

**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: 2017/62/94003/E
Site Address: 30, Bunkers Lane, Staincliffe, Batley, WF17 7QN
Description: Erection of two storey side extension
Recommending Officer: Jennifer Booth

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: 17-Jan-2018

OFFICER REPORT

Site Description

30 Bunkers Lane, Staincliffe, Batley is a brick built two storey semi-detached property with gardens to the front, side and rear. The property has a mock Tudor detail on part of the first floor front elevation with a small gable and render covering with timber.

The property is sited on a residential street within similar properties on the south side of the street. There are older residential properties on the opposite side of the road. It is also noted that both the adjoining 28 Bunkers Lane and adjacent 32 Bunkers Lane have their own substantial side extensions. It is also noted that the adjacent 32 Bunkers Lane does occupy a significantly lower position within the street than the host property.

Description of Proposal

The applicant is seeking permission for the erection of a two storey side extension.

The extension proposed would lie flush with the front and rear elevations of the dwelling and would have a projection of 3.5m. The roof form is proposed to be hipped.

The walls of the extension are proposed to be constructed using red brick and the roof is proposed to be covered with tiles.

Relevant Planning History

None for the host property although the adjoining 28 Bunkers Lane had a two storey side extension approved under 2014/93148 and the adjacent 32 Bunkers Lane also had a substantial side extension approved under 2010/90198

Representations

The application was advertised by site notices and neighbour letters, which expired on 27/12/2017

As a result of the above publicity, no representations have been received.

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 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

Kirklees Unitary Development Plan:

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

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

Publication Draft Local Plan Policies

- **PLP 22** - Parking
- **PLP 24** - Design

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 unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

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

2 –Impact on visual amenity:

The property is sited within a residential area with a diverse pallet of properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

It is appreciated that the land level difference between the host property and the adjacent 28 Bunkers Lane together with the prominent position on the hillside would add to the prominence of the proposed extension. However, the extension is significantly smaller than the extensions approved at the adjoining and adjacent properties and does not project any further forward of the principle elevation. The approved extension to the side of 28 Bunkers Lane has a width of 4.5m and projects 0.3m beyond the original front elevation and the approved extension to the side of 32 Bunkers Lane has been approved with the same width as 28 Bunkers Lane. The property does have a reasonable provision of amenity space to the front, side and rear of the dwelling which support the extension proposed without amounting to overdevelopment of the site. Furthermore, the variety in the styles and sizes of the neighbouring properties is such that although the proposed side extension would form a prominent feature, this would not be considered to be an incongruous feature within the street scene.

It is normally preferable for side extensions to include a setback and set down. However, given the adjacent property is set down significantly from the level of the host property, the proposed two storey side extension is not considered to be capable of forming an undesirable terracing effect.

The extension is proposed to be constructed using brick similar to the main house. It is noted that this proposal does not include the Tudor detailing which has been included on the extensions to the adjoining and adjacent properties. However, this extension has a lesser width and overall the detailing is considered to form an appropriate relationship with the host property. As such, the two storey side extension can be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would, on balance, not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 7 of the NPPF.

3 – Impact on residential amenity:

There are no neighbours directly to the rear which could be affected by the proposed side extension.

The extension would be situated on the opposite side of the dwelling to the adjoining neighbour and as such would have no impact upon the amenities of the occupiers of the adjoining 28 Bunkers Lane.

The adjacent property occupies a significantly lower position and has no windows within the first floor of the side elevation of their extension which could be affected by the proposed extension. There is a window on the neighbour's ground floor. However, the existing retaining wall between the two dwellings conceal this window. There is also a slightly angled relationship between the properties. As such, it is considered that there would be no significant harm caused to the amenities of the occupiers of the adjacent 32 Bunkers Lane.

There would be no reduction in the space between the front elevation of the applicant's property and the front elevation of the neighbouring property opposite, 37 Bunkers Lane. It is considered therefore that the proposed extension would have no further impact upon the amenities of the occupiers of the neighbouring 37 Bunkers Lane than the existing dwelling.

Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP, as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the proposals include parking for three vehicles within the front garden, whilst retaining a reasonable level of amenity space and this is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety complying with policies D2, T10 and T19 of the UDP, as well as Policies PLP21 and PLP22 of the PDLP.

5– Other matters:

There are no other matters for considered relevant to the determination of this application.

6 – Representations:

None

7 – Negotiations:

None

8 – 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.

9 – Conclusion:

This application to erect a two storey extension to the side of 30 Bunkers Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, 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 proposed extension is 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: 2017/94003

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, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, 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 Policies D2 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing plans	01	665861	22/11/2017
Proposed plans	02	665862	22/11/2017
Parking plan	-	666225	22/11/2017

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 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 16/01/2018