

**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: 2019/62/92734/E
Site Address: 9, Chapel Fold, Staincliffe, Batley, WF17 7AY
Description: Erection of extensions and dormer windows to front
Recommending Officer: Jennifer Booth

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out by members of the Heavy Woollen Planning Sub-Committee on 5 December 2019 and as summarised in the Committee Decision Authorisation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 09-Dec-2019

Decision Authorisation – Committee Decision

Committee: Heavy Woollen

Date of Committee: 05/12/2019

Application Number: 2019/92734

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

Committee Decision: REFUSE

Summary of Committee Decision

Members considered the application to be unacceptable in terms of visual amenity and residential amenity.

Members considered the surrounding area and acknowledged that there was a mix of house types however, when considered with the immediate surrounding context, they considered that the bulk, height and massing of the extensions proposed (both above the main house and above the garage) would be too large and appear out of context with the immediate neighbours. They considered that this would be out of keeping with the properties next door and the character of the immediate area, contrary to policy LP24 (c) of the KLP.

In addition, members also confirmed that they had significant concerns regarding the impact on residential amenity as a result of the overall bulk and massing of the extensions and the very close relationship with the neighbouring property to the rear, no. 15 Chapel Fold. They considered that this would result in an unacceptable level of overbearing impact, once again contrary to Policy LP24 (c) of the KLP.

There was a move to defer the application however, this was not seconded because the majority of members felt that any amendment to the scheme would require the submission of a new planning application and could not be dealt with as part of this current application.

Reasons for Refusal

1. The proposed extensions, by reason of their bulk, height and massing would result in the formation of an incongruous development that would be significantly harmful to the character of the immediate area. To permit the proposals, which would not promote good design, would be contrary to Policy LP24 (c) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

2. The proposed extensions, by virtue of their resultant bulk and massing, together with the close proximity to the neighbouring property to the rear (no.15 Chapel Fold), would result in significant harm in terms of an overbearing impact on the residential amenity of the occupiers of this neighbouring property. To permit the proposals, which would not promote good design, would be contrary to Policy LP24 (c) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	16/08/2019
Existing plans	Existing	1	16/08/2019
Proposed floor plans	First floor	2	16/08/2019
Proposed floor plans	Second floor	3	16/08/2019
Proposed elevations	Front	4	16/08/2019
Proposed elevations	Side & rear	-	03/10/2019

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. In this case, the applicant submitted a formal pre-application enquiry to the Local Planning Authority and officers provided advice and comments. Following submission of the planning application, a request to consider it at the Heavy Woollen Planning Sub-Committee was received. The planning application was subsequently reported to the Heavy Woollen Planning Sub-Committee on 5 December 2019. Following a site visit, Members raised significant concern with the scheme in regard to visual and residential amenity. It was considered that there were no amendments which could be sought to overcome the concerns as part of this current planning application.

Report Dated: 06/12/2019