

**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:	2023/62/93270/E
Site Address:	126, Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ
Description:	Erection of extensions to form two-storey dwelling
Recommending Officer:	Jennifer Booth

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: 01-Feb-2024

OFFICER REPORT

Site Description

126 Gomersal Lane is a detached, brick built bungalow with dormers to the front and rear. The property has a hardstanding for parking to the front with some grass and a larger enclosed garden to the rear. The property does have a conservatory across the rear elevation.

The dwelling has fields adjacent to the west with older properties to the front and east side.

Description of Proposal

The applicant is seeking permission for extensions and alterations to form a two storey dwelling.

The proposals include the formation of two small front extensions with gables, increase in the overall height of the dwelling from 6.6m to 7.5m to form a first floor, a replacement single storey side extension with a lean to roof form. The existing conservatory to the rear would be replaced with a larger, flat roofed extension with an "L" shaped footprint with a projection of between 4m and 6.9m.

The walls are proposed to be finished using stone with small elements of render, with clay tiles for the roof covering.

Relevant Planning History

2009/92084 - erection of dormer - approved

2023/90464 - erection of extensions - refused

Representations

The application was advertised by neighbour letters, which expired on 21/12/2023

As a result of the above publicity, three representations have been received. The material planning matters raised are summarised as follows:

- Extensions would have a harmful effect on a neighbouring listed building.
- The design would have a detrimental effect on the character of the area.
- The extension would not be sympathetic or subservient to the host property.

Consultation Responses

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. However, the front boundary of the property is the boundary with the Little Gomersal Conservation Area.

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 35** - Historic Environment
- **LP 57** – Extension, alteration or replacement within Green Belt

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 December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

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 & 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.

The relationship with the Conservation Area has been noted and the proposals have been advertised as potentially affecting the setting of the Little Gomersal Conservation Area. As such, Policy LP35 of the KLP and chapter 16 of the NPPF are of relevance.

Planning permission was refused last year for a different scheme. As the proposals have altered significantly, the proposals shall be fully assessed below.

Impact on visual amenity and the character of the conservation area:

Key Design Principle 1 of the House Extensions & Alterations SPD states 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 House Extensions & Alterations SPD goes on to 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.

Paragraph 4.2 of the House Extensions & Alterations SPD states the local context, character and identity of the area are a significant factor when considering the appropriate form and scale of house extensions. Gomersal

Lane does not have a particular character beyond predominantly residential properties, there is a mixed palette and varying sizes. Although for the most part, the dwellings are traditional in terms of design with simple domestic roof forms and traditional window openings. Indeed, the previous application failed due to the prominence of the site, the scale of the increase and the very modern design proposed in such a traditional setting.

With regards to the scale of the current proposals, the neighbouring properties are also two storey dwellings with the host property, as a bungalow, forming an unusual feature in the area. The proposals to erect a first floor would not form subservient additions to the property. However, it would allow the property to form a more cohesive relationship with the neighbouring properties, more in keeping with the character of the area. The design is traditional in its appearance and does include small gables on the front which would visually break up the bulk proposed. The small extensions to the side would be replacing existing elements with appropriate designs to the overall updated design of the dwelling. The rear extension would replace the existing conservatory with a larger flat roofed extension which would form a proportionate addition given the size of the dwelling. The use of stone with the current design would allow for a traditional appearance and can be considered appropriate given the palette of materials of the neighbouring properties, in particular the stone dwellings adjacent and opposite.

The Little Gomersal Conservation Area is described as a small, closely knit textile settlement from the late 18th century which is characterised by narrow lanes and walls giving a strong sense of enclosure. The host property is set back from the boundary with the Conservation Area although there are strong connecting views when travelling along Gomersal Lane from the west. There is also the listed building, Royds Farm to the north east of the site some 36m from the site. The current proposals have revised the design to include elements which break up the massing proposed and would use traditional design features more in keeping with the surroundings. Furthermore, with the traditional design now proposed together with the use of stone for the construction, which would be similar in appearance to the adjacent neighbours, the current proposals would have neutral impact in terms of the character of the conservation area and can be considered to be acceptable with regards to Policy LP35 of the Local Plan and Chapter 16 of the NPPF inclusive of paragraph 205.

Having taken the above into account, the proposals 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 & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no dwellings to the west side or to the rear of the dwelling which could be affected by the works proposed.

Impact on 128 Gomersal Lane

Although the proposals would increase the height and massing of the dwelling, the space between the host property and the adjacent neighbour to the east would not be reduced. The increase is limited, and the openings proposed in the side elevation would not serve any habitable spaces. The works to the dwelling would result in no overlooking, overshadowing or overbearing in respect of the adjacent neighbour. It is noted that the plans show a terrace at the rear of the host. Given the relationship with the neighbour's garden and as such host property sits much further back from the road than the adjacent neighbour, the terrace would result in no loss of privacy.

With regards to the impact on the adjacent 128 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 87 Gomersal Lane

The neighbour on the opposite side of the road occupies a position some 27m from the host property. The plans do show a small front extension which would not significantly reduce the space between the dwellings and with both the respective front gardens and the road itself between the dwellings, the works proposed for 126 Gomersal Lane would not result in any overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 87 Gomersal Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding

neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the dwelling even with the modest front extension proposed would still have space for at least 3 vehicles of road which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension & Alterations SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land – Hayes Chemicals Ltd. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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.

There are no other matters for consideration.

Representations:

Three representations have been received. The material planning matters raised are summarised as follows:

- Extensions would have a harmful effect on a neighbouring listed building – **Response:** *The impact on the local heritage assets including the Little Gomersal Conservation Area and the neighbouring listed building, Royds Farm have been addressed within the relevant section of this report.*
- The design would have a detrimental effect on the character of the area – **Response:** *the visual impacts of the proposals have been considered in the relevant section of this report. The current design offers a more traditional appearance than the failed proposal with a*

stepped development and varying heights which reduce the overall bulk and massing.

- The extension would not be sympathetic or subservient to the host property – **Response:** *the appearance of the works proposed has been addressed within the relevant section of this report.*

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Given the proximity to a potential source of land contamination, the condition regarding the reporting of unexpected contamination is considered to be appropriate.

Conclusion:

This application for extensions and alterations to 126 Gomersal Lane 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 proposals are 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: 2023/93270

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 & Alterations SPD and the aims of the National Planning Policy Framework.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission 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: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	Web ID	Date Received
Location plan	-	1015631	02/11/2023
Existing plans	01	1015633	02/11/2023
Proposed plans	02	1015634	02/11/2023
Site visuals	03	1015635	02/11/2023
Volume comparison	04	1015636	02/11/2023
Proposed site plan	-	1015632	02/11/2023
Annotated plan	-	1021970	20/12/2023
Design & access statement	-	1015639	02/11/2023
Covering letter	-	1015637	02/11/2023
Climate change statement	-	1015638	02/11/2023

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 22/01/2024