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:	2017/62/92037/E
Site Address:	339, Soothill Lane, Batley, WF17 6ES
Description:	Erection of extensions and alterations to form two storey dwelling.
Recommending Officer:	Anthony Monaghan

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.

Julia Steadman

AUTHORISED OFFICER

Date: 14-Sep-2017

Officer Report

Site Description

The application relates to no.339 Soothill Lane, Batley; a dormer bungalow of buff brick construction with double roman concrete tile roof. There is a small gable feature to the front elevation and an integral garage. To the rear is a single storey element with flat roof; there is also a flat roof dormer window.

To the front is a small garden area with parking and to the rear a slightly larger garden, beyond which are open fields.

The location of the site is fairly remote from any local centre and is within the Green Belt on the Kirklees Unitary Development Plan proposals map. There is a mix of house types along this stretch of Soothill Lane which includes terraced, semi-detached, and detached properties. They also vary in height, comprising of single and two stories. The properties located to either side of the application site are two stories. Further north-east, and to the rear of the houses along Soothill Lane are industrial 'works' buildings.

Description of Proposal

The proposal is for the erection of a roof extension which would be perpendicular to the existing roof plane and have forward and rear facing gable features. The extension would provide first floor accommodation. The alterations also include forward and rear facing dormer windows to the existing roof and a contemporary side dormer feature. There would also be a projecting balcony to the rear ant first floor level.

Materials would be brick and tiles to match with uPVC doors and windows.

Negotiations / Amendments received

Following discussions between the applicant's agent and the case officer, amended plans have been received showing the omission of the contemporary side dormer feature and the replacement of the rear balcony with a Juliet balcony.

Relevant Planning History

None

Representations

Final publicity date Expires: 26/07/17

One letter of support has been received from the occupants of adjacent dwelling no. 337 Soothill Lane. This sets out that they agree with the proposals, that the plan looks good and will tidy this property and area.

Consultations

None required

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is within the Green Belt on the UDP Proposals Map.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11-** Materials.
- **D11-** Extensions to buildings in the Green Belt.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 7** – Requiring good design
- **Chapter 9** - Protecting Green Belt Land
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance, published online March 2014.

Draft Local Plan:

PLP 22 - Parking.
PLP 24 - Design.

PLP 57 - The extension, alteration or replacement of existing buildings in the Green Belt.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including impact on the character and openness of the Green Belt)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is located within the designated Green Belt on the UDP proposals map and chapter 9 of the NPPF is relevant. This sets out that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances and substantial weight should be given to any harm to the Green Belt.

Paragraph 89 of the NPPF suggests that local planning authorities should consider the construction of new buildings as inappropriate development which is by definition harmful to the Green Belt. An exception to this would be the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy D11 of the UDP is also relevant and consistent with the NPPF, suggesting that proposals for the extensions to buildings in the Green Belt will be considered having regard to both the impact on the character and openness of the Green Belt, and the size of the extension in relation to the existing building which should remain the dominant element.

All of the above are relevant to the proposals to extend this building.

Impact on the character and openness of the Green Belt

The existing building is a simple dormer bungalow with a side facing gable roof. It is set back slightly within the streetscene relative to the adjacent two storey dwellings, and as such has relatively low visual impact on the streetscene and openness of the Green Belt.

The proposed extensions would result in a large dormer feature to the front with a ridge height over 1m above that of the existing ridge. This element would extend the full depth of the original dwelling and an additional 3m to the rear where the existing single storey extension is located. There would also be a small front and rear dormer to the original part of the dwelling.

In terms of the relevant Green Belt policy (set out above), the extensions (which originally included the contemporary side dormer) would have added approximately 50% to the volume over the original part of the dwelling. This could be considered as disproportionate additions and as such contrary to relevant policy in paragraph 89 of the NPPF. However impact on the openness of the Green Belt does not purely derive from the physical dimensions of a building but also to the visual impact and further consideration of the proposals are necessary.

It is noted that the originally submitted plans proposed a large gable feature to the front; however it was not this element which would have had the greatest visible impact but the contemporary side dormer element originally proposed. The amended plans received show the contemporary side dormer element and the balcony removed from the proposed scheme which would help to reduce the visual impact of the proposals and hence the resulting impact on the openness of the Green Belt.

On balance therefore it is considered that the scale of the development would be acceptable in terms of the relationship with the host property and impact on the openness of the Green Belt. The proposals are therefore considered to be in accordance with policies D11 of the UDP and Chapter 9 of the NPPF in respect of Green Belt considerations.

2- Visual amenity.

As previously set out, the original plans were for a mix of large traditional extensions and a contemporary timber faced dormer extension to the side. It was the officer's view that in this case, the contemporary dormer extension did not work and would have visually jarred with the host property and other extensions. As such, amended plans were requested and subsequently submitted.

These show the side extension reduced to a small dormer window. The main extension is the large through gable element which is a fairly dominant structure from the front and rear; however this adds some interest to the currently bland appearance of the existing building.

Overall, the proposals, as amended, are considered acceptable in terms of visual amenity and in accordance with policies BE1 and D11 of the UDP and chapters 7 and 9 of the NPPF.

3 – Impact on residential amenity:

The dwelling is detached however the extensions would bring the development within close proximity to the neighbouring properties. As such there is likely to be some impact on residential amenity as a result of the proposals.

The property to the west of the site is no. 337 Soothill Lane, an end terrace two-storey dwelling. The bulk of the extensions' are proposed to be located

away from this boundary and therefore the occupants of this property are unlikely to be affected by the proposals.

To the east of the site is a traditional detached property, no. 341 Soothill Lane. This property is set forward in its site relative to no. 339 and as such there is already a rear projecting element to no. 339 beyond the rear elevation of no. 341. This is currently the single storey extension with the proposal being to form a first floor above this extension and the existing dwelling; the proposed first floor would mainly be contained within the steep pitch of the raised roof and would not result in a true two-storey dwelling being formed. The additional built structure to this side would be the roof of the extension which would slope away from this adjacent property. This means that the impact of the proposals would be limited and would not be overbearing to the occupiers of this adjacent dwelling.
Furthermore the room affected at no. 341 by the proposed extension is a kitchen; there are windows to the side but these are obscurely glazed, in addition there is a separation of just over 3m between the two properties.

Whilst it is acknowledged that there is likely to be some overshadowing from the raised roof, this is not considered to be excessive, and therefore the proposals are considered acceptable and in accordance with polices BE1 and BE14 of the UDP.

In all, for the reasons set out above, the proposals are considered acceptable from a residential amenity perspective and would accord with the aims of policies D2, BE1, and BE2 of the UDP.

4 – Impact on highway safety:

The proposals would result in the loss of the integral garage; however the proposed plans show adequate parking provision to the front of the site. It is therefore considered that the proposals would not adversely affect highway safety and efficiency, complying with the aims of policies BE1 and T10 of the UDP.

A condition shall however be attached to the permission relating to the surfacing and sustainable drainage of the site, in accordance with the aims of chapter 10 of the NPPF.

5 – Other matters:

Given the scale of the proposals it is considered that the amount of development on the site has probably reached the limit of what is considered acceptable in terms of the impact on the Green Belt. In order to control any further development, permitted development rights shall be removed under Classes A, B and E of the Town & Country Planning (General Permitted Development) Order via condition.

6 – Representations:

One letter of support received which sets out that the proposals look good and would tidy this property and area.
Response: The above comments are acknowledged and, for the reasons set out in this assessment, the proposals, as amended, are considered acceptable.

7 – 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered therefore that the development would constitute sustainable development.

RECOMMENDATION **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2017/92037

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 Policies D11, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan and national policy in the National Planning Policy Framework.

3. The facing material used on the extensions shall be brick to match that used in the construction of the existing dwelling in terms of type, course depth and appearance.
Reason: In the interests of visual amenity and to protect the character of the Green Belt accord with Policies D11, BE1, BE2, and BE13 of the Kirklees Unitary Development Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

4. The roofing material shall match that used on the host property in terms of type and colour.
Reason: In the interests of visual amenity and to protect the character of the Green Belt accord with Policies D11, BE1, BE2, and BE13 of the Kirklees Unitary Development Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development included in Classes A, B, C, D, and E of Part 1 of Schedule 2 of that Order shall be carried out without the prior written approval of the Local Planning Authority.
Reason: In the interests of the openness of the Green Belt as any further development would amount to disproportionate additions to this property and to accord with Policies D11 and BE1 of the Kirklees Unitary Development Plan as well as chapter 9 of the National Planning Policy Framework.

6. The development shall not be occupied until the parking and turning on the

approved plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified on the submitted plans thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and to ensure that the site is appropriately drained, in accordance with Policy T10 of the Kirklees Unitary Development Plan as well as the aims of chapter 10 of the National Planning Policy Framework.

Plans and specification schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	1/1250	1	19/06/17
Existing plans and elevations.	256	1	19/06/17
Proposed plans.	257C	2	5/09/17
Proposed elevations.	258B	2	5/09/17

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 and otherwise actively engaged with the applicant in dealing with the application. Discussions took place with the agent in order to amend the scheme to reduce the impact on the openness of the Green Belt. Amended plans were subsequently submitted.

Report Dated: 12/09/17