

**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: 2019/62/92993/E

Site Address: 6, Providence Street, Batley, WF17 5QW

Description: Erection of single storey rear extension

Recommending Officer: Olivia Roberts

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: 06-Nov-2019

Officer Report

Site Description

6 Providence Street is a two storey semi-detached property in Batley. It is finished in render and is designed with a gable roof form which is finished in concrete roof tiles. The dwelling benefits from a two storey extension and a conservatory to the rear and an entrance porch to the front. The dwelling is set back from the access road with access and amenity space to the front and amenity space to the rear. An outbuilding is located along the rear boundary of the site.

The site is located in a predominantly residential area with the immediate vicinity comprising properties of a similar style and design. Whilst there is some variation within the wider area, the predominant materials of construction are stone and render. A number of commercial buildings are located to the east of the site.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension which would replace the existing conservatory at the site.

The extension would project 2.50 metres from the rear elevation of the existing two storey rear extension and would extend across the full width of the property. It would be finished in render to match existing dwelling. The extension would be designed with a lean-to roof form which would have an eaves height of 2.65 metres and a maximum height of 3.60 metres. It would be finished in roof tiles to match existing. Openings are proposed for the rear elevation of the extension.

History of negotiations/amendments received

No amendments were sought or received during the process of the application.

Relevant Planning History

2013/94001 – Erection of extensions to 6 and 8 Providence Street and access ramp to 8 Providence Street. Granted Conditional Full Permission.

2012/91483 – Erection of conservatory to rear and two metre high fence to side. Refused. Appeal Upheld.

2009/91255 – Erection of two storey extension and porch to front. Granted Conditional Full Approval.

Representations

The application was advertised by site notice and neighbour letter which expired on 29th October 2019.

As a result of the above publicity, one representations have been received. The following concerns were raised:

- There will be a restriction of sunlight coming into my property. They have already erected an outbuilding which effects this.
- It will be very close to my building and will have an impact on my property should I want to sell or extend. You will clearly be able to see in and there would be an invasion of each other's privacy.

Officer comments will be made in Section 6 of this report.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary during the course of the application.

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.

Kirklees Local Plan (LP):

- 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 2 – Achieving sustainable development
- 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 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 proposed extension would replace the existing conservatory, having an equal projection from the rear elevation of the existing two storey extension and projecting an additional 2.40 metres to the west. It is considered that the extension, by virtue of its scale and positioning, would remain subordinate to the host property which would remain the dominant feature following development. Whilst the development would introduce additional bulk to the property, given the limited increase in scale from the existing arrangements at the site, it is not considered, on balance, that this impact would be significantly detrimental to the visual amenity of the property.

The proposed extension would be located to the rear of the property which would reduce its visibility from the surrounding area. Whilst it is noted that there would be some view of the proposal from Turner Avenue to the west of the site, this would be partially screened by existing boundary treatment. As such, it is not considered that the proposal would have a significant impact on the visual amenity of the area.

Whilst the proposal would introduce additional development to the site which already benefits from a number of extensions and additions, given the limited increase in footprint from existing and the retention of amenity space to the front of the property, it is not considered, on balance, that the proposal would amount to an overdevelopment of the site. In the interest of visual amenity and to prevent an overdevelopment of the site, it is considered acceptable to remove permitted development rights for the erection of further extensions and outbuildings.

Having taken the above into account, the proposed extension 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:

Impact on 8 Providence Street

The proposed extension would project from the rear elevation of the existing two storey extension at the site and would have an equal projection to the conservatory which it would replace. Whilst the extension would be designed with a lean-to roof form which would introduce some additional bulk along the boundary, given the existing context of the site, it is not considered that the impact on the residential amenity of the property would be significantly greater than existing. Whilst no openings are proposed for the side elevation of the extension, in the interest of residential amenity, it is considered appropriate to

condition that no openings shall be erected in this side elevation in the future to prevent overlooking.

Impact on 4 Providence Street

The proposed extension would have a projection equal to that of the existing conservatory and would not project beyond the side elevation of the property. Given the fact that the property and its rear amenity space is set back in relation to the application site, it is not considered that the proposal would have a significant impact on the residential amenity of the property. The extension would sit in line with existing open land to the rear of the property which would prevent overlooking should any openings be installed in this side elevation in the future.

Impact on 2 Cobden Close

Whilst the proposed extension would project the full width of the dwelling, it would not project any closer to the property than the existing situation. Taking this into consideration, along with the limited increase in height of the extension from existing as well as the location of the extension due north of the property, it is not considered that any overbearing or overshadowing impact would be significantly greater than existing. The impact of the extension would be limited by the location of an outbuilding along the shared boundary within the rear amenity space of both properties. Openings which would serve a kitchen are proposed for the rear of the extension. Given the fact that they would replace existing habitable room openings, it is not considered that any overlooking would be significantly greater than existing. Furthermore, the potential for overlooking would be limited by the location of the existing outbuildings to the rear of the properties.

Having considered the above factors, the proposal is 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 proposal would facilitate an extension of the existing kitchen and would therefore be unlikely to result in an increase in the domestic use of the dwelling. Whilst the property does not currently benefit from off-street parking, the proposal would not increase parking requirements at the site. 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:

Previous Refusal

The Local Planning Authority previously refused application reference 2012/91483 for the erection of a conservatory to the rear of the property due to the impact it was considered that the development could have on residential amenity of the adjoining property. The decision was appealed and upheld by the Planning Inspectorate and has since been built. Taking this into consideration, it is not considered that the proposal, which would replace the existing conservatory, would have a significantly greater impact on the residential amenity of the occupiers of the property than existing. As such, the proposal is considered to be, on balance, acceptable.

6 – Representations:

As a result of the above publicity, one representations have been received. The following concerns were raised:

- There will be a restriction of sunlight coming into my property. They have already erected an outbuilding which effects this.

Response – The impact of the development on the residential amenity of the neighbouring properties has been addressed in the impact on residential amenity section above.

- It will be very close to my building and will have an impact on my property should I want to sell or extend. You will clearly be able to see in and there would be an invasion of each other's privacy.

Response – The impact of the development on the residential amenity of the neighbouring properties has been addressed in the impact on residential amenity section above.

To conclude, the comments set out in the submitted representation have been carefully considered. However, when assessed against relevant planning policy and all other material planning consideration, the proposals are considered acceptable and the concerns raised do not substantiate reasons for refusal.

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: 2019/92993

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 LP1, LP2, LP22 and 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and so the prevent overdevelopment of the site in accordance 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 the works may be carried out.

Plans and specifications schedule:-

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			13/09/2019
Existing & Proposed Site Plans	1		13/09/2019
Existing & Proposed Floor Plans	2		13/09/2019
Existing & Proposed Elevations	3		13/09/2019

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 05/11/2019