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:	**2023/62/93543/E**
Site Address:	8, Old Mill View, Thornhill Lees, Dewsbury, WF12 9QJ
Description:	Erection of first floor extension and associated alterations
Recommending Officer:	Nicole Helliwell

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: 26-Jan-2024

Officer Report
Reference No. 2023/62/93543/E
Site Address: 8, Old Mill View, Thornhill Lees, Dewsbury, WF12 9QJ
Proposal: Erection of first floor extension and associated alterations

Site Description
The application relates to 8 Old Mill View, a two-storey detached property situated in Thornhill Lees, Dewsbury. The dwelling is faced in red brick and incorporates a dual-pitched roof finished in tiles. The property benefits from off road parking to the front and a sufficiently sized garden to the rear. The neighbouring properties are of residential use and comprise two storey dwellings of varying materials but similar architectural styles.

Description of Proposal
The application seeks planning permission for a first floor front extension and associated alterations. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the external alterations and the proposed enlargement. The proposed works are summarised below:

- First floor front extension (projection approx. 2m, maximum height approx. 7.65m and eaves height approx. 5.8m)
- Alterations to fenestration within the front and side elevations of the property

Relevant Planning History
- **2022/93664**: Erection of two storey rear extension, single storey front extension with canopy and associated internal/external alterations following partial removal of existing porch. Planning application details | Kirklees Council – Conditional Full Permission
- **2021/92853**: Work to tree TPO 14/88. Planning application details | Kirklees Council – Part Granted/Part Refused
- **95/92870**: Erection of 8 detached dwellings. Planning application details | Kirklees Council – Conditional Full Permission
- **93/00199:** Outline application for residential development (phase 1). Planning application details | Kirklees Council – Conditional Outline Permission
- **88/02362**: Outline application for residential development (approx. 135 dwellings).
  Planning application details | Kirklees Council – Withdrawn

Representations

The application was publicised by neighbour notification letters, which expired on 18th January 2024. No representations were received following the statutory publicity.

Consultation Responses
Not Applicable.

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, it is located within the Strategic Green Infrastructure Network. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 30** - Biodiversity and Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

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.

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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, 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 2** - Achieving Sustainable Development
- **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**

   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 on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. **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 SPD 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.

   First Floor Front Extension

   The proposed first floor extension would project approximately 2m from the front elevation of the original build and would sit above the approved single storey element of the property. The extension would be faced in brick and would incorporate a dual-pitched roof finished in tiles to match the

appearance of the host dwelling. Although the extension would not be set back from the single storey element, it would be a proportionate addition and would feature a lower ridge line such that it would appear subservient to the original build. On this basis, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Alterations to Fenestration

The proposed external alterations would see the first floor window within the front elevation of the dwelling and the windows within the side elevation of the property removed and replaced with a new style. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area.

Summary

Having taken the above into account, the proposed development 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 and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 submitted plans confirm that no properties to the rear of the property would be affected by the proposed works.

Impact on 10 Old Mill View

10 Old Mill View is a two storey detached property located north of the application site. The proposed first floor front extension would have no detrimental impact on the neighbour's residential amenity given that the enlargement would be positioned approximately 8.85m from the common

boundary and would comply with the 45 degree rule in relation to the neighbour's fenestration. Therefore, it is considered that there would be no undue harm to the neighbouring occupants with regard to overshadowing and overbearing impact.

Impact on 5 Old Mill View

The submitted plans confirm that a new style of fenestration would be installed within the side elevation of the original dwellinghouse which would face towards 5 Old Mill View. Although the proposed first floor window would serve an ensuite which is a non-habitable room, a condition has been added, to ensure this is obscurely glazed to prevent any undue harm to the neighbouring occupants. Furthermore, it is noted that the three ground floor windows proposed would serve both lounges. However, given that the fenestration would be modestly sized and would be separated from the neighbouring property by the highway, it is considered that there would be no detrimental harm to the adjacent occupant's amenity in terms of overlooking.

Impact on 22 Old Mill View

22 Old Mill View is a two storey detached property located west of the application site. It is noted that the proposed first floor extension would occupy a position approximately 22.2m from the front elevation of the neighbouring property. Given that a sufficient separation distance would be retained, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

Occupier Amenity

It is noted that sufficient outdoor amenity space of a functional layout would be retained at the application site. As such, the proposed development would ensure an acceptable standard of amenity for existing and future occupants.

Summary

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 and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the proposal is considered acceptable in accordance with Policies LP21 and

LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Contaminated Land

This site has been identified as potentially contaminated land due to its previous historic use as an industrial site and landfill (site ref 520/5). Therefore, it will be necessary to recommend a condition relating to shallow coal workings and unexpected ground contamination. Additionally, a note will be added to the decision notice advising the applicant on how to proceed should any unexpected contamination be discovered during the works.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. **Negotiations**

No amendments were sought or received during the course of the application.

7. **Conclusion**

This application for the erection of a first floor extension and associated alterations at 8 Old Mill View 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 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: 2023/93543
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP27, LP30, LP31, LP52 and LP53 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The proposed ensuite window in the south-facing side elevation of the host property shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.
Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the Council's House Extensions and Alterations SPD

5. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 183 and 184 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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**
Existing Floor Plans & Elevations	20.2710.01B	01/12/2023
Proposed Floor Plans & Elevations	20.2710.03C	01/12/2023
Flood Risk Assessment Form	-	01/12/2023
Climate Change Statement	-	01/12/2023

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 03/01/2024