

**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: 2019/62/91434/E

Site Address: 7, County Close, Batley, WF17 0HE

Description: Erection of 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: 21-Jun-2019

OFFICER REPORT

Site Description

7 County Close, Batley is a brick built semi-detached dwelling with a single storey outrigger to the side. The property has the side elevation facing onto the road with an existing outbuilding and the dwelling also has a conservatory to the rear. The property has gardens to the front, side and rear.

There are similar properties to the front, rear and east side with a wooded area to the west side.

Description of Proposal

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

The two storey side extension is proposed to project 2.1m from the main side wall and would extend the depth of the property. The roof form would be a continuation of the existing pitched roof.

The single storey side extension would be set back 3.5m from the front and would project 2m from the side of the proposed extension with a depth of 3.2m. The roof form would be lean to.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 07/06/2019

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 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 19th February 2019, and 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 without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The property is located on a residential cul-de-sac with similar neighbouring properties in terms of age although there have been some alterations. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

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

Two storey side extension

The host property and its garden area are of a sufficient size to support the proposed extension whilst retaining a reasonable degree of amenity space. It would normally be preferable for a side extension to include a set back and set down. However with the layout of properties on County Close, together with the limited projection of the proposed extension, the proposed extension is considered satisfactory in this instance. The materials proposed would utilise brick for the walls and tiles for the roof covering which would be similar in appearance to the main dwelling and the detailing proposed would form an appropriate relationship with the host property. As such, the proposed two storey side extension is considered to be acceptable in terms of visual amenity.

Single storey side extension

The single storey side extension, with its modest projection and depth, is considered to be acceptable in terms of its scale. The materials proposed would match the main house with the use of brick and tiles and the detailing, with the introduction of the entrance door, is considered to be acceptable. As such, the single storey side extension is 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 Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

There are no properties to the west of the host property which could be affected by the proposed extensions.

Impact on 3 County Close

The relationship between the host property and the neighbour to the rear, together with the position at a higher level of the neighbouring property, is such that the proposed single and two storey side extension would have no

impact upon the amenities of the occupiers of the neighbouring 3 County Close.

Impact on 5 County Close

The extensions proposed would be located on the opposite side of the host property to the adjoining 5 County Close and as such would have no impact upon the amenities of the occupiers of the adjoining property.

Impact on 9 & 11 County Close

The extension, particularly at first floor would have the potential to affect the amenities of the neighbouring 9 County Close taking into account the spatial relationship and the elevated position of the host property. However, this is mitigated by the limited dimensions of the extension and the slight angling between the properties. It is therefore considered that the impact of the extensions in terms of the neighbouring property 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 Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and it is appreciated that the property does not have a parking provision within the curtilage. However the property is located on a cul-de-sac with potential for on street parking which is considered to represent a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

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

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 single and two storey extensions to the side of 7 County Close 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: 2019/91434

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 Policy LP24 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.

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	D01	748705	01/05/2019
Existing floor plans	D03	748714	01/05/2019
Existing elevations	D04	748713	01/05/2019
Proposed site plan	D02	748715	01/05/2019
Proposed floor plans	D05	748711	01/05/2019
Proposed elevations	D06	748709	01/05/2019

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 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 amended plans / additional information was sought during the course of the application.

Report Dated 20/06/2019