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:	**2024/62/93112/E**
Site Address:	82, Bywell Road, Dewsbury, WF12 7LJ
Description:	Erection of single storey rear extension and extension to garage
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: 20-Dec-2024

OFFICER REPORT

Site Description

82 Bywell Road is a detached, brick built dwelling located on the corner of Bywell Road and Canterbury Road, The property has a garden to the front , drive to the side and enclosed garden to the rear with an existing outbuilding.

The property is surrounded by residential properties of a similar age although there are some variances in terms of style.

Description of Proposal

The application is seeking planning permission for a single storey rear extension and to extend the existing outbuilding.

The rear extension is proposed to replace the existing extension with an increased projection which would extend across the width of the dwelling with an overall projection of 6m from the original rear wall of the dwelling. The roof form would be pitched. The link extension between the house and the outbuilding would have a width of 1.7m and a depth of 1.6m with a lean to roof form.

The extension to the rear of the outbuilding would increase the depth by 5.6m continuing the existing roof form.

The walls would be constructed using brick for the house and render for the outbuilding with tiles for the roof covering.

Relevant Planning History

2005/90647 - Erection of single storey garden room extension - Approved

2023/92027 - Erection of extensions to outbuilding - Refused

Representations

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

As a result of the above publicity, two representations have been received. The material planning matters raised are summarised as follows:

- Loss of privacy,
- Overshadowing,
- Overdevelopment of the site
- Previous applications at the site

Although other matters such as devaluation, only material planning matters can be considered.

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

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

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 two distinct elements which shall be addressed below.

Single 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 existing property has a single story rear extension at present. The proposals include replacing the rear extension with a larger extension with a projection of six metres across the full width of the dwelling. The host property has a reasonably sized amenity space which can host the rear extension

proposed whilst retaining an acceptable level of amenity space. The scale is therefore considered to be acceptable. 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 proposed including the roof farm and fenestration would be similar in appearance to that of the host property. As such the single story rear extension proposed is considered to be acceptable in terms of visual amenity.

Extension to outbuilding

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The proposed extension to the existing outbuilding would infill the area to the rear up to the rear boundary. This will be constructed using materials to match with render for the walling and tiles for the roof covering and would still allow for the retention of a reasonable amenity space. The extension to the outbuilding is therefore considered to be acceptable in terms of visual amenity.

Link extension

The proposals include a modest extension to link the rear extension proposed to the outbuilding. Whilst it is noted that the rear of this property is prominent from the neighbouring Street, the link between the two buildings would not be particularly obvious. As such the link extension can be considered to be acceptable 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.

<u>Impact on residential amenity</u>:

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 84 Bywell Road

The extension proposed to the rear is replacing an existing extension. Whilst the projection is increased, the separation between the properties together with the presence of the existing outbuilding limits the potential for any significant overshadowing or overbearing impact. The placement of windows within the extension would not result in a loss of privacy to the adjacent neighbour as the single window and opening proposed in the side elevation server kitchen which is not considered to be a habitable room.

The extension of the outbuilding would be in line with the neighbours own outbuilding and as such would result in no further overlooking overshadowing or overbearing.

With regards to the impact on the adjacent 84 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 80 Bywell Rd

The neighbour to the northwest is located on the opposite side of the entrance into Canterbury Road. Given the spatial relationship, the enlargement of the outbuilding would not result in any detrimental impact on the amenities of the occupiers of the neighbouring property.

With regards to the impact on the neighbouring 80 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 1 Canterbury Rd

The extension to the outbuilding would be partially along the rear boundary which forms the side boundary for the neighbouring property to the rear. The side elevation of the neighbouring property to the rear has limited openings, none of which appear to be habitable. Given the spatial relationship together with the single storey nature of the outbuilding and the works proposed there would be no significant overlooking, overshadowing or overbearing.

With regards to the impact on the 1 Canterbury Rd, 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 result in some intensification of the domestic use. However, the parking area to the side 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 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:

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:

The material planning matters raised have been addressed in the report above.

In regard to the previously refused application, whilst this has been a consideration to some to degree, the proposal under consideration does differ from that refused and all applications are assessed on their individual matters.

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 extension to the rear, extension to the existing outbuilding and link at 82 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: 2024/93112
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 extensions hereby approved shall in all respects match those used in the construction of the existing buildings with brick for the extension to the house and render for the extension to the outbuilding.
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: -

Plan Type	Reference	Web ID	Date Received
Location plan	A100	1064812	01/11/2024
Existing elevations	A102	1064810	01/11/2024
Existing elevations	A103	1064809	01/11/2024
Existing rear view	A104	1064808	01/11/2024
Existing floor plans	A101	1064811	01/11/2024
Proposed elevations	A106	1064806	01/11/2024
Proposed elevations	A107	1064805	01/11/2024
Proposed rear view	A108	1064818	01/11/2024
Proposed floor plans	A105	1064807	01/11/2024
Climate change statement	-	1064817	01/11/2024

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 19/12/2024