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:	**2024/62/91779/E**
Site Address:	36, Moorside End, Dewsbury Moor, Dewsbury, WF13 4QN
Description:	Erection of two storey side and two storey and single storey rear extensions
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.

Emma Thompson

AUTHORISED OFFICER

Date: 29-Aug-2024

OFFICER REPORT

Site Description

36 Moorside End is a brick built, end terraced property with a hipped roof form and entrance into the dwelling from the side elevation. The property has gardens to the front, side and rear with a drive for one vehicle to the front.

The property is located at the end of a residential cul de sac with properties of a similar age although there are some variances in terms of size and style.

Description of Proposal

The applicant is seeking permission for a two storey side extension and single & two storey rear extension.

The side extension would be set back 0.7m from the front wall of the dwelling with a projection of 3.3m. The roof form would be hipped and set down from the main roof.

The rear extension would project a maximum of 5m on the ground floor, angling away from the shared boundary with the adjoining dwelling. Extending across the width of the dwelling, including to the rear of the proposed side extension. The roof form would be flat with a lantern. The first floor element would be set back 3.5m from the shared boundary with the adjoining dwelling. It would project 3m from the original rear wall of the dwelling with a width of 5.7m and extending behind the proposed side extension. The roof form would be hipped.

The walls of the extensions would be constructed using brick with tiles for the roof covering.

Relevant Planning History

2022/92025 - large home notification for 5m rear extension - agreed

2022/92027 - change of use of land to garden space with boundary wall - approved

2023/90691 - erection of extensions - refused

2023/92333 - erection of single storey front and side extensions, front and rear dormers and loft conversion with alterations - refused

2023/93426 - erection of two storey side and single storey rear extensions with rear dormer and loft conversion and alterations - refused and dismissed at appeal

Representations

The application was advertised by neighbour letters, which expired on 09/08/2024

As a result of the above publicity, no representations have been received.

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
- **LP 53** - Contaminated land
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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.

Planning permission has been refused previously and dismissed at appeal. The current proposals have altered the scheme and shall be assessed below.

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

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as the 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.

The previous applications failed due to the level of development proposed to the front, side and rear. The currently proposed side extension is set back from the front of the property with a corresponding set down of the roof and an inset from the boundary to the side of the property. Whilst it is still proposed to extend beyond the rear wall, the overall reductions in the level of development, would now result in a subservient addition to the property.

The roof design is considered to form an appropriate relationship with the property when considered with the overall reductions from the previous refusal. The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house. The side extension is therefore considered to have overcome the previous reasons for refusal and is acceptable in terms of visual amenity.

Single and two storey rear extension

Paragraphs 5.1 and 5.2 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 bulk of the ground floor extension has been agreed through the larger home notification scheme. It is noted that the roof form over the single storey element is flat. Whilst flat roof forms are not generally considered to represent good design, in this instance, the contemporary styling of the extension is such that the flat roof could be supported. Although this does not include the area to the rear of the proposed side extension, on balance, the single storey element can be considered acceptable in terms of visual amenity.

The first floor element of the rear extension is limited in terms of its scale which has a projection of 3m and is located at the rear of the side extension. The roof form is proposed to be hipped which would not be out of character with the wider area and the materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house. The first floor extension is therefore considered to be acceptable in terms of visual amenity

Cumulative impact

Although the previous applications have failed in terms of the cumulative impact, the current scheme has reduced the level of development with the removal of the front extension and dormers. It is considered that the proposals

have overcome the previous reasons for refusal and would form an acceptable relationship with the main house.

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.

Impact on 27 Moorside End

The neighbouring property to the south east occupies an angled position, some distance away and with no direct alignment with the host property. Due to the relationship between the site and the works to the front and side of the host property would result in no overshadowing, overbearing or overlooking.

With regards to the impact on the adjacent 27 Moorside End, 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 34 Moorside End

The side extension would be located on the opposite side of the host property to the adjoining dwelling. The ground floor of the rear extension has been agreed through the larger home notification scheme. Furthermore, the first floor rear extension would be set back from the neighbour and would have a limited projection of 3m. There would be no significant opportunity for overshadowing or overbearing. The new bedroom window has no material impact when considering the existing habitable room relationships and therefore there is no loss of privacy.

With regards to the impact on the adjoining 34 Moorside End, 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 244 Heckmondwike Road

The neighbour to the rear occupies a position some 25m from the host property. Given the separation between the properties, there would be no material impact in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 244 Heckmondwike Road, 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 19 Moorside End

The property on the opposite side of the road occupies a position some 33m from the host property. Given the substantial separation, the proposed works would have no significant impact on the amenities of the occupiers of the neighbouring property opposite in terms of overlooking, overbearing or overshadowing.

With regards to the impact on the neighbouring 19 Moorside End, the scheme is considered to be acceptable 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.

<u>Impact on highway safety</u>:

The proposals will result in some intensification of the domestic use increasing the accommodation from a two bedroom property to five bedrooms. It is also noted that the property does have off street parking at present for one space to the side of the dwelling and one space to the front. The side extension would displace the vehicle to the side. That being said, a space to the front would be retained and there is potential for on street parking, the scheme is not considered to be significantly harmful in terms of highway safety. The proposals broadly comply with Policy LP22 of the

Kirklees Local Plan along with Key Design Principle 15 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.

Contaminated Land

The property is close to a potential source of contaminated land. However, given the limited scale of the domestic development, it is considered to be sufficient to include a condition regarding the reporting of unexpected contamination to comply with LP53 of the KLP.

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:

None

Negotiations:

None

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.

Given the proximity to a source of contaminated land, it is considered to be reasonable and necessary to include a condition regarding the reporting of unexpected contamination.

Conclusion:

This application to erect a two storey side extension with a single & two storey rear extension at 36 Moorside End 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: 2024/91779
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.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.
The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National
Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	-	1047534	04/07/2024
Existing & proposed plans	22-066-033	1047256	04/07/2024
Planning statement	-	1047257	04/07/2024
Climate change statement	-	1047821	04/07/2024

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 28/08/2024