

**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: 2018/62/93834/E

Site Address: 24, Clutton Street, Soothill, Batley, WF17 6NP

Description: Erection of single storey front, side and rear extensions with detached outbuilding (within a Conservation Area)

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 25-Feb-2019

OFFICER REPORT

Site Description

24 Clutton Street is a red brick semi-detached property with an existing two storey side extension with a car port on the ground floor and bedrooms over and a single storey stepped extension to the rear. The property also has a detached outbuilding to the rear. There is a paved garden to the front of the property and a paved yard area to the rear of the dwelling.

There are similar dwellings in terms of age to the front and sides of the property and an area of open land, possibly allotments to the rear.

The site is located within the Batley Station Road Conservation Area.

Description of Proposal

The applicant is seeking permission for the erection of a single storey extension to the front, infill of the car port to the side and single storey extensions to the rear with a detached outbuilding.

The front extension is proposed to project 1.15m from the original front wall of the dwelling and would have a width of 1.7m. The roof over the single storey extension is proposed to be lean to.

The scheme would see the existing car port altered to form a snug.

The single storey rear extension would include an infill of the area to the rear of the existing car port and to the side of the existing rear extension. The roof would be a continuation of the existing pitch towards the rear and a lean to on the infill section.

The outbuilding would be set 1m from the rear of the extension and would have a width of 2.25m and a depth of 5.6m. The roof over the outbuilding would be pitched.

The walls of the extensions and the outbuilding would be constructed using brick with tiles for the roof covering.

History of negotiations

The initially submitted plans raised concerns in terms of the impact of a large extension on the character of the conservation area and in terms of the loss of parking. Amended plans have been sought and received to separate the store from the extension and reduce the front extension to allow for a vehicle to park.

Relevant Planning History

95/91152 – erection of kitchen and wc extension - granted

Representations

The application was advertised by site notice, press notice and neighbour letters, which expired on 04/01/2019

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

Given the changes to the scheme were significant, the amended plans were advertised by letter to neighbours until 19/02/2019 – no comments were received.

Consultation Responses

KC Highways DM: No objections

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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are 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 within the PDLP. However the property is sited within the Station Road Batley Conservation Area

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE5** – Development with a Conservation Area
- **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
- **PLP 30** – Biodiversity
- **PLP 35** - Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

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).

The property is however sited with the Station Road, Batley Conservation Area which is characterised by a mix of industrial, commercial and residential properties. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to Policy BE5 of the UDP, Policy PLP 35 of the PDLP and chapter 16 of the National Planning Policy Framework.

Clutton Street and the neighbouring Broomsdale Road and Lady Ann Road have a diverse range of domestic properties some with extensions and most with some kind of outbuilding. The extensions, alterations and outbuilding proposed would preserve the appearance of the existing property with matching materials and detailing for the front extension. Furthermore the new store building would replace an existing dilapidated outbuilding and this element of the proposal would therefore represent an enhancement over the existing arrangements on site. Advice within the NPPF (2019) states that proposals which enhance or preserve the setting of a Conservation Area should be treated favourably. As the works proposed would be considered to preserve and enhance the character of the conservation area, the proposals can be considered to be acceptable in terms of the Conservation Area.

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.

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

Single storey front extension

Policy BE14 does allow for modest front extensions to domestic properties. With the single storey nature and the limited dimensions of the extension proposed to the front of 24 Clutton Street, this element of the proposal can be considered to be small in scale. The materials proposed would match those used in the construction of the main house and the detailing can be considered to form an appropriate relationship with the host property. The front extension is therefore considered to be acceptable in terms of visual amenity.

Car port conversion and single storey side/rear extension

The changes proposed to convert the car port would be in keeping with the host property. The host property does have a reasonably sized amenity space which would support the proposed side/rear extension without amounting to overdevelopment even when considered with the existing extensions. The materials proposed would be to match those used in the construction of the

main house and the detailing would form an acceptable relationship with the host property. Therefore the extension proposed to the side and rear of the dwelling would be considered to be acceptable in terms of visual amenity.

Outbuilding

Although the massing along the common boundary would be significant, the new detached store building would be replacing an existing dilapidated garage and would have a more sympathetic appearance relative to the host property and neighbouring properties. Moreover, a modest amenity space would be retained for the property. The materials proposed would be to match the main house and the detailing would be appropriate for an outbuilding. Officers considered therefore that the proposed outbuilding would be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions, alterations and outbuilding 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, BE5, 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:

There are no properties directly to the rear which could be affected by the proposed extensions, alterations and outbuilding to the host property.

Impact 22 Clutton Street

The limited scale and dimensions of the front extension would have limited opportunity to cause harm to the amenities of the occupiers of the adjacent property.

The extension to the side and the rear would bring the dwelling closer to the adjacent property. This would run parallel to the neighbour's drive which would not be considered to be a private amenity space, the blank side elevation of the neighbouring property and the existing rear extension of the neighbouring property which has a door only within it. Given this arrangement, the impacts of the extension would not be significant. Furthermore, the extension proposed is single storey and as such, I am satisfied that there would be no significant harm caused to the amenities of the occupiers of the adjacent property.

The proposed store is replacing an existing outbuilding and although the height would be a little higher, this would have limited impact on the adjacent property. As such, there would be no harm caused to the amenities of the occupiers of the adjacent 22 Clutton Street.

Impact 26 Clutton Street

Given the limited dimensions of the proposed front extension and its location set in from the common boundary with the adjoining property, there would be no harm caused to the amenities of the occupiers of the adjoining 26 Clutton Street.

The extension to the side/rear of the dwelling would also be located on the opposite side of the host property to the adjoining property.

The detached store would extend out past the existing extensions to the rear of the dwelling and would include windows facing towards the common boundary. These windows would not be considered to serve a habitable space given they serve a store. However, were the use of this area to be changed to living accommodation, the location of the proposed extension and outbuilding would be set in from the boundary and the existing extensions are considered to be sufficient to prevent overlooking of the adjoining neighbour. It is considered therefore that due to the location and single storey nature of the outbuilding to the rear, there would be significant impact upon the amenities of the occupiers of the adjoining 26 Clutton Street.

Impact 29 Clutton Street

Although the new window in the former car port area would be no closer to the property opposite than the existing dwelling, the proposed front extension would be 1.5m closer to the property opposite than the existing dwelling. However, the extension is single storey and the projection is limited, therefore the impact on the property opposite, 29 Clutton Street would not be significant.

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 residential use and would prevent use of the car port. However the car port is not wide enough to provide off street parking in accordance with guidance set out within *Manual for Streets* nor to realistically allow a modern car to pass through to the rear of the property. An area to the front of the dwelling would provide parking for one vehicle to the front. It is appreciated that the dwelling is close to a mosque and this can lead to parking on Clutton Street at certain times. However, this would still leave some potential for limited on street parking. As such the scheme would not represent any significant 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:

Biodiversity

The development is for single storey extensions to the dwelling and a detached store. Whilst the property is situated in area which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

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 for the erection of a single storey extension to the front, infill of the car port to the side and single storey extensions to the rear with a detached outbuilding for 24 Clutton 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:** 2018/93834**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, Policies PLP24 and PLP 35 of the Kirklees Publication Draft Local Plan, and the aims of chapters 12 and 16 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: 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
Location plan	-	721966	26/11/2018
Block plan	-	721963	26/11/2018
Existing plans	-	721964	26/11/2018
Proposed plans	-	732940	05/02/2019
Heritage statement	-	721965	26/11/2018

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.

Amended plans have been sought and received to separate the store from the extension and reduce the front extension to allow for a vehicle to park.

Report Dated 25/02/2019

