

# 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:         | 2024/62/91302/E                             |
| Site Address:         | 18, Longfield Court, Heckmondwike, WF16 9EP |
| Description:          | Erection of single-storey rear extension    |
| Recommending Officer: | Morgan Braithwaite                          |

#### **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: 30-Aug-2024**

## OFFICER REPORT

### Site Description

18, Longfield Court, Heckmondwike, WF16 9EP is a two-storey semi-detached dwelling constructed from brick. The property benefits from parking provision to the side of the dwelling with a single garage, with amenity space found to the rear.

The dwellings that form the street scene are uniform in appearance, scale and material palette. The area is predominantly residential with local amenities such as sports clubs, shops, places of worship and a school in close proximity.

### Description of Proposal

This application has been received for the erection of a single storey extension to the rear of the property. The proposal would project 5.7m from the rear of the existing dwelling with a width of 3.5m. The proposed extension would feature a pitched roof with a ridge height of approximately 3.7m and an approximate eaves height of 2.6m. It is proposed that the extension would be constructed of materials matching that of the existing dwellinghouse.

The proposal would feature a single window to the east elevation with a further window and single external door to the north-west elevation.

It is noted that the extension has already been constructed.

### Negotiations:

None undertaken

### Relevant Planning History

COMP/23/0206 – Alleged unauthorised rear extension

### Representations

The application was advertised by neighbour notification letters, which expired on 21.06.2024.

No representations have been received as a result of site publicity.

### Consultation Responses

None required.

### 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.

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 20<sup>th</sup> 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 and beautiful places

#### Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 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 the 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 is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

#### 2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) states that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD 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 from the street scene due to the relationship between the dwelling and the highway. The rear of the dwelling would face to the north-west, facing onto Longfield Road. The dwelling is however, set back from the street scene by the property's amenity space by approximately 10m. It is noted that the proposal does not comply with the House Extension & Alterations SPD, due to exceeding the stipulated 3m projection from the rear of a semi-detached dwelling. The applicant states that they built the extension understanding it to be permitted development, and also make reference to a similar extension at No.19 which was approved in 2020. Notwithstanding this, due to the specific site circumstances set out below, Officers are of the opinion that the proposal would not cause any detriment to the visual amenity of either the host dwelling or surrounding area.

This is due to the single storey nature, the proposal is to be constructed of materials matching that of the existing dwelling, along with being set back from the street scene by 4.7m. The proposal has also been considered in relation to the neighbouring extension and the potential impact this could cause to visual amenity. Again, it has been determined that the proposal would have no detrimental impact on the visual amenity of either the host dwelling or surrounding area.

Taking the above into account, the proposed extension in this circumstance would not cause significant harm to the visual amenity of either the host dwelling or the wider street scene, therefore 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.

### 3 – 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 proposal 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 Design Principle 7 for outdoor space.

It is considered that due to the size of the amenity space, the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the application was to receive approval. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

It is noted that the proposal does not comply with the House Extensions and Alterations SPD. The proposal has a projection of 5.7m from the rear of the host property, whilst it is stipulated in the SPD that the projection should not exceed 3m. However, it has been considered that due to the existing 3m extension of the neighbouring property, that the projection of the proposal shall be measured from the rear of the neighbouring dwelling in order to consider the impact. From the information gathered (explored below under section for 20 Longfield Court below) it has been deemed that the proposal would cause no adverse impact on the neighbouring dwelling or other surrounding dwellings.

#### *Impact on 16, Longfield Court, Heckmondwike, WF16 9EP*

There is approximately 5m between the side elevation of each dwelling, however, the dwellings are attached by their garages. The proposal is single storey in scale, constructed of materials matching that of the existing dwelling and shall be somewhat screened from no.16 by the boundary treatment between the properties. It has been noted that the proposal does not comply with the SPD with regards to its projection, however, in this circumstance it has been determined that there would be no adverse impact on no.16 as a result of this. No.16 resides to the east of the applicant property, and as such would potentially experience any loss of light in the early morning. This has been mitigated by the single storey nature of the proposal along with it being set in from the boundary on both sides.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### *Impact on 20, Longfield Court, Heckmondwike, WF16 9EP*

No.20 is the adjoining dwelling to the application property. The proposal is to be single storey in scale, constructed of materials matching that of the existing

dwelling, and would be somewhat screened by the boundary treatment separating the dwellings.

It has been noted that the proposal does not comply with the SPD as it exceeds the stipulated maximum projection by 2.7m. However, it has been considered that due to mitigating measures mentioned above along with the proposal being set in from both boundaries, the proposal has been deemed acceptable in relation to residential amenity. In this circumstance, the proposal's projection has been measured from the rear of no.20's existing rear extension, in order to accurately assess the impact of the proposal. When considering the proposal this way, the projection does comply with the SPD as it would project 2.7m beyond the rear of the extension at the adjacent property, and therefore have no significantly greater impact upon residential amenity than an extension of 3m from rear elevation of the host property adjacent to a neighbour without an extension.

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### *Impact on 59, Longfield Court, Heckmondwike, WF16 9EJ*

There is approximately 22.8m between the rear elevation of the applicant property and the front elevation of no.59. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. Due to these factors along with a significant separation distance between the dwellings, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

#### 4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property; however, it would not see the addition of bedrooms nor would it see the loss of any parking provision.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 15 & 16 of the House Extensions and Alterations SPD.

#### 5– 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.

#### 6 – Representations:

No representations have been received as a result of site publicity.

## 7 – Conclusion:

The application to erect a single storey extension to the rear of 18, Longfield Court, Heckmondwike, WF16 9EP 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.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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:** 2024/91302

**Officer Recommendation:** Approve

1. 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.

2. 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 and be thereafter retained.

**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:** 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: -

| <b>Plan Type</b>             | <b>Reference</b>         | <b>Version</b> | <b>Date Received</b> |
|------------------------------|--------------------------|----------------|----------------------|
| Grouped Plans and Elevations | S01_Existing             | 1040851        | 08.05.2024           |
| Grouped Plans and Elevations | S02_Proposed             | 1040850        | 08.05.2024           |
| Design and Access Statement  |                          | 1040853        | 08.05.2024           |
| General                      | Climate Change Statement | 1040852        | 08.05.2024           |

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 27.08.2024