

**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: 2018/62/91288/E

Site Address: 275, Woodlands Road, Batley, WF17 0QJ

Description: Conversion and extension of garage to living space
extension of existing porch to front and erection of
detached garage

Recommending Officer: Liz Chippendale

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: 19-Jun-2018

Officer Report

Site Description

The application site, no.275 Woodlands Road, Batley, is a brick built two storey dwelling with integral double garage. The dwelling has been previously extended to the side and rear, both at two storeys. To the front of the property is an open sided porch.

To the rear of the dwelling is an enclosed garden with fence boundary. To the front is an open boundary garden with double driveway directly from Woodlands Road. At the time of the site visit the proposed detached garage was in situ forward of the principal elevation.

The surrounding area is predominantly residential with a mix of build types and styles.

Description of Proposal

Permission is sought for the conversion and extension of the garage to living space, the extension of the porch to the front and the erection of a detached garage.

Garage conversion

The double garage is currently set back underneath the first storey side extension. The sheltered area would be enclosed to follow the front elevation of the side extension above, bringing this elevation forward by 2.5m. The 2 no. garage doors will be removed and replaced with a window. The window will be 1.5m in height and set up from the ground by 0.9m

Erection of detached garage

The proposed detached garage will be located to the West of the dwelling in line with the original front elevation of the integral garage. The garage will be 2.88m in width, 5.9m in length with an eaves height of 2m and a pitched roof ridge height of 2.6m.

Porch

The proposed porch will increase the existing porch in width by 1.8m with the same projection of 1.3m. The eaves height of the porch will be 2.4m with an overall height of a hipped roof of 3m. An entrance door with window will be within the front elevation.

The extensions will be constructed of materials to correspond with the host dwelling.

History of negotiations/amendments received

The agent was contacted on 25.05.2018 due to concerns of the original position of the detached garage which was forward of the principal elevation to the North West which at the time of the site visit was already erected.

The agent agreed to relocate the garage to be in line with the principal elevation of the dwelling to the West. Amended plans were received on 04.06.2018 which also show an amended height to the porch with a reduction to 3m from 3.6m.

Relevant Planning History

1990/05523	Replacement of pitched roof over dining/kitchen Conditional full permission
2011/91556	Erection of first floor rear extension and front porch Conditional full permission

Representations

Final publicity date Expires: 08.05.2018

A summary of the comments received is set out below:

No representations were received as a result of the consultation period.

Consultation Responses

No consultations requested

Policy

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

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

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 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 both the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

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

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Achieving sustainable development
- PLP 2 – Place shaping
- PLP21 – Highway Safety
- PLP22 – Parking Provision
- 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

Assessment

Principle of Development

The site is unallocated within the Kirklees UDP, therefore policy D2 applies. Policy D2 states that “planning permission for the development of land and building without notation on the UDP proposals map, and not subject to specific policies within the plan, will be granted provided that proposals do not prejudice [a specific set of considerations]”.

The site is also unallocated within the Publication Draft Local Plan. Policy PLP1 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 National Planning Policy Framework.

An assessment of the considerations specified will be addressed below.

Impact on visual amenity

Extension and porch

The proposed extension is considered to be acceptable in terms of scale and design and to be built using corresponding materials to the host dwelling.

The extension will fill the current void underneath the first storey side extension and sheltered parking area adjacent to the garage. The double garage doors will be replaced by a single window which is similar to those already within the front elevation. This minor alteration is considered to not impact upon visual amenity of the street scene or impact upon the character of the dwelling.

The porch is permitted under Schedule 2, Part 1, Class D of the General Permitted Development Order 2015. However, as the proposed porch is part of the application it will be assessed as such. The original flat front open porch will be replaced by slightly wider brick built porch with hipped roof and window to the front. The porch is minimal in scale and considered to add interest to the front elevation.

Detached garage

The detached garage is considered to be acceptable in terms of scale and design. The garage is set back from the principal elevation and is therefore not a dominant feature within the street scene.

The proposed ground floor extension, porch and detached garage are considered to be appropriate additions therefore in terms of visual amenity and in accordance with policies D2, BE1, BE2, BE13 and BE14 of the UDP; policies PLP1 and PLP24 of the PDLP and Chapter 7 of the NPPF.

Impact on residential amenity

Extension and porch

The proposed extension will move forward the principal elevation of the dwelling with the addition of a window to serve a sitting room. Directly adjacent to the dwelling is 240 Woodland Road with a separation distance of 30.8m. As there is already an established relationship of overlooking between the properties and the significant separation distance there is considered to be no further impact of overlooking caused by the extension.

There are no windows proposed within the side elevations of the porch and there is an existing window in this location. It is considered therefore that

there would be no impact of overlooking to neighbouring properties to the East and West.

Detached garage

The proposed detached garage is limited in height and therefore not considered to impact on overshadowing of 1 Birch Grove to the West. There are no windows proposed within the West elevation of the garage. The site is bordered to the West by mature hedges which will screen the garage somewhat. It is considered therefore that the garage would not impact upon residential amenity of neighbouring properties.

It is considered that the proposal does not impact upon the residential amenity of neighbouring properties and complies with guidance within policies D2, BE13 and BE14 of the Kirklees UDP; PLP1 and PLP24 of the PDL and Chapter 7 of the NPPF.

Impact on highway safety

Although the proposal will remove the double garage, there is considered to be adequate parking for three vehicles on the site remaining. The addition of the double garage will allow for another 1 no. vehicle.

The development is not considered to impact upon highway safety and would comply with policies T10 and T19 of the UDP and policy PLP21 of the PDL.

Other matters

Bats

The process for determining the need for bat survey is as follows; if a property falls within a GIS layer known as the 'Bat Alert Layer' planning officers use details of the proposals to apply a flow diagram, which indicates if further assessment for bats is required. The bat alert layers for West Yorkshire and flow diagram are available on this web page: <http://www.wyjs.org.uk/ecology-service/planning-issues/>

The requirement to consider bats and biodiversity in general, is a statutory requirement on the LPA and the process outlined above forms part of the means by which we discharge this duty. The intention is that it is an objective and robust approach.

Following a site visit and inspection of the application site, the building appeared well sealed with no evidence of bat roosts or bat roost potential.

A footnote will be added to the decision notice to provide the applicant with advice should evidence of bats be found during construction. This guidance would accord with chapter 11 of the National Planning Policy Framework.

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: 2018/91288

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 and BE14 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan as well as 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 Policy BE13 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan as well as chapter 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Alterations and extensions	02		04.06.2018
Alterations and extensions	01		04.06.2018

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. The case officer sought for an amended proposal to set back the position of the detached garage to be in line with the principal elevation as it was considered that the application was unacceptable in the submitted form. The amended proposal is considered acceptable when read in conjunction with the conditions set out on this decision notice.

Report Dated: 14.06.2018