

**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:	<b>2024/62/91549/E</b>
Site Address:	30, Heaton Avenue, Earlsheaton, Dewsbury, WF12 8AQ
Description:	Erection of front porch
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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 26-Jul-2024**

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2024/62/91549/E	
<b>Location</b>	Dewsbury	
<b>Proposal</b>	Erection of Front Porch	
<b>Publicity end date</b>	24/07/2024	
<b>Number of representations received</b>	0	
<b>Kirklees Local Plan Allocation/Designation</b>	Unallocated	
<b>Extension to Time (EoT)</b>	No	<b>EoT Date: N/A</b>
<b>Recommendation</b>	Conditional Full Permission	

	<b>NO</b>	<b>YES</b>
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

### If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

### Policy

#### National

National Planning Policy Framework (NPPF) July 2021  
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought (Kirkburton)	No	N/a
Planning History	Yes	<b><u>30, Heaton Avenue, Earlsheaton, Dewsbury, WF12 8AQ</u></b>

		<p><b>Planning Ref:</b> 2022/91943  <b>Registration Date:</b> 2022-06-10  <b>Proposal:</b> Erection of dormer windows extension and associated alterations  <b>Decision:</b> RF - REFUSED  <b>Decision Date:</b> 2022-08-05</p> <p><b>Planning Ref:</b> 2024/91708  <b>Registration Date:</b> 2024-06-19  <b>Proposal:</b> Certificate of lawfulness for proposed rear dormer extension  <b>Decision:</b> Awaiting Determination</p> <p>The proposal is considered to be of a differing nature from the previous refusal such that little weight is afforded the decision for application 2022/91943 as a consideration which is material to the determination of this application.</p>
Consultations required	No	N/A

### **Description of Proposal**

The applicant is seeking permission for the erection of a porch.

The porch would project 1000mm width a width of 3000mm and the roof form would be pitched, tying into the roof of the host property with the ridge set down from that of the host property.

The walls of the porch would be constructed using brick and render, with concrete tiles for the roof covering.

### **Assessment**

The Kirklees SPD sets out that front extensions should comply with certain parameters set out at paragraph 5.14 of The House Extension & Alteration SPD (and listed below) and if they do not, they need to be justified:

<b>TO COMPLETE :</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
The house is set well back from the pavement	Yes	

or is well screened; (5.14)		
The extension is small, subservient to the original building,	Yes	
well-designed and would not harm the character of the original house or the area;	Yes	
The materials and design match the existing features of the original house; a		No – original roof finishing is made up of rosemary tiles, which match adjoining property. However, the roof finishing for the entire property, including the proposed extension is to be replaced with concrete tiles – this is not considered to present an issue in terms of visual amenity due to the property being located within a mixed character and mixed house area. However, it must be noted that the walls, windows and doors are to match the existing materials of the dwelling.
The extension would not unreasonably affect the neighbouring properties	Yes	

### **Design and Visual Amenity:**

30 Heaton Avenue is a red brick semi-detached bungalow. The site benefits from its own rear garden, a driveway and is set back from the street scene by a front garden.

The property resides within a residential area which is relatively high density. The dwelling does not match those in the immediate vicinity as there are a variety of building scales; however, the majority are semi-detached properties.

The site resides within a low-risk coal area and a bat alert layer in the LPA's GIS system.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c) of the KLP</li> <li>• Chapter 12 NPPF</li> </ul>	The front extension is modest in terms of its size and would be constructed using materials to match.	✓
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	The front extension would appear subservient by virtue of its limited size relative to the original building.	✓
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	As above.	✓
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Would utilise brick, render and tiles to match the main house.	✓
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> </ul>	Roof form acceptable.	✓

	<ul style="list-style-type: none"> <li>• Chapter 12 of the NPPF</li> </ul>		
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Windows appropriate for development of this type.	✓
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Private domestic extension which would not change the existing access into / around the property	✓

Whilst the development has seen the tiles of the host property changed it is likely this could be undertaken in any event to the roof of the host property by utilising pd rights. As such it is considered that in this case, subject to condition requiring the materials of construction to match those of the existing building, such a condition would be sufficient to ensure the satisfactory appearance of the development in terms of the materials of construction.

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

### **Residential Amenity:**

*The main properties affected are:*

- *28 Heaton Avenue* - adjoins the application site to the east and features two side facing windows for a kitchen diner. The front porch proposal would not impact number 28 as there is a significant separation between the dwellings. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.
- *32 Heaton Avenue* - adjoins the application property as a semi-detached pair. Due to the minor projection of the proposal, issues regarding overshadowing/loss of light/overbearing will not directly impact number 32.
- *43 Heaton Avenue* – *directly opposite application site boundary. Due to the significant separation between the dwellings and the minor projection of the proposed development, number 43 will not be directly impacted. As such, issues regarding residential amenity will not arise.*

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	No loss of privacy given the spatial relationship between the properties and the proposed windows positions.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	No loss of light given the relationship between the properties.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Limited loss of garden space to the front of the property, reasonable amount of space retained.	✓

The proposal is therefore concluded as acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

#### **Highways and Parking:**

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	None.	✓
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> </ul>	There is parking to the side of the house (off street 'in curtilage') and on street parking.	✓

	<ul style="list-style-type: none"> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>		
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	Bin storage retained as existing.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Other matters:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees</li> <li>• Chapter 12 of the NPPF</li> </ul>	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> <li>• KDP 12 of the SPD</li> <li>• Policy LP30</li> <li>• Chapter 15 of the NPPF</li> </ul>	The site is in an area recorded as a bat alert area. Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies. Based on an external viewing the proposal would appear to have no bat roost potential as a result, no survey is required. However, a precautionary footnote shall be added to the	✓

		decision notice to comply with the aims of chapter 15 of the NPPF.	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>• KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>• Policy LP51</li> <li>• Chapter 14 of the NPPF</li> </ul>	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> <li>• KDP 14 of the SPD</li> <li>• Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

**Representations, including Parish/Town Council comments:**

No representations received.

Conclusion:

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.

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: **CONDITIONAL FULL PERMISSION**

**Decision Authorisation - Delegated Powers**

**Application Number:**

**Officer Recommendation:** Approve

## Conditions and Reasons

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan	20/105		06/06/2024
Location Plan	Location Plan		06/06/2024
Existing and Proposed Plans and Elevations	20/105		06/06/2024
Climate Change Statement	Climate Change Statement		06/06/2024
Application Form			06/06/2024

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

**Report Dated:** 25/07/2024

