

**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:	2024/62/91328/E
Site Address:	11, Willow Tree Court, Heckmondwike, WF16 0ET
Description:	Erection of single storey side extension
Recommending Officer:	Faiza Bano

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: 22-Jul-2024

Officer Report

Site Description

11, Willow Tree Court, Heckmondwike, WF16 0ET is a new build two storey, end terrace, dwelling constructed from walling stone. The property benefits from a large driveway to the side, with ample parking provision to the front of the property. It also includes a large amenity space to the rear.

The dwellings that form the street scene are uniform in appearance and scale; and constructed from the same material palette. The area is unallocated and is predominantly residential.

Description of Proposal

This application has been received for the erection of a single storey side extension of the side elevation of the original dwellinghouse. The proposal would be constructed from materials that match the existing dwellinghouse and house a window looking to the rear amenity area of the dwelling and two skylight windows.

It is proposed that the side elevation is set back 500mm from the original building line, providing a visual break. The proposed extension is approximately 8.8 metres in length, 3 metres in width and 2.4 metres in eaves height and 2.9 metres in height from the ridgeline.

Relevant Planning History

Not applicable.

History of Negotiations

No negotiations were undertaken during the course of the application.

Representations

The application was advertised by neighbour notification letters, which expired on 19/07/2024.

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

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
- **LP21** – Highway safety and access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 27** – Flood Risk

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 the 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 20th December 2023 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 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. Representations
5. Other matters
6. Conclusion

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.

Impact on Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state 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 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.

Assessment

The proposal would be visible from the street scene as it projects from the side of the original dwellinghouse and in turn would form part of the front elevation. However, it is noted that the proposal is set back from the principal elevation, is to be single storey and minor in scale, which will limit any harm.

Having taken the above into account, the proposed extension 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.

Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Assessment

The proposed single storey side extension would cover some of the parking provision of the applicant property. However, it is considered that the proposal would not take up a significant amount of useable parking space and sufficient parking would be retained as well as sufficient amenity space 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.

The main amenity area of neighbouring dwellings is located to the rear and the proposed erection of a single storey extension is unlikely to cause undue harm on the level of privacy by neighbouring properties as windows are in the roof as skylights and rear facing along the back elevation of the extension.

The low-level nature of the proposed works would not cause detrimental harm or cause significant overshadowing or be overbearing to neighbours, and it is set off the boundary with numbers 3, 5, 7 and 9 Willow Tree Court; the proposed extension is located to the rear of these properties, approximately 1 metre away from the boundary line with lean-to roof. There is no impact on number 15 Willow Tree Court as the proposed extension is to the side

elevation of number 11 – an end terrace house. The front elevation of number 11 Willow Tree Court faces the side elevation of 23 Willow Tree Court; as such, the proposed development will have no impact in terms of visual amenities to number 23.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework

Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Assessment

The application property is an end terrace house where there is off street 'in curtilage' parking available to the front of the house and on the driveway, to the side of the property; the proposed erection of a single storey extension is in the form of a garage and will not result in any loss of parking space as two cars can still fit within the development site. In this case, it would be considered that in terms of access and highway safety and parking, the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

It is also noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

Representations

No representation received following the statutory publicity.

Other Matters

Carbon Budget

On the 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 pre-dates 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.

Assessment

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.

Flood Risk

The site is located with Flood Zone 2 which has a medium probability of flooding.

Assessment

The applicant has submitted an FRA which confirms that finished floor levels within the development will be lower than in the existing development and that flood proofing has been incorporated where appropriate. This would ensure that the development accords with Policy LP27 of the KLP.

Conclusion

The application to erect a single storey side extension to 11 Willow Tree Court, Heckmondwike, WF16 0ET 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 constitutes 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. It is considered that the

development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

APPROVE

Decision Authorisation:

Delegated Powers

Application Number:

2024/91328

Officer Recommendation:

Conditional Full

Permission

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, 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 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: 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	Version	Date Received
Location Plan			24-May-2024
Grouped Plans and Elevations	24300-D02-A		24-May-2024
Climate Change Statement			24-May-2024
Flood Risk Assessment			24-May-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:

22/07/2024

