

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:	2024/62/93068/E
Site Address:	1, Chadwick Crescent, Dewsbury, WF13 2JF
Description:	Erection of single storey front extension, single storey side extension and single and two storey rear 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: 23-Jan-2025

OFFICER REPORT

Site Description

1 Chadwick Crescent is a detached modern dwelling with a long garden and drive to the front, drive to the side leading to a detached garage at the rear and an enclosed rear garden.

The property is located within a development of similar properties although there have been some extensions and alterations.

Description of Proposal

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

The single storey front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including the area to the front of the proposed two storey side extension. The roof form would be lean to for the most part although there is a proposed porch detail to be centrally situated which would have a pitched roof form and an additional depth taking it to 2m from the original front wall of the dwelling.

The single storey side extension is proposed to project 2.7m from the original side wall of the dwelling and would extend the depth of the original property and extending 4m further beyond the original rear elevation. The roof would be hipped.

The single and two storey rear extension is proposed to project 6m from the original rear wall of the property on the ground floor reducing to 3m at first floor and would extend across the width of the dwelling. The roof form is proposed to be a perpendicular pitch over the first floor element and lean to over the ground floor element.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

Relevant Planning History

2024/91747 - erection of front, side and rear extensions -refused

2020/94307 - erection of single and two storey rear extension, single storey side extension, front extension and rear dormer - approved

2020/93508 – larger home notification for 6m rear extension - agreed

2019/94123 - erection of single storey front extension and two storey side/rear extension - withdrawn

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. The proposals as initially submitted failed to comply with the SPD and would have resulted in a significant overbearing and oppressive impact on the adjacent 15 Infirmary Road. Amended plans have been sought and received to remove the first floor side elevation.

Representations

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

As a result of the above publicity, 21 representations have been received from 20 residents. 9 in support of the proposals and 11 objections. The material planning matters raised are summarised as follows:-

- Impact on the adjacent Conservation Area,
- The extensions would be out of character and unsightly,
- Overlooking,
- Overshadowing,
- Overbearing,
- Potential impact on protected trees,
- Noise & disruption,

Other matters may have been raised, such as the applicant burning waste, however only material planning matters can be considered.

The application was presented to Chairs Briefing whereby the decision was delegated to officers subject to the receipt of amended plans addressing outstanding concerns.

Amended plans were received and a period of readvertisement was carried out expiring on the 20th January 2025. No comments were 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 27** - Flood risk
- **LP 30** – Biodiversity
- **LP 33** – Trees
- **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 was refused earlier this year for a similar proposal. The current application has been minor alterations and supplied a tree survey. The scheme 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 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 under consideration consists of three distinct elements which shall be addressed below.

Single storey front extension

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The scale of the front extension is considered to be acceptable relative to the size of the host property. The materials proposed would utilise stone for the walling with tiles for the roof covering which would match the main house. The front extension is therefore considered to be acceptable in terms of visual amenity.

Single storey side extension

Paragraphs 5.15 & 5.16 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 is neither set back nor set down and there would be no gap to the boundary. However, it is noted that within the street scene, the host property does not follow a linear relationship with the adjacent property to the west and as such the set back is not considered as visually important to preserve space and could, on balance, be considered to be justifiable in terms of the SPD. The width of the extension is also considered to be proportionate to the main house. The materials proposed include the use of stone for the walling with tiles for the roof covering which would match the host property.

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 ground floor has already been agreed previously through the larger home notification scheme. The first floor has a projection which is in line with the SPD for a detached property with its projection of 3m. A modest amenity space would be retained. The materials proposed include the use of stone for the walling with tiles for the roof covering. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Summary

Although the individual elements of the scheme could be supported, the initially submitted plans would have cumulatively formed additional which would not be subservient to the property and would have resulted in changes to the character of the host property which would not be considered to be acceptable in terms of visual amenity. However, amended plans have been provided which removed the first floor element of the side extension which is considered to sufficiently reduce the level of development to a subservient level.

Having taken the above into account, the amended 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 15 Infirmary Road

The front extension is set at a lower level and further forward than the alignment with the adjacent neighbour and would be a single storey addition to the dwelling. Given this relationship, it is unlikely to impact on the amenities of the occupiers of the adjacent dwelling.

It is appreciated that the neighbouring property to the west occupies a position which is elevated to the host property and that there has been extensions erected, with a two-storey side extension and single storey rear extension. The relationship between these properties is a little unusual as the rear of the neighbour faces onto the side of the host property in very close proximity, with less than 14m between the main rear elevation of the neighbour and the existing side elevation of the applicant's property. It is also noted that the neighbour does have an extant permission to further extend their property, that being a single storey extension directly to the rear of the original house. It is appreciated that most of the windows in the side elevation would be on the ground floor and appear to serve non habitable spaces or as secondary openings with limited opportunities for overlooking and the single window at first floor serves a bathroom. As such, there would be no loss of privacy. The first floor element initially applied for has been removed and the proposals are now for a single storey side extension which would have limited potential for an overbearing or oppressive in terms of the rear elevation and the amenity space of 15 Infirmary Road.

With regards to the impact on the adjacent 15 Infirmary 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 11 Infirmary Road

The neighbouring property at 11 Infirmary Road is set back sufficiently from the host property so that there would be no significant impact on the amenities of this neighbour given the spatial relationship.

With regards to the impact on the neighbouring 11 Infirmary 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 3 Chadwick Crescent

The adjacent neighbour to the west occupies a lower position than the host property and is positioned closer to the road. As such, the host property already has 3m of two storey walling beyond the level of the neighbours rear elevation. Furthermore, given the neighbour's position at a lower level to the east of the host property, there would be additional overshadowing of the neighbour's amenity space and windows in the afternoon. The proposed extension to the rear of the dwelling would increase this by 6m on the ground floor. This element has already been agreed through a larger home extension approval. However, the extensions at first floor would have a lesser projection of 3m which reduces the impact and is generally considered to be acceptable as having limited impact in terms of overbearing and overshadowing. The windows in the rear elevation would look into the applicant's own amenity space with limited potential for overlooking.

With regards to the impact on the adjacent 3 Chadwick Crescent, 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 46 Chadwick Crescent

The front of the property faces towards the side boundary of the property opposite. Given the separation of 30m together with the limited scale of the front extension, Officers are satisfied that there would be no impact upon the amenities of the occupiers of the neighbouring property opposite in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 46 Chadwick Crescent, 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 45 & 47 Oxford Road

The protected trees along the rear boundary would screen the extension from the neighbours to the rear along with the 30m separation. Given the separation between the host property and the neighbours to the rear, there will be no harm caused to the amenities of the occupiers of the neighbouring property to the rear in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 45 & 47 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.

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 enlarge the property significantly and result in the loss of an existing parking area to the side of the dwelling. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be altered. 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.

Protected trees

The property is part of a modern, development which is interspersed by wooded areas, all of which benefit from a general tree preservation order, including a number of trees within the gardens of the property. The trees close to the side of the host property all have a high degree of prominence and are in good health, offering a valuable feature with regards to the character of the area. Consequently, the mature trees of the area, inclusive of the trees within the grounds of the host property, play a major role in softening the appearance of the buildings within Chadwick Crescent and make a very significant contribution to the character of the area.

The single storey front extension is proposed within close proximity to a number of healthy trees within the curtilage of the dwelling and, as such, the extension has potential to be within the root protection area. Furthermore,

although the extension is single storey, it could potentially result in encroachment on the canopy especially when taking into account the proposed roof lights. However, the agent has submitted an Arboricultural Method Statement inc. Impact Assessment and if minded to approve, a condition can be included to ensure the works are carried out in accordance with the findings. On this matter therefore, the proposals are considered to be acceptable in terms of policy LP24 and LP33 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:

21 representations have been received from 20 interested parties. 9 in support of the proposals and 11 objections. The material planning matters raised are summarised as follows:-

- Impact on the adjacent Conservation Area - **Response:** *Although it is noted that the Northfields Conservation is nearby, it is not at a distance to be affected by the works proposed,*
- The extensions would be out of character and unsightly –**Response:** *This is a material consideration relating to visual amenity. The scale of the extension would be substantial. However, the properties on this development are larger family homes and the context is such that an increase in the scale can be supported.*
- Overlooking - **Response:** *This is a material consideration relating to residential amenity. The position of the openings within the extensions together with the spatial relationships between the host property and the surrounding neighbours has been considered and there would be no loss of privacy.*
- Overshadowing - **Response:** *this is a material consideration relating to residential amenity. The impacts are considered to be acceptable in terms of overshadowing as outlined in the residential amenity section of this report.*
- Overbearing - **Response:** *this is a material consideration relating to residential amenity. The plans have been amended and it is now considered that the impacts would be limited in terms of overshadowing as outlined in the residential amenity section of this report.,*
- Noise & disruption - **Response:** *Although this is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not*

therefore form a reason for refusal. A note would be added to any subsequent approval reminding the applicant of the appropriate hours of work in line with Environmental Legislation.

Other matters may have been raised, such as the applicant burning waste, however only material planning matters can be considered.

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 protected trees, a condition should be included regarding carrying out the works in line with the submitted tree report.

Conclusion:

This application for extensions to the front, side and rear of 1 Chadwick Crescent 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.

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: 2024/93068

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. The extensions hereby approved shall be constructed in accordance with the submitted method statement and details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP 33 of the Local Plan.

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	D01-	1064000	30/10/2024
Proposed & existing plans	D02-b	1071662	09/01/2025
Street scene	D03-b	1071656	09/01/2025
Tree survey	-	1064004	30/10/2024
Climate change statement	-	1064252	30/10/2024

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.

The proposals as initially submitted failed to comply with the SPD and would have resulted in a significant overbearing and oppressive impact on the adjacent 15 Infirmary Road. Amended plans have been sought and received to remove the first floor side elevation.

Report Dated 21/01/2025

