

**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: 2018/62/93272/E

Site Address: 55, Clerk Green Street, Batley, WF17 7SE

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

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: 19-Nov-2018

OFFICER REPORT

Site Description

55 Clerk Green Street, Batley is a brick built semi-detached two storey dwelling which is set back some 30m from the road with a substantial front garden and drive. The property has a smaller enclosed garden to the rear of the dwelling and a car port attached to the side of the property.

The property is surrounded by other residential properties although there is some diversity in terms of age, materials and size.

Description of Proposal

The applicant is seeking permission for the erection of a single storey front extension, two storey side extension and a two storey rear extension.

The single storey front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property including to the front of the proposed two storey side extension. The roof over the front extension is proposed to be a lean to for the most part with a small pitch over the front door.

The two storey side extension is proposed to project 2.5m from the original side elevation of the dwelling and would extend the depth of the dwelling lying flush with the front elevation at first floor. The roof form is proposed to be a pitch to match the main roof.

The two storey rear extension is proposed to project 3m from the original rear wall of the dwelling. It would extend across the width of the dwelling including the area to the rear of the two storey side extension and the roof form would be a perpendicular pitched roof.

The walls of the extension would be constructed using brick with tiles for the roof, matching the host dwelling.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/11/2018

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 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 UNALLOCATED on the UDP Proposals Map and to remain as such as part of the PDLP.

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

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – 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 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
- 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 located in a residential area with some diversity in the style, age and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Single storey front extension

Policy BE14 of the UDP does support modest front extension and given the limited projection of 1.5m together with the single storey nature of the extension, then this proposal is considered to be modest in terms of scale. Furthermore, there are other such extensions to the front of the adjoining and adjacent properties. As such, the front extension would not appear out of place within the street scene. The materials proposed would match the main house and the detailing is considered to form an appropriate relationship with the host property. The front extension is considered acceptable in terms of visual amenity.

Two storey side extension

The host property and its associated curtilage are of a sufficient size to support the proposed side extension without amounting to overdevelopment of the site. Although it is normally preferable to include a setback and set down, given the adjacent property occupies a position which is closer to the road, the side extension is not considered to form an undesirable terracing effect. The materials proposed would be to match the host property and the detailing including the window proportions together with the roof style would form an acceptable relationship with the main dwelling. It is considered therefore that the proposed side extension is acceptable in terms of visual amenity.

Two storey rear extension

Although the rear garden is smaller than the front garden, the host dwelling does have a substantial amenity space when taking into account the overall extent of curtilage. As such, the rear extension would not be considered to represent overdevelopment of the host property. The materials proposed include brick with tiles which would be similar in appearance to the host property and the detailing would likewise form an appropriate relationship with the main house. The rear extension can be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions would 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 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 19b Upper Croft Road

There is a modern dwelling to the north west of the host property. However, only the rear most element of this neighbour's garden aligns with the host property and it is situated at a significantly higher level than the applicant's property. There is a fence and wall to the rear of the property which together with the lack of direct relationship with this neighbour would minimise the potential for overlooking. Given the relationship, the rear extension would cause no harm to the amenities of the occupiers of the neighbouring 19b Upper Croft Road.

Impact on 17 Kensington Close

At a slight angle to the west of the host property is the neighbouring 17 Kensington Close. This neighbouring property occupies a substantially elevated position relative to the host property with the rear elevation of the side extension proposed aligning with the neighbour's own side extension. Although there is evidence that there was substantial screening provided by

evergreen trees on aerial images of the site, it could be seen on the site visit that the trees have been removed. However, there is a fence and wall to the rear of the property which would minimise the potential for overlooking. Given the topography of the area together with the relationship between the properties, the proposed extensions to the side and rear of the host property would have no significant impact on the amenities of the occupiers of the neighbouring 17 Kensington Close.

Impact on 53 Clerk Green Street

Given the limited projection and single storey nature of the front extension together with the neighbours own front extension, there would be no harm caused to the amenities of the occupiers of the adjoining 53 Clerk Green Street.

The two storey side extension would be situated on the opposite side of the host property to the adjoining dwelling and as such would have not impact upon the amenities of the occupiers of the adjoining property.

The two storey rear extension would be constructed up to the common boundary with the adjoining property and would have the potential to have an overbearing and oppressive impact upon the rear windows and amenity space of the neighbouring property. There would also be the potential for some overshadowing in the afternoon. However, the projection is limited to 3m in line with policy BE14 of the UDP and the roof form proposed would be a perpendicular pitched roof which would take the vertical emphasis up and away from the adjoining neighbour. It is considered therefore that the impact on this neighbour would not be significant in terms of residential amenity.

Impact on 57 Clerk Green Street

The neighbouring property occupies a position which is substantially closer to the road than the host property. As such, the host property only aligns with the rear most corner of the neighbour's garden. That being said, the proposed extension would result in a two storey structure being constructed 2.5m closer to the shared boundary with an increase in the depth given the proposed two storey rear extension. However, the impact of the extension would be limited as the neighbour has their own detached garage alongside the existing car port and the extension would align with only the rear most sections of the neighbours garden. Although there would be new windows in the front of the side extension which would have views towards the rear elevation and amenity space of the neighbouring property, there is a slight angle between the properties which would minimise the potential for overlooking. Furthermore, there are existing windows in the front elevation which have a similar relationship. I am therefore satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent property as a result of the proposed single storey front extension or the two storey side and rear extension.

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

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However the parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. The scheme would not result in any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5– Other matters:

There are no other matters for consideration.

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 single storey extension to the front and two storey extensions to the side and rear of 55 Clerk Green Street 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: 2018/93272

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, BE13 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 extensions 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 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing plans	-	714279	05/10/2018
Proposed plans	-	714281	05/10/2018

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 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 14/11/2018