

**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:	2024/62/92730/E
Site Address:	110, Spen Valley Road, Ravensthorpe, Dewsbury, WF13 3HA
Description:	Erection of single and two storey extensions to rear, single storey extension to front and associated works
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: 05-Dec-2024

OFFICER REPORT

Site Description

110, Spen Valley Road, Ravensthorpe, Dewsbury is a two storey mid terrace property which benefits from a private rear garden and is set back from the street scene by a small amount of amenity space to the front.

The property is constructed in buff brick, matching dwellings within the cul-de-sac.

The dwellings that form the street scene are similar in appearance and scale; however, several have previously been extended. The area is residential in nature.

Description of Proposal

Planning permission is sought for the erection of single and two storey extensions to the rear, a single storey extension to the front and associated works.

Planning permission has previously been granted at the site for the two storey rear and single storey front elements of the proposal. This application currently under consideration now incorporates a further single storey projection to the rear.

The single storey rear extension would extend 3m beyond the previously approved two storey extension and have a width 3.2m. This would feature a pitched roof with a maximum height of 3.4m and an eaves height of 2.6m.

The proposal would be constructed with all external facing materials matching the existing dwelling.

Negotiations

It was requested that the depth of the single storey rear element of the proposal was reduced due to concerns regarding the residential amenity of neighbouring properties. Amended plans were received reducing the projection at ground floor from 5.3m to 3m.

Relevant Planning History

2022/91394 - Erection of single and two storey extensions to rear, single storey extension to front and associated works - Conditional full permission.

Representations

The application was advertised by neighbour letters, which expired on 4/11/2024.

No representations were received.

Consultation Responses

No formal consultations necessary.

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.

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 27**- Flood Risk
- **LP 53**- Contaminated land and unstable land

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

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) Conditions
- 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 a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension 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.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (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 HESPD 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 as it incorporates an extension to the front of the dwelling. Section 5.2 of the Kirklees house

extensions and alterations guide states that front extensions are highly prominent within the street scene and would only be acceptable if:

- The house is set back from the pavement
- The extension is small and subservient
- The materials and design match the existing dwelling
- The proposal would not affect neighbouring properties.

It is considered that the extension to the principal elevation would meet all these criteria and would be in keeping with other alterations in the street scene. This is in-line with the previous assessment of the proposal.

With regard to the two storey rear extension, this was previously assessed as follows:

'The Kirklees House Extensions and Alterations guide goes further to refer to two storey rear extensions in section 5.8. This sets out the criteria for two storey rear extensions; however, it then clarifies that larger extensions may be acceptable where neighbouring houses have already been extended.'

The properties either side of no.110 have been extended at a two storey level with additional single storey projections. The proposal would be of similar scale to these extensions and whilst not set down from the main ridge line and having a large scale and mass, it would not appear overly dominant or out of keeping with the street scene and in this instance is acceptable'.

The additional element of the proposal relates to a single storey projection in addition to the previously approved scheme which would incorporate a bathroom.

Officers acknowledge the depth of the proposal in the context of the host dwelling; however, it is considered that, adjoining dwellings feature projections of similar scale to their rear elevation and therefore the proposal would be in-keeping with the wider area.

There would be some amenity space left as a result of the proposal and it would not be highly prominent from the public realm.

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.

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 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 Principle 7 for outdoor space.

The size of the extension would cover some of the amenity space of the application property. It is considered that, an acceptable level of amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

112 Spen Valley Road: adjoins the application site to the west.

Overlooking: The proposal would feature side facing windows; however, these would be at ground floor level and therefore no significant issues would be raised regarding overlooking.

Overshadowing loss of light/overbearing: No.112 currently benefits from a two storey rear extension which the proposal would not extend beyond. Therefore, it is considered that the proposal would not significantly harm the living conditions of the occupiers of no.112.

108 Spen Valley Road: adjoins the application property to the east.

Overlooking: The proposal would not feature any side facing windows and therefore would not result in a loss of privacy.

Overshadowing loss of light/overbearing: No.108 currently benefits from a two storey rear extension which the proposal would not extend beyond at first floor level. The proposal would extend beyond no.108 at ground floor level; however, it is considered this would have an eaves height of 2.5m (single storey) and the roof would lean away from the amenity space of this dwelling. Therefore, it is considered that the proposal would not raise any significant concern regarding overshadowing/loss of light/overbearing. Therefore, it is considered that the proposal would not significantly harm the living conditions of the occupiers of no.108.

132 Spen Valley Road: adjoins the application site to the rear. The rear gardens of both properties currently separate the two dwellings and there is a path providing rear access to the dwellings.

Overlooking/loss of privacy: The proposal would reduce the separation distance between the rear facing windows of both properties to less than 21m. However, due to the dwellings either side of the property being extended to a similar scale, it is considered that the proposal will not create a significant overlooking issue from that which presently exists. Therefore, the proposal would not create any significant issues regarding overlooking/loss of privacy.

Overshadowing/loss of light/overbearing: Due to the proposal not increasing the height of the existing dwelling and being set to the south of 132, no significant issues would arise regarding overshadowing/loss of light or overbearing.

Due to the scale and location of the proposal, no other properties would be affected by the proposal.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use of the property. However, the proposal would provide an on site parking space which has previously been considered acceptable by KC Highways DM.

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

Flood Risk

The site is in Flood Zone 2. A Flood Risk Assessment has therefore been provided to support the application. This outlines that the floor levels will be no lower than existing and flood resilience measures have been incorporated into the development where appropriate. Therefore, it is considered that the proposal would accord with Policy LP27 of the Kirklees Local Plan.

Contaminated Land

The site has been identified as having the potential to be contaminated due to its proximity to landfill site 382/5. Therefore, a condition has been deemed necessary for the discovery of unexpected contamination to be reported to the local planning authority of development cease on site until a suitable remediation strategy has been provided. Subject to these conditions being adhered to, the proposal is considered to accord with Policy LP53 of the Kirklees Local Plan.

7– 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.
- The external facing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
- The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)'
- If 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 and a remediation strategy shall be submitted and approved by the LPA. In the interests of mitigating hazards associated with contaminated land.

9 – Conclusion:

This application to erect a part two storey, part single storey rear extension and single storey front extension to 110, Spen Valley Road, Ravensthorpe, Dewsbury, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design 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 proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken 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: 2024/92730

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 Extension SPD and the aims of the National Planning Policy Framework.

3. The external facing 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 Extension 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site 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 agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework

5. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as

amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to accord with policy LP22 of the Kirklees Local Plan.

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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

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: 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 consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining 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 13.00hours, 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	Date Received
Location Plan		26/09/2024
Block Plan		3/12/2024
Existing and Proposed Elevations	DWG 02 Rev:A	3/12/2024
Flood Risk Assessment		26/09/2024

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.