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:	**2024/62/91579/E**
Site Address:	3 & 5, Myrtle Road, Ravensthorpe, Dewsbury, WF13 3AP
Description:	Erection of single and two storey rear extension and alterations to two dwellings to form one dwelling
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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: 12-AUG-2024

OFFICER REPORT

Site Description

3 & 5, Myrtle Road, Ravensthorpe, Dewsbury are two-storey stone fronted red brick dwellings which are located at the end of a terrace row. The properties do not have any amenity space to the front and a small yard to the rear.

The immediate vicinity of the site is not uniform in design as there are variances in the principal elevation of the dwelling. However, the properties are constructed with a stone frontage and a red brick rear elevation and follow a consistent building line.

The site is within a high risk coal area and Flood zone 2.

Description of Proposal

This application has been received for the erection of single and two storey rear extension and alterations to two dwellings to form one dwelling.

Single storey rear extension

There is an existing single storey rear projection on the property which is original to the property.

The single storey rear projection would extend 2.7m beyond the rear elevation of the host dwelling and feature a lean-to roof with a maximum height of 4.3m

The two storey rear extension

Two storey rear extension would be located over the existing ground floor projection on site.

This would extend 3m beyond the rear elevation of the dwelling, feature a cat slide roof with an eaves height of 6.5 and a width of 11.7m.

This would be constructed out of red brick.

Relevant Planning History

N/A

Representations

The application was initially advertised by neighbour notification letters, which expired on 1/08/2024

No representations received

Consultation Responses
No formal consultations deemed necessary

Negotiations

N/A

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
- **LP27**- Flood Risk
- **LP22**- Parking

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.

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

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) Negotiations
7) Conditions
8) Conclusion

<u>1 – 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 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 material planning considerations, including visual and residential amenity, as well as highway safety.

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

<u>2 –Impact on visual amenity</u>:

Key Design Principle 1 of the House Extension & 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 Extension & 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 two storey rear extension

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

Paragraph 5.8 of the House Extensions & Alterations SPD refers to two storey rear extensions and states that these should be:

- Proportionate to the size of the original dwelling
- Not project more than 4m in the case of detached properties
- Not exceed an eaves height of 3m if within 1.5m of a boundary
- Be separated from the boundary by 1.5m

The proposal would extend 3m beyond the rear elevation of the host dwelling and would not be overly prominent from the public realm. It is acknowledged by officers that the proposal would not be set 1.3m away from the southern boundary of the site; however, it is considered that from a visual perspective, this would be acceptable in this instance as there are other examples of this within the street scene and the properties are a terraced row. The mass increase is considered reasonable in this instance as the development would not appear incongruous and can be supported in this instance due to the nature of the street scene and the variety of extensions within the vicinity.

Single storey rear extension

Paragraph 5.1 of the House Extensions & Alterations SPD states that rear extensions should:

- Be in keeping with the scale and style of the original house
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings)
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses
- if they exceed 3m in length the eaves height should generally not exceed 2.5 meters; and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge

The style of the single storey extension is matching in design to the existing projection on site.

The proposal would extend 2.7m beyond the rear elevation of the dwelling and although the proposal would have an eaves height of 3m and a maximum height of larger than 4m, it is considered that the limited projection and design of the roof would enable the proposal to integrate with the host dwelling.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & 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.

6-8 Myrtle Avenue: adjoins the application property to west.
Overlooking: The proposal would add first floor rear facing windows onto the property. There is currently less than 21m between the rear elevations of the properties. However, officers have reviewed other permissions in the street scene which have rear facing windows and bedrooms have been approved in this location with similar separation distances. It is considered that there is currently a reduced relationship established in the street scene. In addition, it is thought the rear windows on these properties relate to a bathroom and a hallway and therefore are not habitable rooms.

Overshadowing/loss of light/overbearing: The proposal would be located to the east of 6-8 Myrtle Close and would not increase the maximum height of the dwelling. It is considered that due to the proposal not increasing the width of the property, no significant issues would arise regarding overshadowing/loss of light/overbearing.

7 Myrtle Road: is attached to the application property to the south.
Overlooking: The proposal would not feature any side facing windows.
Overshadowing/loss of light/overbearing: The proposed extension would be located on the boundary. It is considered that the window on the shared boundary of the property relates to a non-habitable room. The rear extension would feature a cat slide roof which would reduce the impact of the development further and the single storey extension would have an eaves height of 3m and feature a lean-to roof. It is considered that due to the nature of the existing relationship between the properties and the scale of the proposal, no significant issues would arise regarding overshadowing/loss of light/overbearing.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of

the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

4 – Impact on highway safety:

A formal consultation with KC Highways has not been conducted as the proposal would be reducing the number of properties on site. There is no parking arrangements on site and as such the proposal would not displace parking arrangements on site. The proposal would comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is an extension 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

Officers have reviewed the application informally with the Lead Local Flood Authority on 8/08/2024. The surface water depths in an extreme storm event and flood water does not extend into the curtilage of the property. The property is in Flood Zone, but due to the proposal being an extension to a dwelling, it is considered that the proposal could not be located elsewhere and the proposal would accord with LP27 of the Kirklees Local Plan.

6 – Representations:
n/a

7 – Negotiations:

Officers requested clarification regarding if the property was to operate as a HMO. It has been confirmed that this is not the case and the application has been progressed.

8 – 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.

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: 2024/91554
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24, LP51, and LP57 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 13.00 hours, 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 may 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
Site Location			7/06/2024
Site Plan			7/06/2024
Existing and Proposed Site Elevations			7/06/2024
Existing and proposed first floor and roof			7/06/2024
Existing and proposed ground floor and first floor			7/06/2024

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 has, 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 requested.