

**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:	2024/62/93027/E
Site Address:	39, Oxford Road, Dewsbury, WF13 4JR
Description:	Raising of roof height and erection of first floor extension, two storey front extension and entrance porch and alterations to driveway
Recommending Officer:	Jennifer Booth

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: 17-Dec-2024

OFFICER REPORT

Site Description

39 Oxford Road is a detached bungalow of stone construction with timber clad detailing. The dwelling has a drive and garden to the front and an enclosed garden to the rear of the dwelling. There is a detached garage to the rear

The property is situated on a residential street with some diversity in terms of the size, age and style of the dwellings. The neighbour to west side is a similar single storey dwelling, as is the dwelling to the rear although the dwelling to east side on the opposite side of the access lane has been extended to form a two storey dwelling and the properties on the opposite side of the road and to the rear are two storey properties.

Description of Proposal

The application is seeking planning permission to raise the roof to form first floor, two storey front extension and entrance porch and alterations to driveway.

The eaves height of the dwelling would increase from 2.4m to 3.6m and the overall height would be increased from 5.3m to 6.3m. The roof pitch would remain at the same angle. The proposals include a front extension which would project 1.7m from the original front wall with a matching roof pitch to the main house.

The porch would be located on the side with a projection of 0.95m and a depth of 2.6m located part way along the side elevation. This would be open sided with a pitched roof form.

The drive would be arranged to the front, with parking for at least two vehicles.

Relevant Planning History

2021/90072 - Raising of roof height and erection of extension to create first floor living accommodation with balcony, erection of entrance porch and alterations to driveway - Refused

2021/91476 - Raising of roof height and erection of extension to create first floor living accommodation, erection of entrance porch and alterations to driveway - Approved

2021/94544 - Erection of front extension - Approved

2023/91197 - Raising of roof height of existing garage and erection of single storey garden room - Approved

Representations

The application was advertised by neighbour letters, which expired on 29/11/2024

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 35** - Historic Environment

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 2024, 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 places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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.

The property is close to the boundary with the Northfield Conservation Area. However, previous applications have been discussed with the conservation Officer, the property is part of a modern block of dwellings with a visible separation provided by the front garden. As such, the works proposed would not be considered harmful in terms of character of the conservation area and the requirements of LP35 of the KLP and chapter 16 of the NPPF.

This application is a resubmission of a previously approved scheme – now lapsed, which has been altered with the addition of a front extension. The proposals will need to be assessed again as to the impacts in terms of the policy considerations.

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 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.

At present, the host property is a detached bungalow at the end of a row of identical properties. The proposals would see a visible alteration to the dwelling with the proposed increase in height to provide first floor accommodation, although it is appreciated that the increase is limited to 1.2m.

The current proposal seeks a modest increase in height, which will provide a visual gradient between the previously extended neighbour to the east, no 35 and the adjacent property to the west at 41. The limited increase will result in the formation of a chalet-style bungalow. Considering the development to the east and the larger properties to the front and rear, this would not be wholly out of character with the area. The materials proposed would match the main house and, as such, the works proposed are considered acceptable in terms of visual amenity.

The formation of parking to the front would still retain some planting to soften the appearance and as such would not be considered to be particularly harmful in terms of visual amenity.

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 12 Oxford Road

The separation between the host property and this neighbouring house on the opposite side of Oxford Road at 46m is substantial. As such, the works proposed would have no significant effect upon the amenities of the occupiers of the neighbouring property opposite.

With regards to the impact on the neighbouring 12 Oxford 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 35 Oxford Road

This adjacent property to the east occupies a lower position than the host property, with a separation provided by the access drive to the property at the rear. The increase in the height of the host property and front extension may have the potential to result in overshadowing of the neighbours drive and side elevation in the afternoon to the evening and possible an overbearing effect. However, the windows in the side elevation of the neighbouring property are secondary windows or serve non-habitable spaces and the land to the side from an access to 37 Oxford Road and the neighbours drive at 35 Oxford Drive. Furthermore, the increase in the height and front projection would both be limited. As such, whilst there will be some impact caused by the proposed extensions, these are considered not to be significant in terms of the amenities of the occupiers of the adjacent property.

With regards to the impact on the adjacent 35 Oxford 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 41 Oxford Road

There are two windows in the side elevation of the adjacent neighbour, and it is appreciated that increasing the height of the host property and including a front extension would have some effect on these windows, as well as the neighbour's amenity space to the rear. However, the windows are either secondary openings, with the main windows being in the front and rear elevations, or non-habitable windows. Furthermore, the limited increase in height and forward projection, together with the lower land level of the host property, would minimise the impact on the amenities of the occupiers of the adjacent property.

With regards to the impact on the adjacent 41 Oxford 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 37 Oxford Road

This property to the rear occupies a position between 15m and 23m from the host property and at a lower level. The increase in the height of the property would include a new window at first floor level, which would be frosted glass to prevent overlooking this neighbour to the rear. As such, factoring in the separations between the main elevation of the neighbour to the rear and the host property, which is more than 20m, together with the limited increase in height and the use of frosting on the new window, officers are satisfied that there would be no significant impact on the amenities of the occupiers of the neighbouring property to the rear.

With regards to the impact on the neighbouring 37 Oxford Road, 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.

Impact on highway safety:

The proposals will result in some intensification of the domestic use and, with the porch proposed to the side, the existing drive would not be accessible for parking. However, parking would be formed to the front, which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme 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 & 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.

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.

Conclusion:

This application to raise the roof to form first floor, two storey front extension and entrance porch and alterations to driveway at 39 Oxford Road 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: 2024/93027

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.

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	001	1063588	22/10/2024
Existing and proposed site plans	002	1063587	22/10/2024
Existing floor plans	003	1063593	22/10/2024
Existing elevations	005	1063591	22/10/2024
Proposed floor plans	004	1063592	22/10/2024
Proposed elevations	006	1063594	22/10/2024
Climate change statement	-	1063587	22/10/2024

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

12/12/2024

