

**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: 2019/62/92275/E

Site Address: 12, Upper Batley Low Lane, Upper Batley, Batley,
WF17 0AL

Description: Erection of single storey side & single storey rear
extensions (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: 13-Sep-2019

OFFICER REPORT

Site Description

12 Upper Batley Low Lane is a brick built semi-detached bungalow with a projecting element to the front which has a perpendicular pitched roof (feature of the pair). The property has gardens to the front and rear with a drive to the side leading to a detached garage at the rear of the dwelling.

The property backs onto an open field with a farm building to the west side and a similar residential property to the east side. There is an older stone built property on the opposite side of the road.

Description of Proposal

The applicant is seeking permission for a single storey side extension and a single storey rear extension.

The side extension would be set back 1m from the front elevation with a projection of 4m from the original side elevation of the property and with a depth of 7.6m. The extension would end flush with the original rear wall of the dwelling and the roof form would be a set down pitched roof.

The rear extension would be set back 5.8m from the shared boundary with the adjoining property and would have a projection of 2.8m with a width of 4.2m. The roof form would be a perpendicular pitch.

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 23/08/2019

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. However the property is sited within the Upper Batley Conservation Area

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **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 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 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.

However, the property is located within the Upper Batley Conservation Area which is characterised as an area of mixed and open character on the edge of the town. Large stone built Victorian villas in mature grounds alongside older cottages. 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.

In this instance, given the limited scale of the proposed extensions together with the appropriate design & detailing, the proposed extensions are not considered to represent a detrimental impact in terms of the character of the conservation area.

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

2 –Impact on visual amenity:

Upper Batley Low Lane is a residential street at this point with a mix of properties in terms of age and design. 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.

Single storey side extension

The host property is set in a reasonably sized amenity space and the side extension is considered to be acceptable in terms of scale. It would be set back from the front of the property and would form a subservient addition to the property. The materials proposed would utilise brick for the construction of the walls and tiles for the roof covering which would form an appropriate relationship with the main house. Furthermore, the detailing proposed would include a garage opening on the road facing elevation which would not be unacceptable in terms of its appearance relative to the character of the host property. It is considered therefore that the single storey side extension would be acceptable in terms of visual amenity, in line 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. The extension is also considered to be acceptable in

terms of Policy LP35 of the Kirklees Local Plan (1) in terms of the preserving the significance of the heritage asset.

Single storey rear extension

The scale of the rear extension with its limited projection of 2.8m and width of 4.2m would form a subservient addition to the property, covering a very limited area of the sizeable rear garden. The materials proposed would utilise brick for the construction of the walls and tiles for the roof covering which would form an appropriate relationship with the main house. Although the design would include bi-folding doors on the rear elevation, the overall appearance of this would form an acceptable relationship with the host property. It is considered therefore that the single storey rear extension would also be considered to be acceptable in terms of visual amenity, in line 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. The extension is also considered to be acceptable in relation to Policy LP35 of the Kirklees Local Plan (1) in terms of the preserving the significance of the heritage asset.

Summary

Having taken the above into account, the proposed extensions to the side and rear of the dwelling 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. As well as complying with LP35 of the Kirklees Local Plan in terms of preserving the character of the conservation area through the acceptable design and scale relative to the host property.

3 – Impact on residential amenity:

The property backs onto a paddock, with a large barn type building along the southern side boundary and the area to the side of the property faces onto a vehicular access into the grounds of Oakwood House. There are no residential properties to the front, south side or rear of the dwelling which could be affected by the proposed side and rear extensions.

Impact on 10 Upper Batley Low Lane

This property is located to the south of the application site, with a single storey section appearing to comprise of a barn located adjacent to the boundary with the application property. The proposed side extension would bring development closer to this shared boundary, however due to the scale and nature of the proposed extensions, in addition to that of the barn (non-habitable accommodation), there would be no detrimental impact upon the adjacent occupiers, in accordance with Policy LP 24 of the Kirklees Local Plan (b).

Impact on 14 Upper Batley Low Lane

The extension proposed to the rear would be set back some 5.8m from the shared boundary with the adjoining property. As such, given the separation together with the limited projection of 2.8m and the single storey nature of the extension, there would be no harm caused to the amenities of the occupiers of the adjoining 14 Upper Batley Lane. I am satisfied therefore that the proposal is in line with Policy LP 24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties.

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 the amenities of neighbouring properties 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 will restrict vehicular access to the outbuilding to the rear. However the parking area to the front of the property would not be affected by the proposed extension and the proposal includes the provision of a new garage of appropriate dimensions to constitute off road parking (4m by 7m) which is considered to represent a sufficient provision. As such 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought.

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 side to provide an attached garage and a single storey extension to the rear to extend the kitchen of 12 Upper Batley Lane 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: 2019/92275

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 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 Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 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	-	640764	19/07/2019
Existing plans	-	640772	19/07/2019
Proposed plans	-	640771	19/07/2019

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 changes were sought.

Report Dated 10/09/2019