

**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:	2024/62/93029/E
Site Address:	130, Bywell Road, Dewsbury, WF12 7LL
Description:	Erection of single and two storey rear extension, first floor side extension with carport below and rear dormer extension
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: 18-Dec-2024

OFFICER REPORT

Site Description

130 Bywell Road is a brick built, semi-detached dwelling with a porch attached to the side. The property has garden to the front, a drive to the side leading to a detached garage and gardens to the rear.

There is an electricity sub station to the side of the dwelling. The property is located on a residential street with neighbouring properties of a similar age although varying in terms of style.

Description of Proposal

The applicant is seeking permission for a two storey side extension, alteration of the roof from a hip to a gable, single & two storey rear extension and a rear dormer.

The side extension is proposed to project 3.8m from the original side wall of the property, extending the full depth of the dwelling, set back 0.5m from the front wall and flush with the rear wall with a pitched roof form set down from the main roof which would be altered to form a gable.

The rear extension is proposed to project 3m with a set in 1.7m from the shared boundary with the adjoining dwelling at first floor. The roof form over the ground floor element would be lean to and the roof over the first floor would be a shallow, perpendicular pitch.

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

The rear dormer would have a width of 6m and a height of 2.1m. It would have a slightly angled roof down from the apex and would be clad with horizontal boarding,

Relevant Planning History

2024/92161 - Erection of single and two storey rear extension, first floor side extension with carport below and rear dormer extension - refused

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Amended plans have been provided altering the roof over the side extension from a hip, which would have looked awkward to a gable which

would have a more satisfactory relationship. As the alterations did not alter the scale of the development, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 11/12/2024

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 53** - Contaminated 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 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

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 as refused earlier this year for a larger scheme. The current proposals have reduced the level of development and addressed officer concerns 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 three distinct elements which shall be addressed below.

Two storey side extension & roof alterations

Paragraph 4.2 of the House Extensions & Alterations SPD states that “the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations”. Paragraph 4.6 states “where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis.”

Although it is noted that the roof form of the original house and its adjoining pair have hipped roof forms, the alterations to gable for the host property can be considered to be justifiable in this instance given the property is the end in the row of this style, the adjacent dwelling is a pitched roof dwelling with a sub station between the dwellings and as such, the roof alteration can be considered to provide a visual flow from the hipped roof style to the pitched. The roof alteration is therefore considered to be acceptable in terms of visual amenity.

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they 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 side extension would be set back from the front elevation with a corresponding set down of the roof, thereby forming a subservient addition to the property. The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house. The detailing including the fenestration and roof form can be considered to form an appropriate relationship with the host property. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single & 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 property has a large rear garden and as such, the projection proposed would retain much of the amenity space. The partial width would have a slightly odd relationship with the main house. However, this is to the rear of the property. The materials proposed would be to match the main house with the use of brick for the walling with tiles for the roof covering. On balance, the rear extension would be considered to be acceptable in terms of visual amenity.

Rear dormer

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size.

The rear dormer is large and bulky and occupies the rear plane of the roof space. However, this is located to the rear of the property with limited views in the wider area and the use of vertically hung tiles for the dormer cladding may mitigate some of the impact. As such, the rear dormer is considered to be acceptable in terms of visual amenity.

Summary of cumulative effect

The proposals consist of three distinct elements, which have been assessed individually above. Cumulatively the elements of the proposals, whilst substantial, are considered to be justifiable given the size of the plot, the idiosyncrasies of the surrounding area and the planning history of neighbouring developments.

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.

There are no properties directly to the rear which could be affected by the works proposed.

Impact on 28 Bywell Road

The two storey side extension would be constructed on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining house.

The dormer would be set up within the existing roof plane with no potential for overshadowing or overbearing. The windows would have no more impact than the existing first floor windows in the host property.

It is noted that the rear extension, although full width on the ground floor, is proposed to be set back 1.7m from the shared boundary with the adjoining dwelling at first floor. Given the limited projection of 3m together with the set back from the boundary at first floor, the proposals would not result in any significant overbearing or overshadowing. There are no windows proposed in the side elevation and the windows shown in the rear would look into the applicant's own amenity space with limited potential for overlooking.

With regards to the impact on the adjoining 28 Bywell 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 132 Bywell Road

There is a separation between the host property and adjacent dwelling of 15m and an electricity substation. Given the spatial relationship, the proposed side and rear extensions with the rear dormer would have limited potential to impact on the adjacent neighbouring property in terms of overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 132 Bywell 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 117 Bywell Road

Given the separation between the host property and the dwelling on the opposite side of the road of 27m, the proposed side extension would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the 117 Bywell 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.

The addition of first floor windows is not considered to result in any greater overlooking or loss of privacy when taking into account the existing relationships between the site and neighbouring dwellings.

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. However, the property has a parking area to the side of the property and the side extension includes a car port which would allow access and as such, the proposals are considered to have 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:

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 potential land contamination, 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 roof alterations, single & two storey rear extension and rear dormer at 130 Bywell 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: 2024/93029

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: 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
Existing plans	S01B	1063693	22/10/2024
Proposed plans	S02K	1069486	13/12/2024
Specification	S03	1063691	22/10/2024
Design & access statement	-	1063690	22/10/2024
Climate change statement	-	1063688	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.

Amended plans have been provided altering the roof over the side extension from a hip, which would have looked awkward to a gable which would have a more satisfactory relationship. As the alterations did not alter the scale of the development, the amended plans have not been advertised.

Report Dated

16/12/2024