

**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>2024/62/93631/E</b>
Site Address:	2, Nevins Road, Ravensthorpe, Dewsbury, WF13 3AJ
Description:	Erection of two storey rear extension
Recommending Officer:	Elenya Jackson

**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: 05-Mar-2025**

## **OFFICER REPORT**

### **Site Description**

2, Nevins Road, Ravensthorpe, Dewsbury, WF13 3AJ is a two storey, red brick, end of terrace dwelling which benefits from its own driveway, amenity space to the side and rear.

The property is located on Nevins Road which is a cul-de-sac and is the first property which takes access from Nevins Road.

The properties which comprise the immediate street scene are not similar in appearance as several have been rendered or feature external alterations.

The immediate locality is predominantly residential in nature and a high-risk coal area.

### **Description of Proposal**

This application has been received for the erection of a two storey rear extension.

The ground floor element of the proposal would extend 4m beyond the rear elevation of the dwelling and feature a lean-to roof. The extension would have a width of 5.8m and be constructed with materials matching the host dwelling.

The first-floor element of the proposal would have a depth of 3m, a width of 5.8m with a maximum height of 7.3m. This would feature a pitched roof.

The application form states that the walls will be to match existing.

### **Relevant Planning History**

2020/92968: Prior notification for single storey rear extension. Refused.

2019/90021: The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.75m, the height of the eaves of the extension is 2.4m. Refused.

## **Representations**

The application was initially advertised by neighbour notification letters, which expired on 14/02/2025

No comments received

## **Consultation Responses**

N/A

## **Negotiations**

The agent was asked to provide a plan showing parking.

## **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
- **LP22**- Parking
- **LP53**- Contaminated and unstable land

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.

### **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 and beautiful places

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

#### 1 – 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 and 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.

These issues along with other policy considerations will be addressed below.

#### 2 –Impact on visual amenity:

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be a alterations to existing dwellings.

Key Design Principle 1 of the House Extension & Alterations SPD states 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.

Section 5.1 of the House extension and Alterations SPD refers to rear extensions and states that single storey rear extensions should:

- Be in keeping with the scale and style of the original house.
- Not cover more than half the total area around the original house (including previous extensions and outbuildings).
- Not exceed 4 metres in height.
- Not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses.
- Where they exceed 3m in length the eaves height should generally not exceed 2.5 meters.
- Retain a gap of at least 1 metre from a property boundary.

Although the ground floor element of the proposal forms part of a two-storey extension, it is considered that the criteria for a single storey extension is still relevant as the ground floor would project beyond the first floor of the proposal.

It is acknowledged that the proposal would extend 4m beyond the original dwelling at ground floor level, but it is considered that the property has an existing single storey projection and a shed on the shared boundary, the proposal would therefore project less than existing development on site. The site has previously had larger home notifications refused due to the extensions being considered as side extensions and therefore the site cannot benefit from a permitted development fall back.

The development is of a scale and design that respects the host and character of the area and would not detract from visual amenity for these reasons.

Section 5.8 of the House Extensions and Alterations SPD refers to two storey rear extensions and states that extensions should:

- Be proportionate to the size of the original house and garden.
- Not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings).
- Not project out more than 3 metres from the rear wall of the original house.
- Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary.
- Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metres.

The proposal would extend 3m beyond the rear elevation of the dwelling which is considered acceptable in this instance and a reasonable amount of amenity space would be retained.

The proposal would be within 1.5m of the boundary; however, there is an existing single storey projection which would be replaced by the proposal and the neighbour's projection would be retained on site.

The application form states that the proposal would be constructed out of materials matching the host dwelling; as there is a mix of materials on site, officers consider it reasonable to add a condition requiring the extension to be constructed using matching the existing dwelling as this would ensure the visual amenity within the area is protected.

Having taken the above into account, it is considered that the proposal would comply with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

### 3 – 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 Extension & 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.

4 Nevins: is attached to the application property to the south

Overlooking: The proposal would not feature any side facing windows.

Overshadowing/loss of light/overbearing: At ground floor level the proposal would be located adjacent to the existing projection at no.4 and would therefore be set away from any habitable room windows. At first floor level, the proposal would be set away from the first floor windows and located to the north. The projection of the extension will not encroach the 45 degree angle of the window ensuring amenity is maintained. It is considered that due to the projection and the orientation of the proposal, no significant issues would arise regarding overshadowing/loss of light or overbearing.

175-177 North Road: These properties form part of a terrace row to the north of the application site.

Overlooking: The proposal would not feature any side facing windows and such there would be no loss of privacy.

Overshadowing/loss of light/overbearing: The proposal would not extend beyond the side elevation of the host property and would therefore continue existing relationships between the dwellings. A distance of over 12 metres would be maintained to habitable room windows. Therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

#### 4 – Impact on highway safety:

Parking arrangements on site would be retained as the proposal would be located to the rear of the dwelling. As there would be an increase in the number of bedrooms, the agent was contacted to provide off street parking. A site plan has been provided which demonstrates that parking could be provided on site and as such the application is considered acceptable.

The proposal would therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

#### 5– Other matters:

##### *Carbon Budget*

The proposal is an extension to existing buildings. 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.

#### 6 – Representations:

N/A

#### 7 – Negotiations:

Plans were requested to show adequate parking.

#### 8 – Conclusion:

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: 2024/93631**  
**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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP11, LP21, LP22, LP24, LP30, LP33, LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external facing materials of the extension hereby approved shall be red brick to match 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 and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**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.

**Note:** The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:

Plan Type	Reference	Version	Date
Location Plan			9/01/2025
Proposed site plan			9/01/2025
Existing and proposed plans			9/01/2025
Parking plan			28/02/2025
Supporting information			9/01/2025

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 Authority has, 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.

A parking plan was requested during the course of the application and the application progressed to determination.