

**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: 2018/62/93259/E

Site Address: 5, Denby Close, Birstall, Batley, WF17 9NY

Description: Erection of two storey front and single storey rear extensions

Recommending Officer: Katie Wilson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Dec-2018

Officer Report

Site Description

The application site is 5, Denby Close, Birstall. It is a 2-storey detached house with red/brown brickwork walls and a dual pitched roofs surfaced in grey/brown concrete tiles. It also has a 2-storey extension to the side and a single storey extension at the back.

It is located at the head of a short residential cul-de-sac, with driveway and small garden to the front, but larger garden to the northern side and rear. Beyond are other residential properties and a listed church further to the north within a conservation area.

Description of Proposal

Planning permission is sought for erection of 2-storey front extension and single storey rear extensions.

Front extension:

- Rectangular footprint approximately 1.8m projection x 2.7m wide.
- Dual pitched roof 5.3m to eaves level and 6.4m to ridge level.
- At ground floor level windows and doorway. At first floor window in front elevation only.
- It would provide space for enlarged hallway and bedroom above.

Rear extension:

- L-shaped footprint, projecting 3.7m to the rear of the house and 6.0m to the rear of the existing side extension. It would also be the full width of the existing house and the side extension.
- Mono-pitched roof to all sides 2.8m eaves level and 4.0m overall height.
- Main windows and doors to rear elevation, 2no small windows to south facing elevation, and none in the north elevation.

External materials:

Walls - Front extension walls to be red brickwork and either side the existing brickwork to be rendered (to cover-up existing brickwork mis-match). To rear the extension would be blockwork with rendered finish.

Roof – flat grey roof tiles to replace double roman roof tiles in brown.

History of negotiations/amendments received

Amendments were sought to reduce the projection of the corner element of the proposed rear extension to bring it in line with the rear elevation of the original part of the house. The applicant chose not to amend the plans.

Relevant Planning History

None.

Representations

Final publicity date expired: 23rd November 2018. No representations received during the course of this application.

Parish/Town Council comments: Not applicable.

Consultation Responses

None took place during the course of this application.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 without notation on both the UDP Proposals Map and the 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)

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th 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 places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 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:

In this instance the existing house is a 2-storey detached property at the end of a short residential cul-de-sac. Properties on the same road are a mixture of detached and semi-detached houses, of similar era, with predominantly red brickwork and some render. Several have also been extended in various ways.

The proposed front extension would introduce a new two storey feature, however in relation to the original part of the building it is considered that it would be relatively small scale being well below the ridge height and less than half the width. Its roof design also reflects that of the host dwellinghouse, but on a smaller scale and so it is thought to comply with pPolicy BE14 of the UDP. It also looks acceptable on the front façade of the house and within the street-scene, where it is set back from the front of the neighbouring property at 3, Denby Close.

The proposed wrap-around side and rear extension, is single storey and footprint-wise would be quite large in relation to existing dwellinghouse. However it appears that it may be possible to construct much of it by

exercising permitted development rights. The part that would require planning permission is the corner area (shown as study and w.c on the proposed ground floor plan). Omitting the corner area would be considered acceptable from a visual amenity point of view, however, it is also thought that the overall design of the side and rear extension is acceptable with the corner element, because its height is relatively modest and its roof design is sympathetic to those already at the house. It is also considered that it fits in neatly at the rear of the house.

In terms of external materials, the existing house has a side extension which has been built in brickwork that is noticeably different from that of the original part of the house. The applicant would like make the appearance of the house more unified and modern. They propose to do this by constructing the proposed front extension with red brickwork, but to render the existing brickwork to either side. Whilst this would introduce a significant amount of render, other properties nearby have elements of render on walls and so provided that the colour is controlled by condition, then this is considered acceptable.

It is also noted that the proposed rear extension would have rendered walls which would be less visible from public places and is also considered acceptable.

The existing double roman roof tiles would be replaced with smooth grey tiles. This together with the rendered wall surfaces would make the enlarged house look more modern, and again this is considered acceptable.

Overall it is thought that the proposal would not be prejudicial to visual amenity of the host dwellinghouse or the character of the area, and it would comply with policies D2, BE1, BE2, BE13 and BE14 of the UDP and policy PLP24 of the PDLP.

3 – Impact on residential amenity:

In relation to 3, Denby Close:

This neighbouring property is a two storey semi-detached house located to the south of the application site and its footprint is slightly set forward.

In terms of overbearing and overshadowing, it is considered that the proposed front extension would have minimal impact as it projects just 1.8m, is orientated to the north, and set in from the mutual boundary around 4.5m. In addition it has no windows at first floor level and those at ground floor are to non-habitable rooms.

The proposed wrap-around side and rear extension is single storey, would be set in from the boundary around 0.7m and screened to some extent by a curved topped fencing. Given that it would be orientated to the north of this neighbouring property, it is very unlikely to block direct sun-light, and as it is single storey in scale, with relatively shallow angled mono-pitched roof, it is

thought that it would have fairly limited overbearing impact. Furthermore, there is a single width driveway between the side of the house at 3, Denby Close and the remainder of its rear garden, which provides further mitigation.

In terms of overlooking 2 small windows are shown in the facing side elevation, these would be to non-habitable rooms (utility and wc), and screened to a significant degree by the boundary fencing.

Overall it is thought that the impact upon the residential amenities of the occupants of this neighbouring property would be relatively limited and complies with policy D2 of the UDP and policy PLP24 of the PDLF.

In relation to 7, Denby Close:

This neighbouring property is to the north of the application site and its front elevation is perpendicular to that at the application site.

The main impact upon this property would be from the proposed front extension. Whilst this is two stories high, it would project just 1.8m and retain a separation distance between the nearest parts of approximately 9.0m. Given this distance, and that the ridge height of the proposed extension is well below that of the existing house, it is thought that there would be no significant additional overshadowing impact, over and above that of the existing house. In terms of overlooking, given the indirect relationship between windows in both properties and the separation distance mentioned above, it is thought that there would be very limited invasion of privacy.

The proposed wrap around side and rear extension would have no impact upon the amenities of the occupants of this neighbouring property. Overall the proposal would not be prejudicial to residential amenity, and is compliant with policies D2 of the UDP and policy PLP24 of the PDLF.

No other neighbouring properties would be adversely affected.

4 – Impact on highway safety:

The application site is at the head of a short residential cul-de-sac at Denby Close.

The proposal creates no further bedrooms and retains the existing integral garage together with driveway to the front where approximately 2 other cars can be parked in tandem.

As such it is considered that the proposal would not be harmful to highway safety and is compliant with policies D2, BE1, BE2 and T10 of the UDP together with policy PLP24 of the PDLF.

5 – Other matters:

Protected species (bats):

The site is in an area recorded as a bat alert area.

Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 11 of the NPPF.

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

6 – Representations:

No representations received during the course of 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: 2018/93259

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 the aims of the National Planning Policy Framework.

3. Before the superstructure of the extensions are commenced, details of the colour of render to the external walls shall be submitted to and approved in writing by the Local Planning Authority. The external walls of the extensions shall then be finished in accordance with the approved details before it is first brought into use and thereafter retained in accordance with the approved details.

Reason: To ensure that the external appearance of the extensions harmonise with the host dwelling and the surrounding development, in the interests of visual amenity, in accordance with Policies, D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south facing side elevations of the extensions hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or

obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			9th October 2018
Existing ground & first floor plans			9th October 2018
Existing front & rear elevations			9th October 2018
Existing north elevation			9th October 2018
Existing south elevation			9th October 2018
Proposed ground & first floor plans			9th October 2018
Proposed front and rear elevations			9th October 2018
Proposed north elevation			9th October 2018
Proposed south elevation			9th October 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. Discussion took place with the applicant regarding the scale of the proposed rear extension, but they chose not to alter their submission.

Report Dated: 3.12.2018