

**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:	2023/62/93279/E
Site Address:	1, Judy Haigh Lane, Thornhill Edge, Dewsbury, WF12 0QB
Description:	Erection of first floor side extension and alterations
Recommending Officer:	Edward Cheseldine

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: 19-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93279
Location	1, Judy Haigh Lane, Thornhill Edge, Dewsbury, WF12 0QB
Proposal	Erection of side extension and alterations
Publicity end date	18-Dec-2023
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	Yes	Within the application, a justification was sought for the proposal as it did not meet standards set out within the House Extensions & Alterations Supplementary Planning Document. The justification included the noting of the architectural style and ground height of the two-storey section. Officers concluded the over-arching style of the dwelling would be harmed if guidelines set out in the

		planning document were followed. Therefore the justification was accepted.
Parish/Town Council comments sought	No	
Planning History	None	2013/92140 - Erection of front, rear, side and roof extensions – Full permission granted.
Consultations required	None	

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Not take up all or most of the space to the side of a house	Yes	
Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property	Yes	
Be set back at least 500mm from the front wall of the house	No	The dwelling has a modern architectural design drawing on the use of rectangular shapes and right angles, denoting a 'Bauhaus' influence. In this instance, a 'set back' approach would harm the original character of the dwelling by deviating from the angular form of the original house .

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: 1 Judy Haigh Lane has a contemporary character stemming from the use of building materials, flat roof design and 'Bauhaus' features. The dwelling incorporates balconies and sub-level development to blend into the slope of the surrounding valley. The front elevation, found off Judy Haigh Street is naturally stark owing to the rendered façade, there is a sub-level garage below an outdoor area to the north-east of the site.

Judy Haigh Lane and the adjoining Edge Street host views of the surrounding Lower Denby Valley.

Judy Haigh Lane and buildings within the local vicinity have no prevailing character due to the diverse building group, with different materials and styles present.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The extension would form a two-storey side addition to a detached dwelling on a residential street. Judy Haigh Lane is a sloping street, with the property built into the landscape. The 'ground-floor' element of the property is sub-street level, therefore the second storey would be the only floor that is fully visible from the public domain. The dwelling is an isolated post-modern house, surrounded by buildings of differing styles. Such an addition would not create an	✓

		additional character from the dwelling itself, which has the perception of being within a generous curtilage because of its form. As such, the extension would not alter the residential character of the street.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The extension projects 5.15m from the current side elevation. The rectangular form of the dwelling will be kept through the addition. In this instance, because of the architectural design of the property, the geometric form has been retained rather than the extension appearing subservient.	✓
Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The roof-height of the two-storey extension will meet the roof of the original house. The eaves of the extension have not been set down from the eaves of the property to retain its style which is appropriate. In terms of scale, there will be a large increase to the original building due to the projection. There is a generous amount of outdoor space to the side of the building which will accommodate the sizeable increase in width to the dwellinghouse.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP	The extension will be clad in a dark grey coated steel. The finish will give a matte appearance to the	✓

	Chapter 12 of the NPPF	material which will be similar to the existing ground-floor roof section of the application area. It will deviate from the current wall materials; this will give a visual break to the large façade to the front of dwelling. The dwelling is set within a hillside street, the matte finish will neutralise the impact of the building when viewed from the opposing valley.	
Roof style	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	The chosen flat roof style will match the roof of the existing dwelling.	✓
Window proportions	- KDP 1 and 2 of the SPD - Policy LP24 Design (a), (c) and (d) of the KLP - Chapter 12 of the NPPF	Long rectangular windows are proposed on the front, side and rear elevation of the extension. There are other elongated windows found on the property. These windows fit the angular form of the property.	✓
Accessibility for all users	- KDP 17 of the SPD - Policy LP24 Design (f) - Chapter 12 of the NPPF	This proposal is compliant with Kirklees accessibility policies.	✓

The proposal includes the removal of a garage which will provide adequate outdoor space and side space for the extension.

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

- 40 Edge Road

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	40 Edge Road is to the north-east of the application site. There are three windows proposed on the north-east elevation. The windows are set within the elevation so only the side elevation of No. 40 is visible. There are three windows on the side elevation of No. 40, that light a utility room and a stairway. The neighbouring dwelling of No. 40 is angled at an acute angle to the application building. There will be a ~14.00m distance between the nearest windows and habitable rooms. The relationship is therefore acceptable according to paragraph 4.10 of the House Extensions & Alterations Supplementary Planning Document due to distance.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	As there is a subsection to the ground floor section of the building, the height of the two-storey element will be ~2.80m from ground level at a distance of ~2.20m to the shared boundary.	✓

		Due to the height above ground level of the two-storey element and distance to the boundary, there will not be a loss of light. The distance from the side windows will mitigate a loss of outlook. A window is proposed to light a W/C area. In order to protect from privacy, it will be conditioned that this window is obscurely glazed.	
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Due to distance, there are no other properties to consider.

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	No impact.	✓
Parking provision	• KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF	The proposal will add private amenity space, including one additional bedroom, making the property a four bedroom dwelling. There are three off-street parking spaces to the front of the property as well as a garage that is suitable for vehicles. Parking provisions are therefore	✓

		sufficient for the number of bedrooms.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	No impact.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No impact.	✓
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	The dwelling rests within an area that is known to have bat populations, the works will affect the eaves of the property. A cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.	✓
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51	Small scale domestic development to an existing dwelling. As such, no special	✓

	Chapter 14 of the NPPF	measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A
N/A		

Conclusion:

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.

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number:

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The extension shall not be occupied until the W/C window in the side elevation of the extension 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations - Existing	001	1	03/11/2023
Grouped Plans and Elevations – Proposed	002	1	03/11/2023
Location plan	LP	1	03/11/2023

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 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. Within the application, a justification was sought for the proposal as it did not meet standards set out within the House Extensions & Alterations Supplementary Planning Document. The justification included the noting of the architectural style and ground height of the two-

storey section. Officers concluded the over-arching style of the dwelling would be harmed if guides set out in the planning document was followed.