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:	**2023/62/93762/E**
Site Address:	34, Bronte Close, Dewsbury, WF13 4SA
Description:	Erection of part single storey/part first floor rear extension including 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: 14-Feb-2024

Officer Report
Reference No. 2023/62/93762/E
Site Address: 34, Bronte Close, Dewsbury, WF13 4SA
Proposal: Erection of part single storey/part first floor rear extension including associated alterations

Site Description
The application relates to 34 Bronte Close, a two storey detached property situated in Dewsbury. The dwelling is faced in brick and incorporates a dual pitched roof finished in tiles. The property currently benefits from off road parking to the front, a detached garage and garden areas to the front and rear. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials and architectural styles.

The site is not within a conservation area, nor are there any listed buildings within close proximity. However, it is noted that a Public Right of Way (DEW/110/10) is located along the eastern boundary of the site.

Description of Proposal
The application seeks planning permission for the erection of a part single storey/part first floor rear extension including associated alterations. The existing detached garage will be demolished as part of the application. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed enlargements and external alterations. The details of the proposal are summarised below:

- Single storey rear extension (projection approx. 6m, maximum height approx. 3.7m and eaves height approx. 3.1m)
- First floor rear extension (projection approx. 4m, maximum height approx. 6.8m and eaves height approx. 5.56m)
- Alterations to opening within the northern side elevation of the dwelling

Relevant Planning History
2023/92571: Prior notification for single storey rear extension. Planning application details | Kirklees Council – Not Required

Representations
The application was advertised by neighbour notification letters, which expired on 12th February 2024. As a result of the above publicity, no representations have been received.

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. 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

Supplementary Planning Guidance / Documents:
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)
- 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 December 2023, 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 and Beautiful Places
- **Chapter 14 -** Meeting the Challenge of Climate Change, Flooding and Coastal Change

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.

   Single Storey Rear Extension

   The proposed single storey extension would project approximately 6m from the rear elevation of the original dwellinghouse. The enlargement would be faced in materials to match the appearance of the host property and would incorporate a mono-pitched roof. Although the extension would exceed the 3m projection outlined within the House Extensions and Alterations SPD, the design and bulk of the enlargement has already been approved under planning application reference no. 2023/92571. Furthermore, the extension would appear subservient and would maintain a sense of space within the plot. Therefore, it is considered that the proposal would not have any significant detrimental visual impact on the character and appearance of the host property and wider street scene.

   First Floor Rear Extension

   The proposed first floor extension would extend approximately 4m from the rear elevation of the original build and would sit above the proposed single storey rear enlargement. The extension would be faced in brick and would incorporate a dual-pitched roof finished in tiles and to match the appearance

of the host dwelling. The plans confirm that the extension would be set back from the proposed single storey element 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 existing opening within the north facing side elevation of the dwelling removed and replaced with a modest window. 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 alteration 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 show no properties to the east and west of the property that would be affected by the proposed works.

Impact on 36 Bronte Close

36 Bronte Close is a residential property located north of the application site. The proposed part single storey/part first floor rear extension would be positioned approx. 2m from the common boundary shared with no.36. Although the first floor element would accord with the 45 degree rule in relation to the neighbour's first floor fenestration, it is noted that the single storey element would surpass the 45 degree angle. However, the scale of

the extension has already been established under planning application reference no. 2023/92571 and therefore on balance would be acceptable.

Furthermore, a new window would be installed within the north-facing side elevation. Although the window would serve a hall way 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.

Impact on 32 Bronte Close

32 Bronte Close is a two-storey detached property located south of the application site. The proposed part single storey/part first floor rear extension would occupy a position approximately 0.84m from the common boundary shared with 32 Bronte Close. Although the first floor element would accord with the 45 degree rule in relation to the neighbour's first floor fenestration, it is noted that the single storey element would surpass the 45 degree angle. However, the bulk of the extension has already been approved under planning application reference no. 2023/92571 and therefore on balance would be acceptable.

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 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

The proposal would create two additional bedrooms which would intensify the domestic use at the dwelling. However, the plans confirm that sufficient space would remain for three off road parking spaces which would represent a sufficient provision for a five bedroomed dwellinghouse. 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.

Public Right of Way

Public Right of Way DEW/110/10 is located along the eastern boundary of the application site. Given the distance retained between the property and the footpath, it is considered that the proposal would not have a significant impact on the amenity of the footpath or its users. As such, the proposal was not advertised as affecting a Public Right of Way in this instance as is considered to accord with Policy LP23 of the Kirklees Local Plan.

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

5. Representations

No representations were received following the statutory publicity.

6. **Negotiation**

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

7. Conclusion

This application for the erection of part single storey/part first floor rear extension and associated alterations at 34 Bronte Close 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: 2023/93762
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, and LP24 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 of the extensions 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 hallway window in the north-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. The glazing shall be fitted prior to occupation of the extension hereby approved 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

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: Public footpath DEW/110/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plan Type	Reference	Revision	Date Received
Location and Existing and Proposed Site Plans	01	-	30/01/2024
Existing & Proposed Floor Plans and Elevations	02	-	30/01/2024
Existing & Proposed Side Elevations	03	-	30/01/2024
Climate Change Statement	-	-	21/12/2023

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: -

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: 14/02/2024