

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:	2023/62/93557/E
Site Address:	51, Balmfield, Norristhorpe Lane, Liversedge, WF15 7PN
Description:	Demolition of existing garage and erection of replacement garage with side extensions and rear dormer
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: 28-Feb-2024

OFFICER REPORT: 2023/93557

Site Description

51, Balmfield, Norristhorpe Lane, Liversedge, WF15 7PN is a 1.5 storey detached dwelling which currently benefits from a private rear garden and parking for several vehicles.

The properties within the vicinity are not uniform in appearance as several have had extensions and alterations. The material palette is predominantly red brick however, there are variations in terms of stone.

The site is located within a low risk coal area.

Description of Proposal

The application is seeking permission for the demolition of existing garage and erection of replacement garage with side extensions and rear dormer.

The replacement garage would have a depth of 6.7m with a width of 6.8m a maximum height of 4.7m with an eaves height of 2.6m.

The single storey side extension to the south of the dwelling would extend 3m beyond the side elevation of the existing dwelling with a depth of 8.8m. This would have a flat roof with a maximum height of 3.2m. This would have a timber clad finish.

The extension that would replace the existing conservatory would also have a width of 3m with a depth of 8.5m with a maximum height of 3.2m. This would have a rendered finish.

The rear dormer would extend from the walls of the dwelling and be contemporary in design. This would project 4.5m beyond the roof plane of the dwelling and have a height of 2.5m. The dormer cheeks would feature a rendered finish.

Relevant Planning History

98/90894: ERECTION OF CONSERVATORY. Conditional full permission.

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration.

Further justification for the proposed garage was required.

Representations

The application was advertised by neighbour letters, which expired on 19/1/2024

As a result of the above publicity no representations were received.

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

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 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

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.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 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.

The proposal would be visible within the street scene due to the location of the side extension and the garage.

Section, 5.6 of the Kirklees Home Extension guide sets out the guidance for outbuildings within the region, this requires that outbuildings reflect the existing buildings in terms of design, are subservient in scale and retain sufficient amenity space to prevent dominating the site. It is not unreasonable to apply the principles set out for front extensions at 5.2 whereby large additions are likely to be particularly intrusive and unacceptable.

The proposed garage would be in a prominent location within the street scene and of considerable scale; however, officers acknowledge there is not a consistent build line within the street scene, for example, properties to the north and south of the site are set forward within the street scene. And to the north west of the dwelling, there are examples of prominent rear extensions within the street scene which appear forward of the building line.

The site has an area of 543m² of which 36m² would be occupied by the footprint of the garage. Therefore it is considered that an acceptable amount of amenity space would be retained if the garage received permission.

In addition, the site is contained by a 2.4m hedgerow which would provide screening to much of the proposal. Whilst weight is afforded to the mitigation the hedge would provide it is also recognised the hedge could be removed without any control. Screening could be conditioned but given the site specific circumstances it is not considered necessary. Much of the street has open aspects and an alternative method of screening may interfere with this character. The development can be, on balance, supported.

Section 5.3 of the HEASPD refers to side extensions and states single storey side extensions:

- not extend more than two thirds of the width of the original house
- not exceed a height of 4 metres
- be set back at least 500mm from the original building line to allow for a visual break.

It is considered that there are two side extensions which would increase the footprint of the dwelling; however, the northern extension would be predominantly screened by the host dwelling. The side extensions would be set down and back from the host dwelling and subservient in terms of width. The proposal would not be constructed out of matching materials; however, it is considered that due to there being a diverse material palette in the area, it would appear as a contemporary addition in this instance. The details shown on the submitted plans are considered acceptable and conditioned accordingly.

The rear dormer would be on the rear elevation of the dwelling and face into a field. Due to the limited prominence of the dormer, it is considered acceptable.

Having taken the above into account, the proposed extension would not appear to be out of character with the host dwelling or the wider street scene. The proposals therefore comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, 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.

49 Balmfield: adjoins the application property to the north.

Overlooking: The proposal would feature side facing windows; however, this extension would replace an existing conservatory which is predominantly glazed and the boundary treatment between the dwellings would be retained and the first floor bedroom window which retains the existing relationship between the dwellings. The rear facing dormer would create two extra rear facing windows which would face on to the amenity space of the application property and retain existing relationships between neighbouring properties, it is considered that as these would face onto the amenity space of the host dwelling, no significant issues would be raised regarding overlooking.

Overshadowing/loss of light/overbearing: The single storey extension would have a maximum height of 3.2m and be in line with the host dwelling, the proposed dormer would be within the roof space of the host dwelling and the proposed garage would be set forward of the host dwelling and not in close proximity to the private amenity space of the dwelling. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

53 Balmfield Road: adjoins the application site to the south.

Overlooking: The proposal would feature an additional side facing windows for a dog shower at ground floor level and retain the existing first floor window for a bedroom. It is considered that the side facing window for the dog shower could be conditioned to be obscured and therefore no significant issues would arise regarding overlooking. The rear facing dormer would create two extra rear facing windows which would face on to the amenity space of the application property and retain existing relationships between neighbouring properties, it is considered that as these would face onto the amenity space of the host dwelling, no significant issues would be raised regarding overlooking.

Overshadowing/loss of light/overbearing: The proposed side extension would be single storey and situated to the north of no.53. The proposed dormer

would be to the north of the dwelling and contained within the roof space of the application property. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

Having considered the above factors, the proposal is 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 the National Planning Policy Framework.

Impact on highway safety:

The proposals would result in the intensification of the domestic use of the site. The site currently has a driveway and the proposal would not result in the loss of any parking spaces onsite. It is considered that due to no spaces being lost as a result of the proposal, it is considered to comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

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.

Proposed conditions

Three Years

In accordance with the approved plans
Obscured glazing

Conclusion:

This application 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.

The proposed alterations would not be out of character with the host property and the wider area. To permit the proposals would accord Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/62/93557/E

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

3. 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. 189 and 190 of the National Planning Policy Framework

4. Notwithstanding the approved plans, southern ground floor side facing window of the proposal shall be fitted with obscured glazing with a Pilkington

level of four or equivalent. The window shall be retained with this glazing for the lifetime of the development.

Reason: To preserve the residential amenity of neighbouring residents 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.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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: 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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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
Grouped Plans and Elevations	(30) 001	15/12/2023
Grouped Plans and Elevations	(30) 002	27/10/2023
Proposed Site/ Block Plan	(20) 003	27/10/2023
Location Plan		27/10/2023
Existing Site Plan	(20) 002	27/10/2023
Climate Change Statement		

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.

Justification for the location of the garage was requested.