

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2023/70/92854/E
Site Address:	5, Ennerdale Road, Dewsbury, WF12 7NE
Description:	Variation of condition 2 (plans and specifications) and 3 (materials) on previous permission 2022/93955 for raising of roof height to create first floor living accommodation and erection of front, side and rear extensions and alterations (and widening of dropped kerb)
Recommending Officer:	Edward Cheseldine

DECISION – VARIATION OF CONDITIONS APPROVED

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: 28-Nov-2023

Officer Report

2023/92854 - 5, Ennerdale Road, Dewsbury, WF12 7NE

Site Description

5 Ennerdale Road is a detached bungalow in Dewsbury. The exterior walls of the dwelling are built with a tarnished coloured red brick material, which fall under a gable end roof, which is clad with concrete roof tiles. The building hosts a front and rear outdoor area within the curtilage of the property. There is space for two vehicles to the side of the property, as well as one outbuilding which is attached to the side of the dwelling. Ennerdale Road is a residential road with buildings of a similar architectural style and age.

Materials visible within the streetscape include brick, stone and render. There are bungalows and two-storey dwellings present on the street.

Proposal Description

The applicant is seeking permission for the variation of condition 2 (plans and specifications) and condition 3 (materials) on previous permission 2022/93955 to allow for a render material to be placed on parts of the exterior walls.

Condition 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.

Condition 3

The wall and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

History of Negotiations

An amendment to the plans was requested by the planning officer to incorporate a substantial section of the existing brick on the front elevation, as the characteristics of nearby dwellings is for a mix of render and brick.

Relevant Planning History

Application dwelling

2022/93955 - Raising of roof height to create first floor living accommodation and erection of front, side and rear extensions and alterations (and widening of dropped kerb) – Full permission granted.

15 Ennerdale Road

2018/94122 - Erection of single storey and two storey side and front extensions, external alterations and alterations to the vehicular access (render) – Full permission granted

Public Representations

Final publicity date expired: 03 November 2023

As a result of the publicity there have been no representations received.

Consultation Responses

None.

Policies

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 located within the unallocated on the Kirklees Local Plan.

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 (House Extensions and Alterations Supplementary Planning Document) (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 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) Environmental matters
- 5) Representations
- 6) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extension and Alterations Supplementary Planning Document) 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.

Impact on visual amenity

The proposed revisions relate to the use of materials alone and the general scale and design has been approved. As there have been no changes to legislation and policy since the approval the scheme remains acceptable in principle meeting the aims of the Local Plan and NPPF.

A condition relating to materials was imposed so that the materials of the extension were consistent with the host dwellings and surrounding houses. Under this application a render material has been proposed which will cover the rear, sides and a proportion of the front facing elevations. In assessing the material change, it should be considered if the change in design complies with the Kirklees House Extension & Alterations Supplementary Planning Document.

Key Design Principle 1: Local character and street scene states, *'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'*. Render is present on the street scene, including on the principal elevation of dwellings in the local vicinity of the application site. The use of render is therefore acceptable.

Key Design Principle 2: Impact on the original house states, *'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 detail.'* Although there is currently no render on the original house, the design of the alterations retains the brick character of the dwelling on the front.

Given the alterations will not have a negative impact to the character of the street scene or the original house the change in materials is acceptable.

Impact on residential amenity

There will be no impact to residential amenity under this variation of condition application as it relates to the use of materials and does not alter the scale or positioning of windows of the proposal.

Impact on Highway Safety

There will be no impact to highway safety under this variation of condition application.

Representations

None.

Conditions

- ~~1. The development hereby permitted shall be begun within three years of the date of this permission.~~

Amended to include the end date of the original permission:

The development hereby approved shall be begun by the 1st August 2026.

- 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.
- ~~2. The wall and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.~~

Amended to include the materials now proposed:

The external walls of the dwelling shall be finished in render and brick as indicated on submitted plan reference 22/114/D. The render shall be in an off-white or cream colour and applied before the roof extension is first brought into use.

- The development shall not be occupied until the W/C windows in the front elevation of the first-floor hereby approved has been obscurely glazed (to

a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Conclusion

The application to vary condition 2 & 3 of the planning permission on previous permission 2022/93955 for the change of material have been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF 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: 2023/92854

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby approved shall be begun by the 1st August 2026.

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 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.

3. The external walls of the dwelling shall be finished in render and brick as indicated on submitted plan reference 22/114/D Rev E. The render shall be in an off-white or cream colour and applied before the roof extension is first brought into use. The materials shall thereafter be retained.

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.

4. The development shall not be occupied until the W/C windows in the front elevation of the first-floor hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

