

**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: 2019/62/91980/E

Site Address: 6, Osborne Terrace, Batley, WF17 0LZ

Description: Erection of two storey side extension, front porch and formation of new vehicular access (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.

Julia Steadman

AUTHORISED OFFICER

Date: 17-Sep-2019

OFFICER REPORT

Site Description

6 Osborne Terrace, Batley is detached dwelling which has been constructed with hammer dressed stone with ashlar string courses and lintels on the south and west sides, with brick external walls on the north and east sides which face away from the terrace and boundary wall. The house has a hipped roof, with a two storey gable projection facing west, and although this and the south elevation retain some architectural detailing such as the stone gutter corbels and gable kneelers the windows have been replaced with modern uPVC windows and it appears that historic mullions have been removed from some windows. The principle elevation does face down onto Wayne Close with a small garden area. There is a larger garden area to the west side and a drive area to the north, off Osborne Terrace.

A historic map of 1890 shows a driveway at the north of the house which also serves the other houses on Osborne Terrace, and a row of gardens with a line of trees and retaining wall along the southern boundary of Osborne Terrace and this property. To the south of this was a field and railway line which were replaced with a housing development in the late twentieth century, with a new residential road built directly to the south of the boundary wall.

Description of Proposal

The applicant is seeking permission for the erection of a porch, a single & two storey side extension and formation of new pedestrian access from Wayne Close.

The porch would be located centrally with the extended front elevation and would have a projection of 1.5m with a width of 2.5m. The roof form is proposed to be lean to.

The single and two storey side extension would project 5m from the original side wall of the dwelling lying flush with the front and 4.5m towards the rear elevation. The first floor element would be set back 4.8m from the front elevation. The roof over the single storey element would have a parapet roof with a lantern and the roof over the two storey element would be hipped.

The north, west and south elevations would be natural stone with slate for the roof covering.

The scheme proposes a new pedestrian access from Wayne Close which would require the removal of a 2.5m section of the existing stone walling. The plans do indicate that the walls would be built back up to curve on either side of the new steps tapering in to a path 1m wide.

History of negotiations

The initially submitted plans were identical to the previously refused plans under 2019/90541. Amended plans were sought and received to remove the vehicle access and reduce the scale of the side extension to address the previous reasons for refusal.

Relevant Planning History

2019/90541 - Erection of porch, two storey side extension and formation of new vehicular & pedestrian access - refused

1. The proposed demolition and alterations to wall on Wayne Close for the vehicle and pedestrian accesses is extensive and would cause harm to the character of the host property and the wider conservation area by the removal of a large section of this historic feature and altering the layout of the site. To permit such development would be contrary to Policies PLP24 & PLP35 of the Kirklees Local Plan and chapters 12 & 16 of the NPPF.

2. The proposed side extension, by reason of the design, scale, bulk, massing and the increase in height would result in the formation of an incongruous feature in a prominent position which would be harmful to the character of the host property and the wider conservation area. To permit such development would be contrary to Policy PLP24 & PLP35 of the Kirklees Local Plan and chapters 12 & 16 of the NPPF.

Representations

The application was advertised by site notice and neighbour letters, which expired on 22/07/2019

As a result of the above publicity, 4 representations have been received. A summary of the concerns raised are as follows:-

- The new drive would cause damage to a mature tree.
- The proposals could result in an impact on the existing access along Osborne Terrace.
- The extension would have an overbearing and oppressive impact upon the neighbouring properties.
- A new access from Wayne Close would result in parking issues for Wayne Close.
- Overlooking as a result of the windows proposed facing towards Wayne Close.
- The extension would not be in keeping with the Conservation Area.
- A pedestrian access on Wayne Close may result in visitors to the property parking on Wayne Close.

Amended plans were sought and received removing the vehicle access and reducing the scale of the side extension. As the changes were significant, the

amended plans were advertised by neighbour letter, giving until 11/09/2019 for comments. Two further responses were received and the concerns are summarised below.

- The reduced extension would not be in keeping with the area.
- The new bedroom window on the front elevation would overlook properties on Wayne Close.
- Formation of a vehicle access from Wayne Close would have highway safety implications.

Consultation Responses

K.C. Conservation & Design – Support the amended proposals

K.C. Trees – The Arboricultural Officer was consulted on the previous application and raised no issues as there are no trees on or adjacent to the site which are worthy of protection. There have been no changes on site and it has been less than 6 months since the previous consultation and as such the previous comments are still considered to be relevant.

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. However the property is located within the designated Upper Batley Conservation Area.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety
- **LP 22** – Parking
- **LP 24** - Design
- **LP33** - Trees
- **LP 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, 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
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development & background
- 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 & background:

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.

In this instance, the property is located within the Upper Batley Conservation Area which is characterised by attractive, well-treed suburbs with large houses in substantial gardens. Although this group of buildings is lower status and smaller than other houses in the conservation area, it displays some of the features such as trees and stonework which are characteristic of this conservation area. 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 LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

The reduced scheme has addressed the previous reasons for refusal. The amended plans have included the reduction of the side extension to form a more appropriate relationship with the main house and the vehicle access has been removed. The design is now for a subservient extension to the main house which allows the majority of the period features which form the significance of the property's contribution to the conservation area to be

retained. This is considered to comply with LP35 of the KLP and chapter 16 of the NPPF.

All relevant issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity including heritage considerations:

The host property is a large unlisted detached house which dates back to the late nineteenth century, located within the Upper Batley Conservation Area which is characterised by Victorian suburban houses.

The properties within Osborne Terrace, along with the boundary wall and gardens, form an interesting grouping with attractive features which the Conservation Officer and I both consider to make a positive contribution to the character and significance of the Upper Batley Conservation Area and also form the gateway to the Conservation Area. The scale, design, detailing and materials are typical of Victorian housing in this area, with the boundary wall clearly showing the extent of the conservation area.

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

Formation of new pedestrian access

The applicant proposes a modest demolition of a 2.5m wide section of the southern boundary wall to create a pedestrian entrance with steps towards a new proposed porch. The area to be removed is modest and the bulk of the walling, which does form an important characteristic of the area would, for the most part, be retained. As such, this element of the scheme can be considered to be acceptable in terms of visual amenity and the impact on the significance of the character of the conservation area.

Single & two storey side extension

The single and two storey side extension proposed on the western elevation of the house would be constructed with stone walls, slate roof and uPVC windows. The proposed construction is in stone with stone gutter corbels and a hipped roof to reflect the design of the existing building, along with a stone string course to match the existing. The applicant also proposes to replace the brick external skin of the north facing wall with coursed stone to match the existing.

The host property does have a reasonably sized curtilage which can support the proposed extension without amounting to overdevelopment of the site whilst retaining an acceptable area of amenity space. It is appreciated that the extension would alter the existing gable feature on the western elevation with a hipped roof. Although this is one of the two most important elevations of the house, as this is seen in context with the adjacent terrace of Victorian houses,

the alteration is not considered to be so significant given the new hipped roof would be set down from the level of the main roof.

The use of a flat roof form is not generally considered to represent good design. However, with the design proposed for this property, the parapet and lantern being single storey in nature and of the modest scale proposed would, in this instance, form an acceptable relationship with the main house.

The single and two storey side extension as proposed would form an acceptable relationship with the host property and would conserve the significance of the conservation area.

Porch

The elevation facing onto Wayne Close is very prominent, taking into account the elevated position. The modest scale and appropriate detailing proposed for the porch, including the flat roof form which includes a parapet and would be similar in appearance to the single storey side extension can be considered to be acceptable in terms of visual amenity and the significance of the conservation area.

Summary

Having taken the above into account, the proposed extensions and alterations to the host property 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 (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework. Furthermore, the scheme as amended would also conserve the significance of the conservation area in accordance with the aims of policy LP35 of the KLP and chapter 16 of the NPPF.

3 – Impact on residential amenity:

There are no properties to the north which would be affected by the development proposed.

Impact on 5 Osborne Terrace

The side extension would align with part of the garden area to the south of the neighbouring property and the proposed extension would have the potential to cause an overbearing and oppressive impact as well as some overshadowing in the morning. However, the orientation of the properties would mitigate some of the impact, together with the reduced scale of the proposed extension now forming a single and two storey extension with a reduced width. I am satisfied therefore that the effects of the extension would not be significant upon the amenity of the occupiers of the adjacent 5 Osborne Terrace.

The formation of the pedestrian access to the front and the small porch would have no significant potential to affect the amenity of the occupiers of the adjacent 5 Osborne Terrace.

Impact on 2 – 6 Wayne Close

The extension to the side of the dwelling would introduce new habitable room windows which would face towards the properties on the opposite side of Wayne Close at a higher level. The extension itself would have the potential to result in overlooking of the neighbouring properties and to form an overbearing and oppressive impact. However, the relationship already exists to a degree with the position of the host property. Furthermore, the amended plans have positioned the first floor front elevation back and there is a separation of over 23m with the respective garden areas and the road which, together with the orientation of the properties, would minimise the potential impact on the neighbouring occupants on the opposite side of Wayne Close. It is considered therefore that there would be no significant impact as a result of the proposed side extension, over and above those existing at present, in terms of the impact on the amenity of the occupiers of the properties on Wayne Close.

The limited scale of the porch and pedestrian access is such that there would be no significant impact on the amenity of the occupiers of the properties on Wayne Close.

Impact on 1 Glenn Avenue

The extension would be on the opposite side of the dwelling to the adjacent 1 Glenn Avenue and as such the proposed works would have no potential to effect the neighbouring 1 Glenn Avenue.

The pedestrian access and porch would be set away from the adjacent neighbour and would have no impact upon the amenity of the occupiers of the neighbouring 1 Glenn Avenue.

Summary

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 (b) in terms of providing a high standard of amenity for future and neighbouring occupiers and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals would result in some intensification of the domestic use at the application site. However the parking area access from Osborne Terrace 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 LP21 and LP22 of the Kirklees Local Plan.

5– Other matters:

Mature Trees

The Council's Arboricultural Officer was consulted as part of the previous application and as this submission is less than 6 months from the last application, those comments are still considered to be relevant. The Council's Arboricultural Officer confirmed that there are no trees worthy of preservation close enough to the site to be affected by the proposed works. As such, the proposal is considered to comply with the aims of policy LP33 of the KLP.

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

6 – Representations:

As a result of the initial publicity, 4 representations have been received. A summary of the concerns raised and officer responses is set out below:-

- The new drive would cause damage to a mature tree.
Response: *The plans have been amended to remove this element of the proposal.*
- The proposed new drive could result in an impact on the existing access along Osborne Terrace.
Response: *This element of the proposal has been removed.*
- The extension would have an overbearing and oppressive impact on the neighbour properties.
Response: *This is a material consideration as it relates to residential amenity. The impacts of the proposal have been fully assessed within the residential amenity section of this report and the proposal is considered acceptable from this perspective.*
- A new access from Wayne Close would result in parking issues for Wayne Close.
- **Response:** *This element of the proposal has been removed.*
- Overlooking as a result of the windows proposed facing towards Wayne Close.
Response: *This is a material consideration as it relates to residential amenity. The impacts of the proposal have been fully assessed within the residential amenity section of this report and considered to be acceptable.*
- The extension would not be in-keeping with the Conservation Area.
Response: *This is a material consideration as it relates to the heritage asset which the proposal could impact on. The issue has been addressed within the main assessment and, following consultation with the Council's Conservation & Design team, following receipt of amended plans, is considered acceptable.*

- A pedestrian access on Wayne Close may result in visitors to the property parking on Wayne Close.
Response: *Although highway safety is a material consideration, in this instance, parking of non-residents on the highway is outside the control of the Local Planning Authority.*

Amended plans were sought and received removing the vehicle access and reducing the side extension. As the changes were substantial, the amended plans were advertised by neighbour letter giving till 11/09/2019 for comments. Two further responses were received and the concerns are summarised with Officer Responses below:

- The reduced extension would not be in keeping with the area.
Response: *This is a material consideration relating to visual amenity which has been assessed within the relevant section of this report and is considered acceptable.*
- The new bedroom window on the front elevation would overlook properties on Wayne Close.
- **Response:** *This is a material consideration as it relates to residential amenity. The impacts of the proposal have been fully assessed within the residential amenity section of this report and considered to be acceptable.*
- Formation of a vehicle access from Wayne Close would have highway safety implications.
Response: *The proposals have been amended to remove this element of the proposal.*

7 – Negotiations:

The initially submitted plans were identical to the previously refused plans under 2019/90541. Amended plans were sought and received to remove the vehicle access and reduce the scale of the side extension to address the previous reasons for refusal.

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.

The Conservation Officer had requested a condition requiring samples of the materials. However, after further discussion, it is considered appropriate to impose a condition requiring the extension to be constructed using natural stone as close in appearance to the original house as possible to ensure that the extensions harmonise with the host property.

9 – Conclusion:

This application for a pedestrian access to the front of the property, erection of a porch to the front and a single and two storey extension to the side of 6 Osborne Terrace 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, as well as the proposal conserving the significance of the conservation area, the proposals are 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: 2019/91980

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 LP21, LP22, LP24, LP33 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extensions hereby approved shall be constructed using natural stone which in all respects matches that used in the construction of the existing building.

Reason: In the interests of visual amenity and to conserve the significance of the Upper Batley Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 of the National Planning Policy Framework.

4. The roofing material shall, as far as practicable, match that used in the construction of the existing building.

Reason: In the interests of visual amenity and to conserve the significance of the Upper Batley Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 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	-	766287	27/08/2019
Existing plans	-	756612	26/06/2019
Proposed plans	-	766293	27/08/2019

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.

The initially submitted plans were identical to the previously refused plans under 2019/90541. Amended plans were sought and received during the course of the application to remove the vehicle access and reduce the scale of the side extension to address the previous reasons for refusal.

Report Dated 16/09/2019