted on the above and have not raised any objections to the proposal however, they have commented that 14 days prior to commencing any ground works in the vicinity of our buried asset, you must contact the local Plant Protection Officer and You must not carry out any ground works within 3 metres of our Buried High Pressure or Intermediate Pressure assets without our consent.

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.

Unexpected discovery of contaminated land

9 – Conclusion:

This application to erect an extension to 73, Westfield Lane, Scholes, Cleckheaton, BD19 6DR 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. 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: 2023/92484

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.
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 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 Supplementary Planning Document and the aims of the National Planning Policy Framework.

2. 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: 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
Site Plan	23/121	24.08.2023
Location Plan		24.08.2023
Proposed Plans	23/121	24.08.2023
Existing Plans	23/121	24.08.2023
Climate Change Statement		24.08.2023

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.