

**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: 2017/62/92965/E

Site Address: 6, Howard Place, Batley, WF17 6AB

Description: Erection of two storey side extension and erection of garage and store room to rear

Recommending Officer: Josh Kwok

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: 27-Nov-2017

Officer Report

Site Description

The application site is no.6, Howard Place, Batley. It consists of a two storey semi-detached house, a private amenity space to the front, a storage shed, a raised platform, a sizable garden and a two storey extension to the rear. The house is constructed with bricks and concrete interlocking tiles. The properties in close proximity are built in considerably different materials and form. The existing boundary treatment is characterised by a mix of wooden fences, brick walls and mature trees.

The application site and its surrounding area are predominantly residential characterised by semi-detached houses, terraced houses and residential blocks. There is a significant change in land level with the application site being set at a higher level than the neighbouring properties to the south east but at a lower level than those to the north west and north east.

The application site comprises a small pocket of land, which was previously owned by Kirklees Council. Despite the lack of any change of use application, it is evident that the land acquired has been used as a domestic garden over the last 10 years. As such, the relevant land is now considered to be residential use and is suitable for household extensions in principle.

Description of Proposal

The proposal is for the erection of a two storey side extension, a garage and a store room to the rear. The proposal under consideration comprises two elements which shall be addressed in the following:

Two storey side extension:

This element is to project from the external side wall of the host property by 1.7 metres to align with the side wall of the existing two storey rear extension. It is to have a gable roof with the ridge being set at the same level as the host property. It is to have two windows on the front elevation and a window on the side elevation. The proposed materials are bricks and tiles to match the host property.

Garage and store room:

This element is to be situated at the rear of the application site. The footprint is to be approximately 10 metres by 6.6 metres. It is to be single storey with a gable roof. The maximum height and the eaves height are to be 4.3 metres and 2.5 metres respectively. There is to be a double garage door and a window on the north east elevation and a window and a door on the north-west elevation. It is to be made of bricks and tiles to match those of the host property.

History of negotiations/amendments received

The red line boundary has been extended to include the unauthorised track adjoining the rear boundary of the application site. The depth of the outbuilding has also been reduced from 12 metres to 10 metres. These amendments have been illustrated on the revised drawing (*Ref: PL-01 REV.C*) received on 09/10/2017.

Relevant Planning History

No record of any planning application on site in the last 10 years. However, there are applications of similar nature in close vicinity e.g.

2009/92387 – Erection of two storey extension (15, Howard Street) – Approved

2005/95141 – Erection of two storey extensions and boundary wall (17, Howard Street) – Approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 31/10/2017. As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Highways Development Management – Red line boundary needs to be extended over verge and to edge of adopted highway i.e. Skipton Street. The minimum garage size shall be 6 metres long and 5 metres wide. A 4 bedroom house shall provide parking spaces sufficient for 3 vehicles.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is UNALLOCATED on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highways and access
- **PLP22** – Parking
- **PLP 24** – Design

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 10 – Meeting the challenge of climate change flooding and coastal change

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

2 –Impact on visual amenity:

The proposed development consists of two elements, which shall be assessed below:

Two storey side extension:

This extension would infill the void at the north east of the host property. It is considered reasonable in size relative to the host property and its associated curtilage. The proposed design and material would look sympathetic to the host property and the properties in close proximity, thus in keeping with the existing character of the area and not representing an incongruous feature with the street scene.

Notwithstanding the position and the height of this extension, no undue terracing effect would arise because the house at the application site is set back by approximately 10 metres from the front elevation of a neighbouring property on no.4 Howard Place. In addition, the house is set at a lower land level than this neighbouring property. A combination of these factors would have mitigated the terracing effect to an acceptable standard, complying with policy BE14 of the UDP.

Garage and store room

This outbuilding would be located immediately adjacent to the side and the rear boundary of the application site. The footprint would be approximately 10 metres by 6.6 metres. Although it would appear to be substantial in size, it can be considered appropriate in this instance because it would remain in proportion with the existing house and it would be single storey in nature. The application site has a reasonable sized curtilage, which is considered large enough to accommodate the outbuilding and the side extension without causing overdevelopment of the site. The design and materials would closely mimic those of the existing house and the surrounding area, thus not causing any additional issues in visual amenity terms.

To summarise, the proposed development is considered acceptable from a visual amenity perspective and comply with the aims of policies D2, BE1, BE2, BE13 and BE14 of the UDP, policy PLP24 of the PDLP, as well as chapter 7 of the NPPF.

3 – Impact on residential amenity:

In relation to no.20 & 22 Skipton Street

These neighbouring properties are two storey semi-detached houses to the rear of the application site. They are situated at a lower land level than the application site and its associated curtilage. The neighbouring property on no.20 Skipton Street has two side windows facing the application site whereas the one on no.22 Skipton Street has no window on this side.

The proposed two storey extension, being situated at the side of the existing house would have no effect on the amenity of these neighbouring occupants. The outbuilding would be located at a higher land level than these properties but, because of its single storey nature, would not result in any unacceptable overshadowing impact on these neighbouring properties. The outbuilding has no windows on the south east elevation and therefore not representing any harm to the privacy currently enjoyed by the occupants of these dwellings.

In relation to no.4 Howard Place

This neighbouring property is a two storey semi-detached house adjacent to the side boundary of the application site. It is set forward from the house at the application site by at least 9 metres. It has a storage shed in close proximity from the common boundary. The property is separated from the application site by a combination of stone walls and wooden fences.

The side extension is not considered to present an overshadowing impact significantly over and above the existing situation when taking into account the position of the existing two storey rear extension and the outbuilding of this neighbouring property. With reference to the submitted drawings, the number of windows on the north east elevation would be substantially reduced and this would mitigate the overlooking impact on the occupants of this dwelling to some degree. However, there would remain a habitable room window on the side elevation, which could potentially overlook this property and its associated curtilage. To protect the privacy of these occupants, a condition shall be added to require the window on the north east elevation of the side extension to be obscurely glazed to a minimum grade 4 and shall be retained thereafter. An additional condition is recommended to be inserted to remove the permitted development rights of new windows on the north east elevation of the two storey side extension to safeguard the privacy of the occupants of this dwelling in the future. Subject to the recommended conditions, the proposed development is not considered to prejudice the amenity of this neighbouring property.

In relation to no.8 Howard Place

This neighbouring property is a two storey semi-detached house adjoining the house at the application site. This property is separated from the application site by wooden fences the side and brick walls to the rear.

The side extension would be situated on the other side of the house at the application site and therefore would not have any adverse impact on the residential amenity of these neighbouring occupants. The outbuilding to the rear of the application site would be built at a lower land level than this property and its associated curtilage. As such, there would be minimal overlooking or overshadowing impact on this property and its garden. Furthermore, taking into account the existing boundary treatment at the side of the application site, the proposed garage and store is not considered prejudicial to the residential amenity of these neighbours.

In relation to no.19 Howard Street

This neighbouring property is a two storey terraced house to the front of the application site. It stands at a considerably high level than the application site.

Taking into account the difference in land level and the reasonable separation distance between the two properties, there would be no effect on the amenity of these neighbouring occupiers.

No other properties in immediate vicinity would be affected either positively or negatively by the proposed development.

In all, the development as proposed could be acceptable from a residential amenity perspective. It would accord with the aims of policies D2, BE1 and BE2 of the UDP as well as PLP24 of the Publication Draft Local Plan.

4 – Impact on highway safety:

The proposed development would result in some intensification of the residential use existing at the site and some changes to the existing parking arrangement. Nevertheless, given the fact that three parking spaces would remain available on site to meet the need of the occupiers, it would comply with the parking requirement as prescribed in policy T19 of the UDP and policy PLP22 of the PDLP.

The proposal, if permitted, would inevitably reduce the turning area available within the application site and it would cause the occupants of this dwelling having to reverse onto the road to the east of the application site. However, the impact on highway safety is not considered detrimental in this instance as the road concerned is not an adopted highway (it serves an existing garage site whereby vehicle will be reversing in and out of the garages, and KC Highways DM have no objections to the proposal. This application would therefore accord with policy T10 of the UDP and policy PLP21 of the PDLP.

The submitted group plan (Ref: PL-01 REV.C) indicates a red line boundary covering an existing unauthorised track to the rear of the application site across the verge under the ownership of Kirklees Council (notice was served during the course of the application). To regularise the existing track and in the interest of highway safety, a condition shall be added to require a hardened and drained surface to be laid in areas indicated for vehicle access.

Subject to the recommended condition, the proposal would be in compliance with policies D2, T10 and T19 of the UDP and policies PLP21 and PLP22 of the PDL P.

5 – Other matters:

No other material planning matters are considered relevant to the determination of this application.

6 – Representations:

No representations have been received for this application.

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 that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/92965

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 D2, BE1, BE2, BE13, BE14, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension and outbuilding 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 Policies D2, BE1, BE2, and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and chapter 7 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for access and parking on the approved plan(s) 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 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for vehicle access.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and to ensure any hardstanding areas within the site are appropriately drained in accordance with the aims of Policies D2, T10, and T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed

in the north east elevation of the extension at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan

6. Notwithstanding the submitted details in drawing no PL-01(C), the development shall not be occupied until the window in the north east elevation of the two storey side extension hereby approved have been obscure glazed to a minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the obscure glazing (to a minimum grade 4) shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and proposed site plans, floor layout plans, elevations and roof plans. Detached garage/ store building details	PL-01	C	22-Nov-2017
Existing and proposed site plans, floor layout plans, elevations and roof plans. Detached garage/ store building details	PL-01	C	09-Nov-2017

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 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. In this instance, some amendments to the submitted drawings have been requested. Subject to the amendments as shown on the approved drawings, along with the conditions contained within this decision notice, the application is considered acceptable and in accordance with the relevant policies in the Unitary Development Plan, the Publication Draft Local Plan, and the National Planning Policy Framework.

Report Dated: 27-Nov-2017