

**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: 2019/62/90702/E

Site Address: 22, Ashfield Road, Birstall, Batley, WF17 0EB

Description: Erection of single and two storey extension

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.

Julia Steadman

AUTHORISED OFFICER

Date: 11-Jun-2019

Officer Report

Site Description

The application site is 22, Ashfield Road, Birstall. It is a relatively modern 2-storey semi-detached house with smaller flat roofed ground floor element at the front. It has red/brown brickwork outer walls and a dual pitched roof surfaced in grey / brown tiles. The front garden is entirely paved and there is a smaller, flat roofed, single storey element also at the front. At the side is a detached single garage and at the back a small enclosed garden that tapers to a point.

The land is relatively flat and the site is within a residential development of largely similar semi-detached houses that have been extended in various ways over time.

Description of Proposal

Planning permission is sought for the erection of single and two storey extensions.

The 2-storey element would be to the side of the house, projecting approximately 1.0m and in line with the existing front and rear elevations. It would also have the same roof design with eaves and ridge levels to match those in situ, and no openings in any elevation.

The single storey element would also be to the side, projecting a maximum further 3.3m to the side and 2.5m to the front where it joins the existing single storey flat roofed element. The single storey side/front extension would have a mono-pitched roof. It would also wrap around to the front of the house.

The existing front entrance would be blocked up and a new main entrance formed at the front of the extended part of the house.

The walls and roofing materials of the proposed extensions would be surfaced in materials to match those on the host dwellinghouse.

History of negotiations/amendments received

No amendments were requested or received during the course of this application.

Relevant Planning History

2010/90250 – Erection of two storey side extension. Granted conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f90250>

Representations

Final publicity date expired: 1st May 2019. No representations received during the course of this application.

Parish/Town Council comments: not applicable

Consultation Responses

Health & Safety Executive: 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is on land without notation on the Kirklees Local Plan and the proposal is for extensions to a house. As such policy LP24 of the KLP is relevant and states that proposals should promote good design by ensuring (amongst other things): extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

As such the principle of the proposal is acceptable, subject to compliance with the above.

It is also noted that the proposal is the same as that granted planning permission 2010/90250, but never implemented.

2 –Impact on visual amenity:

In this instance the existing house is a relatively modern 2-storey semi-detached dwelling (thought to date from the 1950s) with smaller flat roof ground floor element at the front, and it appears to be as originally built. The current proposal would add a very moderately proportioned 2-storey extension to the side and a larger element to the side, at ground floor level only.

In terms of scale, whilst the footprint of the proposed extensions are approximately $\frac{3}{4}$ of the original footprint, most of the extended part is at ground floor level only, and around $\frac{1}{3}^{\text{rd}}$ of it would replace an existing garage. As such it is considered that the proposals are subservient to the original building.

In terms of materials and design details, the external wall and roof materials would be to match those on the host dwelling and the roof design of the 2-storey element would also reflect that of the host dwelling house. The roof of the ground floor element is mono-pitched and warps around the existing ground floor element. This is not entirely in keeping with the design principles of the existing house, however, it is felt that it would not detract from the visual amenity of the host dwellinghouse nor would it have a negative impact upon the character of the area. The proposed window and door openings are also considered to be in-keeping with those of the existing house.

Overall, it is thought that the proposal would be acceptable from a visual amenity perspective and would comply with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

In relation to 20, Ashfield Road:

This is the adjoining semi-detached house that is attached to the southern side of the house at the application site. Given that the proposed development is at the opposite side of the host dwellinghouse, which provides screening, it is considered that there would be very limited, if any overshadowing or overbearing impact and no overlooking effect.

In relation to 2, Rowan Close:

This is a chalet style house with rooms in the roof cavity and dormer windows in the rear roof slope. It is located to the north of the application site and orientated at right angles, so its rear elevation partially faces onto the side elevation of the house at the application site, and partly on the back garden of the application site.

In terms of overshadowing and overbearing impact, the main effect would be from the proposed 2-storey side extension. The additional massing at first floor level would be around 1.0m closer to the boundary and retain approximately 9.0m between the closest parts of each house. It is considered that this would have some further overshadowing impact, but very limited over and above that of the existing house.

The proposed ground floor element would be closer to the mutual boundary, but have much the same impact as a 2.0m high fence along the perimeter of the site. As such it would have relatively limited impact upon this neighbouring property.

In terms of overlooking, no openings are shown in the facing side elevation and new openings could be controlled by condition.

In relation to 4, Rowan Close:

This neighbouring semi-detached house is attached to the eastern site of 2, Rowan Close and further away from the proposed extensions than its adjoining semi. As such there would be even less impact upon its residential amenity.

No other properties would be affected by the proposals.

Overall, it is considered that the proposal would minimise impact on residential amenity of future and neighbouring occupiers and is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from Ashfield Road, a residential estate road, and has off street parking on paved area to the front of the house suitable for

at least 3 cars. The proposal would retain the existing off street parking provision and provide an integral single garage.

The proposal would also mean the existing 2-bed house would become a 3-bed house. However, the existing parking at the site would be suitable for the enlarged house and as such would not cause additional harm to highway safety.

5 – Other matters:

Health & Safety Executive issue:

The site is within the outer zone of a hazardous materials site.

Policy LP53 of the KLP and chapter 15 of the NPPF seek to ensure that proposals are considered in light of available information relating to contamination or suspected contamination / instability.

In this instance the proposal has been assessed by the Health & Safety Executive and they do not advise, on safety grounds against the granting of planning permission in this case.

6 – Representations:

There were no representations 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: 2019/90702

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 Policies, LP1, LP2, LP24 and LP53 of the Kirklees 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 Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 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 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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 / existing & proposed elevations	Dwg no. MK/09/108	Rev D	15.3.2019
Existing & proposed floor plans	Dwg no. MK/09/101	Rev C	15.3.2019

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. No amendments were sought or received during the course of this application as it was considered acceptable in its submitted form, particularly when taking into account the planning history at the site.

Report Dated: 11.6.2019