

**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:	2024/62/90905/E
Site Address:	21, Summerbridge Crescent, Gomersal, Cleckheaton, BD19 4LW
Description:	Erection of front, side and rear extensions and alterations
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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21-Jun-2024

OFFICER REPORT

Site Description

21 Summerbridge Crescent is a detached, art-stone built dwelling with an attached garage, an open drive to the front, enclosed garden to the rear and a conservatory at the rear.

The property is located on a residential street with a mix of single and two storey properties of a similar age.

Description of Proposal

The application is seeking planning permission for a porch to the front, first floor side extension and single & two storey rear extension.

The porch would project 0.9m with a width of 1.8m with a hipped roof form.

The first floor side extension would be set back 4.8m from the front of the dwelling with a projection of 2.7m over the width of the garage. The roof form would be hipped.

The ground floor of the rear extension would project 4m from the original rear wall of the dwelling extending across the width of the property with a lean to roof form, reducing to 3m at first floor with a hipped roof form.

The walls would be constructed using art stone with tiles for the roof covering.

Relevant Planning History

2015/90545 - Erection of single storey front extension and erection of lean to roof to side - Approved

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, within the scope of the application under consideration.

The plans as originally submitted raised concerns in terms of the potential impacts of a 2 storey extension with a projection of 4m on the adjacent dwelling. Amended plans were sought and received which reduced the projection at first floor to 3m. As the alteration reduced the scheme, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 24/05/2024

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

- Overbearing impact on adjacent dwelling,
- Parking issues.

Other matters have been raised such as access, scaffolding and previous projects by the applicant. However, these are not material planning matters relevant to this application and as such cannot be taken into consideration.

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 30** – Biodiversity

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

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 under consideration consists of two distinct elements which shall be addressed below.

Front porch

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 porch is limited in terms of its size and would be constructed using materials to match the main house. The front porch is therefore considered to be acceptable in terms of visual amenity.

Side and rear extension

As this proposal is for a side and rear extension, the following paragraphs of the House Extensions & Alterations SPD are of relevance. Paragraphs 5.15 & 5.17 of the House Extensions & Alterations SPD with regards to the side extension as they 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. Paragraphs 5.1, 5.2 & 5.6 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 side extension is set back from the front of the property, forming a subservient addition to the property. The host property has a reasonably sized amenity space and the rear extension is considered to be proportionate to the host property. The design is considered to reflect the style of the host property and is considered to form an appropriate relationship with the wider area. The materials proposed include the use of art stone for the walling with tiles for the roof covering which would match the main house. The side and rear extension are therefore considered to be acceptable 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.

There are no properties to the front or rear which could be affected by the works proposed.

Impact on 19 Summerbridge Crescent

The porch is limited in its size and set away from the adjacent dwelling. As such, there would be no overlooking, overshadowing or overbearing.

The side extension would be built on the opposite side of the host property to the adjacent dwelling and as such would not affect the amenities of the occupiers to the north.

The rear extension would project 4m on the ground floor, reducing to 3m at first floor. Given the separation provided by the drive of the adjacent property together with the garage, the extension would result in negligible overshadowing or overbearing impact. The windows in the rear elevation would not result in any additional overlooking over and above the existing arrangements on site.

With regards to the impact on the adjacent 19 Summerbridge Crescent, 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 23 Summerbridge Crescent

The porch is of a limited size and the adjacent property to the south west is set further back. As such, the porch would have no impact on the amenities of the occupiers of the adjacent dwelling.

The neighbouring property occupies an elevated position relative to the neighbouring property and there is a lack of direct alignment together with significant angling between the properties. The side and rear extension would increase the bulk along the shared boundary with the adjacent bungalow. However, the first floor side extension aligns with the front corner of the neighbouring property. Furthermore, the spatial relationship between the properties mitigates against some of the impacts.

With the position of the host property being to the north of the neighbouring property, there would be no overshadowing. The angling together with the land level difference minimises the potential for overbearing. The windows in the rear elevation would face into the applicants own garden area with only

angled views to the neighbouring property. As such, there would be no significant loss of privacy.

With regards to the impact on the 23 Summerbridge Crescent, 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.

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 parking area to the front of the property would not be affected by the proposed extension and 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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:

- Overbearing impact on adjacent dwelling – **Response:** *this is a material consideration relating to residential amenity. Given the angling between the properties together with the land level differences, there would be no significant overbearing or overshadowing.*
- Parking issues – **Response:** *this is a material consideration. There is parking to the front of the dwelling for at least two vehicles which is considered to be an appropriate level of parking.*

Although other matters have been raised such as access, scaffolding and previous projects by the applicant, these are not material planning matters .

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.

Conclusion:

This application to erect a porch to the front, first floor side extension and a single & two storey rear extension at 21 Summerbridge Crescent 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: 2024/90905

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.

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: 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	-	1037030	08/04/2024
Block plan	-	1037032	08/04/2024
Existing plans	-	1037029	08/04/2024
Proposed plans	-	1044602	11/06/2024
Climate change statement	-	1037034	08/04/2024

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.

The plans initially submitted raised concerns in terms of potential impacts of a 2 storey extension with a projection of 4m on the adjacent dwelling. Amended plans were sought and received which reduced the projection at first floor to 3m. As the alteration reduced the scheme, the amended plans have not been advertised.

Report Dated

19/06/2024

