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:	**2024/62/90540/E**
Site Address:	23, Cowper Street, Savile Town, Dewsbury, WF12 9NN
Description:	Erection of extensions to side and rear, raising of roof height to create rooms in roof space and erection of rear dormer
Recommending Officer:	Jennifer Booth

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: 13-May-2024

OFFICER REPORT

Site Description

23 Cowper Street is a stone fronted detached dwelling with gardens to the front, both sides and to the rear.

The property is located in a residential area with some diversity in the size and style of the neighbouring properties.

Description of Proposal

The applicant is seeking permission for extensions and alterations to the house including a canopy to the front, two storey extension to the side, single & two storey extension to the rear with a balcony and alterations to the roof including an increase to the apex and a rear dormer.

The canopy would be sited over the front door with the pillars set 1.5m from the front elevation of the dwelling and a width of 2.8m. The roof over the canopy would be lean to.

The two storey side extension would lie flush with the front elevation to form a double fronted appearance. The projection would 3.9m from the original side wall of the dwelling and it would extend the full depth of the property with a pitched roof form.

The ground floor element of the rear extension would project 5m from the original rear wall of the dwelling and the first floor would project 3m. The rear extension would extend across the width of the dwelling including to the rear of the proposed side extension. The roof over the first floor would include a double hip with a dormer between. A balcony would be formed over the ground floor with a projection of 2m, extending the full width of the property including to the rear of the side extension. This would have a 1m balustrade.

The apex over the dwelling would be increased in terms of height from 8.2m to 8.5m.

The walls of the extension are proposed to be stone on the front elevation with brick to the sides and rear. The plans detail the dormer as being clad with white upvc boarding and the roofs would be covered with tiles.

The proposed site plan shows three parking spaces to the side.

Relevant Planning History

2013/92991 – outline planning for demolition of existing dwelling and erection of semi-detached pair – granted although not implemented (now expired)

2019/90598 - extensions to side and rear, raising of roof height to create rooms in roof space, erection of front and rear dormers, car port to side and balcony to front, side and rear - REFUSED

2019/94038 - Larger home notification - refused as it extended beyond the side of the dwelling

2020/90138 - Larger home notification - agreed as amended from previous to sit to the rear of the original house

2020/90339 - extensions and alterations to the house including a canopy to the front, two storey extension to the side, single & two storey extension to the rear with a balcony and alterations to the roof including an increase to the apex and a rear dormer - APPROVED

Representations

The application was advertised by neighbour letters, which expired on 01/05/2024

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:

- Loss of privacy
- Overshadowing

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
- **LP 53** - Contaminated 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.

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
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

<u>Principle of development</u>:

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.

Planning permission was granted in 2020 for the same proposals. However, that permission has now lapsed. Since the previous assessment, there have been updates to the National Planning Policy Framework and the adoption of the House Extensions & Alterations SPD. The proposals shall be fully assessed with regards to the changes in local and national policy.

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 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.

The proposal under consideration consists of four distinct elements which shall be addressed below.

Front canopy

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front of the property has a degree of prominence in the street scene. That being said, the canopy is small in scale with a modest design and would not result in the formation of an inappropriate feature in the street scene. As such, the canopy is considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The extension would lie flush with the front of the dwelling and therefore would not adhere to para 5.20. However, the design would give the property a double fronted appearance whilst retaining a sense of space for the detached property as there are still gaps to each side of the property, which is considered to justify the design. The materials proposed would match the main house with the use of stone for the walling and tiles for the roof covering.

The detailing proposed in terms of the fenestration and roof form would result in an appropriate relationship with the host property. It is further noted that there is diversity in terms of the style of the properties on Cowper Street and therefore, the design would not be out of character with the street scene. As such, the side extension is considered to be acceptable in terms of visual amenity.

Single & two storey rear extension with balcony

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

The host property and its associated curtilage are of a sufficient size to support the rear extensions proposed without amounting to overdevelopment of the site. The majority of the ground floor has been agreed through the larger home notification scheme on two previous occasions. Whilst it is noted that the last of these was in 2020, the intent to carry out the ground floor works at the rear can be considered to be clear. The first floor is proposed to project 3m which is considered to be acceptable and appropriate at first floor level. The use of hipped roofs is considered to be acceptable given the design of the extension.

Paragraph 5.28 of the House Extensions & Alterations SPD does support appropriately designed and sited balconies which do not negatively affect neighbouring properties or alter the local character of the area.

The balcony proposed to the rear would form an acceptable relationship with the main house. The materials proposed with the use of brick for the walling and tiles for the roof covering are considered to be acceptable and the detailing proposed would form an appropriate relationship with the host property.

As such, the single and two storey rear extension with the balcony is considered to be acceptable in terms of visual amenity

Roof alterations including increase in height & rear dormer

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.”

The scheme does include raising the apex of the dwelling by 0.3m. Given the variances in terms of the design and character of dwellings on this side of Cowper Street, together with the limited increase in ridge height, is considered to be acceptable in this instance.

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size.

The plans also include a partially concealed dormer to the rear. The rear of the property is not particularly prominent in the wider area and the dormer would be positioned between the double hipped roof over the rear extension. This is detailed on the plans as being clad with white uPVC. However, the appearance would be improved with the use of a grey uPVC cladding and the agent consider this acceptable to be secured via condition. On balance, given the limited views of the dormer together with the proposed use of a condition requiring a grey finish, this is considered to be satisfactory in terms of visual amenity.

Having taken the above into account, the proposals 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 & 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.

Impact on 21 Cowper Street

The side extension, the rear extension and the minor increase in height would have the potential to impact on the neighbouring property to the east, 21 Cowper Street. However, the neighbour adjacent to the east has undergone substantial extensions to the rear and has only one opening at first floor in the side elevation facing towards the site which could be affected which would appear to serve a landing area. Given the relationship between the properties, the proposed works to 23 Cowper Street would not have a significant potential for overshadowing or overbearing. Whilst the plans show a balcony, this would align with the blank side wall of the extension to the rear of the neighbouring property. Furthermore, the windows shown in the rear elevation and the roof would look into the applicant own garden with only angled views towards the neighbouring sites which would not result in any significant overlooking.

With regards to the impact on the adjacent 21 Cowper Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 25 Cowper Street

The extension proposed would be to the rear of the dwelling and would not reduce the space between the host property and the adjacent neighbour to the west. The neighbouring house does sit further back from the road and as such, the rear extension together with the modest increase in height would have minimal potential for overshadowing or overbearing. Whilst the plans show a balcony, this would align with the blank side wall of the neighbouring property. Furthermore, the windows shown in the rear elevation and the roof would look into the applicant own garden with only angled views towards the neighbouring sites which would not result in any significant overlooking.

With regards to the impact on the adjacent 25 Cowper Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 24 & 26 Cowper Street

It is noted that the properties opposite are sited approx. 17m from the side. However, the front canopy is very limited in terms of its size, the side extension would lie flush with the main elevation and would not reduce the space between the host property and the neighbours on the opposite side of the road. Furthermore, the increase in the overall height is 30cm which is limited. Officers are satisfied therefore that the works proposed would not result in additional overbearing, overshadowing or overlooking, over and above the existing arrangements on site.

With regards to the impact on the neighbouring 24 & 26 Cowper Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 22, 24 & 26 Falcon Road

There is a separation of approx. 26m between the host property and the neighbours to the rear with a slight land level difference as the properties to the rear are slightly elevated from the site. As such, whilst it is appreciated that the extensions proposed are significant in terms of scale of the proposed

rear extension, 30cm increase in overall height and the formation of a balcony to the rear, the potential for overlooking, overshadowing or overbearing is limited.

With regards to the impact on the neighbouring 22, 24 & 26 Falcon Street, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

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 & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the property has a parking area to the west side of the property for 3 vehicles which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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.

There are no other matters for consideration.

Representations:

One representation has been received. The material planning matters raised are summarised as follows:

- Loss of privacy – **Response:** *this is a material consideration relating to residential amenity. As outlined in the relevant section of the report, the properties on each side either have been built further back or been extended with limited openings, the rear extension and balcony are situated parallel to the side elevations and have no openings which could result in overlooking. The properties to the front and rear are sufficiently separate that there would be no loss of privacy.*
- Overshadowing - **Response:** *this is a material consideration relating to residential amenity. Also as outlined in the relevant section of the report, the adjacent properties have been either built further back or have extensions which are such that the extensions proposed would not extend beyond the neighbouring properties and as such there could be no overshadowing.*

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

The rear dormer should be conditioned to be finished with dark grey cladding to ensure a satisfactory appearance.

Given the proximity to a source of potential land contamination, a condition regarding the reporting of unexpected contamination is considered to be reasonable and necessary.

Conclusion:

This application to erect a canopy to the front, two storey side extension, single & two storey rear extension with balcony, increase in the height of the dwelling and installation of a rear dormer at 23 Cowper Street 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. Given

the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are 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: 2024/90540
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 & 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.
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 & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The rear dormer hereby approved shall be clad with dark grey upvc.
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 & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

5. In the event that contamination 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 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. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought

into use until such time as 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: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National
Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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: 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**	**Web ID**	**Date Received**
Location plan	-	1031212	18/03/2024
Existing floor plans	-	1033445	18/03/2024
Proposed site plan	-	1031213	18/03/2024
Proposed plans	-	1031210	18/03/2024
Proposed floor plans	-	1031208	18/03/2024
Specs	-	1031211	18/03/2024
Climate change statement	-	1033447	18/03/2024

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 10/05/2024