

**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:	<b>2023/62/93708/E</b>
Site Address:	36, Trueman Avenue, Heckmondwike, WF16 9JX
Description:	Erection of two storey extension to side and dormer window to rear
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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 27-Feb-2024**

## **OFFICER REPORT: 2023/93557**

### **Site Description**

36, Trueman Avenue, Heckmondwike, WF16 9JX is a two storey semi-detached dwelling which currently benefits from a private rear garden and a private driveway.

The properties within the vicinity not uniform in appearance as several have had extensions and alterations. The material palette is predominantly red brick.

The site is located within a low risk coal area.

### **Description of Proposal**

The application is seeking permission for the construction of a two storey side extension and a rear facing dormer.

The two storey side extension would extend 2.5m beyond the side elevation of the dwelling and have a depth of 7.8m with a maximum height of 7.6m and an eaves height of 7.4m. This would be set down and back from the host dwelling by 150mm.

The rear dormer would project 3m beyond the roof plane of the host dwelling with an eaves height of 1.8m.

The proposal would be constructed out of matching materials.

### **Relevant Planning History**

N/A

### **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.

The proposal was initially received with a front dormer which officers requested was removed.

## **Representations**

The application was advertised by neighbour letters, which expired on 22/2/2024

As a result of the above publicity two objections were received which raised the following concerns:

- Light concerns
- Damage to 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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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 29<sup>th</sup> 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 6<sup>th</sup> 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

### **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.

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

- Should not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house

The proposal would be set down and back from the host dwelling (although not the extent set out within the SPD) and due to the spacing provided at the side of the dwelling would be of limited width in the context of the host dwelling. It is acknowledged that the proposal would not allow for 1m gap, nor would be set back by 500mm from the front elevation of the host dwelling, however from a visual perspective, it is considered that the proposal would not appear dominant to the host dwelling. In addition, the applicant has removed the front dormer from the proposal.

The rear dormer would not be overly prominent from the public realm, would be contained within the roof space of the host dwelling and constructed out of matching materials.

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 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.

*Impact on 38 Trueman Avenue:* adjoins the application site to the east.  
Overlooking: The proposal would not feature any side facing windows and therefore would not result in a loss of privacy to the occupants of no.38.  
Overshadowing/loss of light/overbearing: The proposed extension would be located to the south west of no.38, would not increase the maximum height of the dwelling or extend beyond the principal or rear elevations of the dwelling. The proposal also would not be situated within the vertical 45 degree visibility splay of any windows at no.38. In addition, No.38 is elevated in relation to the

application site, due to changes in topography, which would mitigate any impact further.

*Impact on 34 Trueman Avenue:* adjoins the application property as part of a semi-detached pair.

Overlooking: The dormer would be contained within the roof space of the host dwelling and the two storey extension would be screened by the host dwelling. Therefore no significant issues would arise regarding the residential amenity of the occupiers of no.34.

No other properties would be impacted by the proposal.

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. The proposal has been proposed to be constructed in such a way that a smaller vehicle may pass under the site. It is considered that there would be sufficient space on site for parking due to the front of the dwelling being paved, 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.

#### Representations

- Light concerns

Officer response: the proposals impact on light within the vicinity has been assessed within the residential amenity section of the report.

- Damage to property

Officer Response: This is a civil matter and is not a material planning consideration

Conclusion:

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:** 2023/62/93708/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 guidance contained within Chapter 15 of the National Planning Policy Framework

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

**Reason:** In the interests of visual amenity 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 Chapter 12 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:** 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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Grouped plans and elevations	131.ARCH.2023	9/2/2024
Block Plan		18/12/2023
Location Plan		18/12/2023
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.

The removal of the front dormer was requested by officers.