

**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:	<b>2024/62/93092/E</b>
Site Address:	12, Cawley Lane, Heckmondwike, WF16 0BJ
Description:	Erection of single storey front and two storey side and rear extensions
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: 23-Dec-2024**

## **OFFICER REPORT**

### **Site Description**

12 Cawley Lane is a detached property with a render finish. The dwelling is double fronted in appearance with the principal elevation facing away from the road. The road facing elevation has a projecting element which forms the stair case for the property. The dwelling has a detached garage to the side with a drive to the roadside of the property and a larger, enclosed garden to the opposite elevation.

The properties surrounding vary in terms of palette of materials, age and size.

### **Description of Proposal**

The application is seeking planning permission for single storey extensions to the front, a two storey extension to the north side, raising the roof to form accommodation and roofing over the two storey rear extension.

The front extensions would project 2.7m from the front wall to each side of the projecting two storey element. The south side would have a width of 3.7m and the north side would have a width of 2.7m. The roof forms would be hipped.

The two storey extension proposed on the north side would be set back 0.6m from the main front elevation with a width of 4.4m. The roof form would be a set down hip.

The two storey rear extension would project between 2.7m and 4m with a hipped roof form the main part. The projecting element would have a pitched roof form.

The roof would be raised from 8.9 to 9.7m.

The walls would be rendered with roof tiles for the roof covering.

### **Relevant Planning History**

2024/92535 - Erection of extensions and alterations - Withdrawn

### **Representations**

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

As a result of the above publicity, one representation has been received. The material planning matters raised are summarised as follows:-

- Privacy.
- Noise and disturbance.

Although other matters such as drainage and guttering have been raised, these are not material planning considerations.

## **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12<sup>th</sup> 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

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 6<sup>th</sup> 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

## **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.

### 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 four distinct elements which shall be addressed below.

#### *Front extensions*

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 front extensions are modest compared to the size of the original house. The scale is therefore considered to be acceptable. Due to the position of the

property in relation to the street-scene, there will be minimal impact. The materials proposed include the use of render for the walling and tiles for the roof covering which would match the main house. The detailing including fenestration and roof form would form an appropriate relationship with the host property. The front extensions are therefore considered to be acceptable in terms of visual amenity.

#### *Two storey side extension*

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as 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 of the property and the roof form would be set down from the main roof allowing for a subservient appearance. The host property is a detached dwelling set in sizeable grounds with substantial spaces to the neighbouring properties. The size of the side extension can be considered to be acceptable. The walls would be constructed using blockwork and render with tiles for the roof covering which would match the host property. The fenestrations and roof form would match the main house and as such the detailing is considered to be appropriate. The two storey side extension is therefore considered to be acceptable in terms of visual amenity.

#### *Two storey rear extensions*

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 scale of the rear extension can be considered to be acceptable given the detached nature of the property, its size and the associated amenity space. The materials proposed include the use of render for the walling with tiles for the roof covering which would match the main house. The detailing is considered to form an appropriate relationship with the host property. The dwelling is a detached property on a residential street with a mix of house types and styles. As such, the works proposed would not be out of character with the wider area.

#### *Increase in roof height*

The increase in height proposed represents a modest increase and allows for an appropriate roof design over the rear extension with the benefit of additional rooms in the roof space. The appearance is considered to be acceptable in terms of visual amenity due to the position of the property in the street-scene at the varied nature in terms of design and scale in the vicinity.

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 3 Cawley Lane*

The neighbouring property on the opposite side of the road occupies a position some 29m from the site. Given the substantial separation, there would be no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 3 Cawley Lane, 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 18 & 20 Birkhead Street*

The neighbouring properties to the north occupy positions some 27m from the host property. The substantial separation between the dwellings is such that there would be no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 18 & 20 Birkhead Street, 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 Badgers Walk*

The neighbouring property to the rear occupies a position some 27m from the host property. Such a separation would minimise any potential for overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 11 Badger Walk, 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 14 Cawley Lane*

The works proposed would not reduce the 14m separation with the adjacent dwelling to the south. As such, there would be no overshadowing or overbearing. There are no openings proposed in the side elevation which would overlook the adjacent property.

With regards to the impact on the adjacent 14 Cawley Lane, 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. However, the parking area to the front of the property would not be affected by the proposed extension nor would the detached garage and as such it is considered to represent a sufficient provision. Bin storage for the dwelling would not be altered 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:

##### *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:

One representation has been received. The material planning matters raised are summarised as follows:-

- Privacy  
**Response:** *this is a material consideration as it relates to residential amenity. The neighbouring properties to the west, north and east are all situated over 25m from the host property. With such significant separation distances, there would be no potential for any significant loss of privacy.*
- Noise and disturbance  
**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 reasonable reason for refusal. However, in the event that planning permission be approved, an advisory note would be added to any subsequent decision notice reminding the applicant of the appropriate hours of work in line with Environmental Legislation.*

Although other matters such as drainage and guttering have been raised, these are not material planning considerations.

#### 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 erect a single storey extensions to the front, a two storey extension to the side and rear with an increase in the height of the dwelling at 12 Cawley Lane 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:** 2024/93092

**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:** 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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	-	1064735	05/11/2024
Existing elevations	-	1064744	05/11/2024
Existing floor plans	-	1064884	05/11/2024
Proposed elevations	-	1064742	05/11/2024
Proposed floor plans	-	1064741	05/11/2024
Climate change statement	-	1064736	05/11/2024

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** 20/12/2024

