eKIRKLEES 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:	**2023/62/92562/E**
Site Address:	21, Glebe Gate, Thornhill, Dewsbury, WF12 0JX
Description:	Erection of extensions and 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.

Emma Thompson

AUTHORISED OFFICER

Date: 08-Dec-2023

Site Description

21, Glebe Gate, Thornhill, Dewsbury, WF12 0JX a two storey detached dwelling which currently benefits from a private garden to the rear and a driveway.

The property is constructed out of stone with a bay window with a red brick side and rear elevation.

The property is not uniform with other dwellings in the street scene; however, most of the dwellings in the street scene feature a stone frontage with a bay window which creates a sense of character in the street scene.

The site previously has permission for a first floor side extension and a part single storey, part two storey rear extension.

Description of Proposal

The applicant is seeking permission to alter the previous permission for a first floor side extension and a part single storey, part two storey rear extension.

The alterations include altering the hipped roof on the single storey rear extension into a flat roof with a roof lantern.

A rear roof light.

Alterations to the existing rear facing fenestration to a full length window and Juliet balcony.

The agent has been asked to confirm that the single storey rear projection would at no time be used as a balcony which has been confirmed in writing.

The single storey rear element of the proposal would extend 4.2m beyond the rear elevation of the existing dwelling and have a flat roof height of 3.1m. The previous permission had an eaves height of 2.9m and a maximum height of 4.1m.

The remaining dimensions are the same as the previously approved scheme.

The proposal would extend 3m beyond the side elevation of the existing dwelling, have an overall depth of 10.9m with a maximum height of 6.7m and an eaves height of 5.6m (matching the existing dwelling).

The rear element of the two storey extension would extend 2m beyond the rear elevation of the dwelling (at first floor level) have a maximum height of 7.7m with an eaves height of 5.6m (matching the existing dwelling). The roof plane would match that of the existing dwelling. The single storey element would be attached to this.

The proposal would be constructed with external facing materials matching the existing dwelling.

Relevant Planning History

There are two previous planning applications relating to this site:
94/94025: ERECTION OF GROUND FLOOR BEDROOM/BATHROOM EXTENSION. Conditional full permission
97/91127: ERECTION OF GROUND FLOOR BEDROOM/BATHROOM EXTENSION. Conditional full permission
2022/91519:ERECTION OF EXTENSIONS AND ALTERATIONS. Conditional full permission

Representations

The application was initially advertised by neighbour notification letters, which expired on 23/10/2023.

Two objections were received which raised the following concerns:

- Location of drainage
- Drainage concerns
- Overlooking
- Loss of privacy
- Plan discrepancies (additional side facing window)

Consultation Responses

No formal consultations deemed necessary due to the proposed scheme being a revision of a previously approved application (2022/91519).

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

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

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 Extension and alteration 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:

The proposal would be visible from the street scene as it relates to the side elevation of the dwelling.

Key design principle 1 of the Kirklees House Extensions and Alterations SPD requires extensions to be in keeping with local context and character and Key design principle 2 of the Kirklees House Extensions and Alterations SPD refers to the impact of the proposal to the original dwelling.

As previously highlighted, this application is for alterations to a previously approved scheme. The previous assessment was as follows:

'Section 5.19 and 5.20 of the guide refers to two storey side extensions and states:

- *Proposals should take up all or most of the space to the side of a house*
- *Proposals should maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property*
- *Proposals should be set back at least 500mm from the front wall of the house*

The proposal has been amended since submission to feature a design whereby it would be set down and back from the principal elevation of the dwelling; it is considered that this would aid the proposals subservience to the host dwelling and improve its integration.

Additionally, there were concerns regarding the spacing of the windows on the principal elevation of the property impacting the proposals assimilation with

the host dwelling. These have subsequently been amended to reflect those of the original dwelling.

The proposal does not retain a 1m gap from the shared boundary between its neighbouring dwelling; however, as there is an existing structure on the boundary, it is considered that the relationship of a reduced separation distance is already established between these two properties.

There are other examples of extensions within the street scene and the area is not uniform in appearance. It is considered that the revised design of extension in the context of the existing dwelling and its relationship with no.19 would result in the extension not appearing overly prominent within the street scene and integrating with the host dwelling.'

Current application:

The main design elements of the extension have previously been approved under the previous application repeated for completeness above, this relates to, the two storey side extension, two storey rear extension and the single storey rear projection. There have been no alterations to policy in between the two applications and therefore, the previous assessment is still considered appropriate.

The current application involves the alteration of the single storey rear projection to feature a flat roof and a roof light, alterations to the first floor rear facing window to increase its scale, two additional side facing windows at ground floor level and a roof light in the rear elevation

It is considered that due to the proposed alterations being limited to the roof of the single storey extension, an additional window in the roof and alterations to a form a Juliet balcony at the rear and a side facing window at ground floor level, the previous assessment would be appropriate for the current scheme and the proposal is considered to adhere to policy LP24 in terms of visual amenity.

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 previous assessment for the application was as follows:

No.19 Glebe Gate: adjoins the application property to the east. The garage of the application property previously separated the two dwellings. The property

has one side facing door with obscured glazing, a side facing window for a kitchen/utility room and a side facing window for a dining room, this also features rear facing doors.

Overlooking: The proposal would not feature any side facing windows at first floor level and would feature two at first floor level, one of these windows is related to a pantry and therefore it would not be considered unreasonable to obscure this and fix it shut, and one window is high level, therefore, no significant issues would arise regarding overlooking and conditions could be imposed relating to obscuring the windows.
Overshadowing/loss of light: The proposal would be situated to the west of no.19. due to the side facing windows being on an existing extension, they are already overshadowed by the main dwelling. The first floor rear element of the proposal would extend 2m beyond the rear elevation of the existing dwelling and not reside within the 45 degree visibility splay of any habitable rooms.

Overbearing: The two storey element of the proposal would not extend beyond the single storey rear extension at no.19 and would not intercept the private amenity space of no.19. The resultant proposal overall, including single storey element, would not project further than the existing extensions at the application property. Therefore, no significant issues would arise regarding overbearing.

No.23 Glebe Gate: adjoins the application property to the west.

Overlooking: the proposal would not feature any side facing windows relating to habitable rooms

Overshadowing/loss of light: The proposal would be situated to the east of no.23. The two storey extension would extend 2m beyond the rear elevation of the existing dwelling and would reside within the horizontal 45 degree visibility splay of two side facing windows at no.23 but not the vertical; therefore, no significant issues regarding overshadowing/loss of light would occur.

Overbearing: The proposal would not extend any closer to no.23 than the existing dwelling; therefore, no significant issues regarding overbearing would arise.

Current application: The alterations to the scheme include the addition of a roof light in the rear elevation. This faces onto the private amenity space of the application property and would not raise any further concerns regarding overlooking.

The alteration of the single storey projection from a hipped roof to a flat roof would result in an increase of the eaves height of the proposal by 20cm. It is considered this is a limited difference compared to the previously approved scheme but would be the maximum eaves height allowed in this location.

The proposal would also amend a previously approved window into a full-length window to create a Juliet balcony. This would face onto the private amenity space of the host dwelling and would not provide any additional lookout.

Concerns have been raised by neighbouring residents that the balcony would increase overlooking; however, as a Juliet balcony would not project beyond the first-floor rear elevation of the dwelling, it is not considered the introduction of this feature would exacerbate any overlooking concerns.

It is considered necessary to add a condition to the application to ensure the roof of the ground floor projection would at no point be used as a balcony serving the first floor of the property as this would create an unacceptable overlooking relationship due to its projection beyond the dwelling.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use. KC Highways DM have not been consulted on the above application; however, no objections were raised to the previous scheme and this application is for minor alterations.

Therefore the proposal would comply 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 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.

There are no other matters for consideration.

Ecology

The site is within a Bat Alert Area as identified on the Council's mapping system.
A Bat survey has not been provided to support this application; however, the previous permission for this site included a bat survey which concluded that the application site has low bat roost potential. A condition was added to the application to ensure biodiversity enhancement in the form of two bat boxes, was provided as part of the development. It is considered reasonable to impose a condition requiring this development to be undertaken in accordance with these recommendations.

As such the application is considered to comply with guidance within Policy LP 30 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

Two representations were received which raised the following concerns:

- Location of drainage
- Drainage concerns
- Overlooking
- Loss of privacy
- Plan discrepancies (additional side facing window)

Officer response

- Location of drainage and Drainage Concerns
  The site is not located within a flood risk area or a critical drainage zone. Concerns regarding the relocation of the drainage would be regulated by Building Control.

- Land access
  The granting of planning permission does not allow access onto neighbouring land. This is a private matter.

- Overlooking
  Concerns regarding overlooking have been addressed in the residential amenity section of the report. The additional roof light and rear facing Juliet balcony would face onto the private amenity space of the dwelling and would not create any relationships that do not currently exist between the dwellings.

- Loss of privacy
  A condition is suggested to prevent the roof of the single storey extension being used as a balcony by the users of the site would prevent the proposal impacting the privacy of neighbouring residents.

- Plan discrepancies (additional side facing window)
  This application is being considered based on the plans supplied to the local planning authority. Officers queried the additional windows with the agent associated with the application and amended plans were received which included the additional side facing windows.

7 – Negotiations:

No alterations requested.

8 – Proposed conditions

Time
In accordance with approved plans
Matching materials

Windows
In accordance with the bat survey
Obscured glazing
Prevent use as balcony

9 – Conclusion:

This application for alterations to roof and windows of previous permission 2023/92562 for extensions and alterations has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the design and lack of harm in terms of visual amenity, the proposed extension is considered 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.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2023/92562
Officer Recommendation: APPROVE
Reason for refusal

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 walls facing 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 Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Unless otherwise agreed in writing by the Local Planning Authority no windows or other openings shall be made in the extension other than those shown on the approved plans, including at any time in the future.

Reason: To ensure the satisfactory protection of the residential amenity of neighbouring residents in accordance with LP24 of the Kirklees Local plan and the Key Design Principles of the House Extensions and Alterations SPD.

5. The development shall be carried out in accordance with the recommendations set out within the Bat Emergence and Re-entry Surveys Document undertaken by arbtech and received on 24 June 2022.

Reason: In the interests of the biodiversity of the site, and to accord with Policy LP 30 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

6. Prior to occupation of the development hereby approved, the windows in the eastern elevation of the structure shall be fitted using obscured glazed to a Pilkington Grade level of four or equivalent and fixed shut to a height of 1.7m. The obscure glazing shall thereafter be retained for the life of the development.
Reason: In the interests of residential 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
7. At no time shall the roof of the single storey rear extension/projection, hereby approved, on the dwelling be used as a balcony or other platform.
Reason: To ensure the satisfactory protection of the residential amenity of neighbouring residents in accordance with LP24 of the Kirklees Local plan and the Key Design Principles of the House Extensions and Alterations SPD.

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	AR-05 REV:02	3/11/2023
Proposed Floor Plans	AR-04 REV:02	6/09/2023
Site location plan	Ar-01	6/09/2023
Existing Floor Plan	AR-02	6/09/2023
Existing Elevations	AR-03	6/09/2023
Bat Emergence and Re-entry Surveys	arbtech	27/10/2023

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.

Corrected plans were requested in response to the neighbour consultations.