

**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: 2019/62/93466/E

Site Address: 37, Denison Street, Batley, WF17 7NU

Description: Erection of single storey front extension and single and two storey rear extension

Recommending Officer: Ellie Knowles

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: 16-Dec-2019

Officer Report

Site Description

37 Denison Street is a two storey mid terraced property in Batley. It is constructed in brick to the front and rear and is designed with a pitched roof which is finished in grey roof tiles. The property benefits from an amenity space to the front and rear, which is finished in hardstanding.

The site is located in a predominately residential area, within a row of identical terraced houses built around a central area of hardstanding to the rear. It is noted that there is a change in land levels at the application site, sloping downwards to the rear.

Description of Proposal

This application seeks planning permission for the erection of a single storey front extension, along with a two storey and single storey rear extension. The measurements of the three elements are as follows:

Front extension

- 1.2m projection from the front elevation
- 5.7m in width
- 2.6m in height to the eaves; 3.5m in overall maximum height

Two storey rear extension

- 3m projection from the original rear elevation
- 5.6m in width
- 5.5m in height to the eaves; 7.7m in overall maximum height

Single storey rear extension

- 2.6m projection from the rear elevation of the two storey rear extension; overall 5.5m from original rear elevation
- 2.6m in width
- 3.3m in height to the eaves; 4.2m in overall maximum height

There are openings proposed in the front and rear elevations of the extensions, these would be white uPVC to match existing. Internally the front extension would create a porch and lounge extension. The rear extensions would create a kitchen and bathroom at ground floor level and a bathroom and bedroom extension at first floor level.

All external materials are to match the existing.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format. Clarification was however sought in regard to the fenestration detail.

Relevant Planning History

At the application site –

2019/93461 – Prior notification for single storey rear extension – Prior approval not required

At 39 Denison Street –

1992/04612 – Erection of single storey extension. Refused.

1992/04612 – Erection of extensions. Refused.

1993/03302 – Erection of two storey extension. Granted.

2000/90889 – Erection of extensions. Granted.

At 35 Denison Street –

1991/03331 – Erection of 2 storey extension and detached garage. Refused.

1992/01402 – Erection of 2 storey extension and detached garage. Granted.

2018/91123 – Prior notification for single storey rear extension. Refused.

2018/91131 – Erection of single storey extensions to front and side/rear and alterations. Granted.

At 10 Banks Street –

1997/92394 – Erection of two storey extension and porch. Granted.

At 8 Banks Street –

2004/90799 – Erection of 2 storey extension, porch and granted. Granted.

At 62 Purwell Hall Road –

1990/02657 – Erection of 2 storey extension. Granted.

2003/90804 – Erection of bedroom/bathroom/porch extensions and formation of access ramp. Granted.

Representations

The application was advertised by site notice and neighbour letters, which expired on 26th November 2019.

As a result of the above publicity, no representations have been received.

Parish/Town Council comments – not applicable.

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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access.
- **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, 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
- 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 impact on visual amenity is acceptable for the reasons set out below:

Single storey front extension

The proposed front extension is considered acceptable in terms of visual amenity. As the proposed building materials would match those that exist on the host property. This would allow the extensions to harmonise well with the host property and would be conditioned to ensure visual amenity is protected.

The extension would be read as a subservient addition to the host property, being single storey in height and small in scale. It would have a projection of 1.2m from the front elevation of the original dwellinghouse. Whilst this would be to the front of the site, extend the full width of the dwelling, and would be visible within the streetscene, several of the dwellings in close proximity to the application site on Denison Street, Bank Street and Purwell Road have single storey front extensions of a similar appearance (see site visit photos and planning history section of this report) – in light of this it is considered that there would be no undue harm to the character of the area or the streetscene as a result.

Single and Two storey rear extensions

The design of the proposed extensions have been considered acceptable in terms of visual amenity. As the construction and fenestration materials would match those that exist on the host property. This would allow the extensions to harmonise well with the host property and would be conditioned to ensure visual amenity is protected.

The submitted plans show three openings alongside a door opening would be inserted into the two storey element of the rear extension and a window to be inserted in the rear elevation of the single storey extension, these would be a similar scale and style and would be constructed in white UPVC to match the existing. These have been considered satisfactory from a visual perspective. The submitted plans also show no new openings to be inserted into the side elevations of the extensions.

The two storey element would project 3m from the original rear elevation of the host property. In this case, the extension would not exceed the ridge of the host dwelling and is considered to be sympathetic in scale to the host dwelling. Additionally, this means that the extension would be read as a subservient addition to the host dwelling. At ground floor, the single storey extension would project 5.5m from the original rear elevation of the host property. Whilst this is larger than what is normally permitted it has been considered that the extension would not result in the overdevelopment of the site.

To note the dwelling has a householder prior notification application approved (2019/93461) for a 6 metre single storey rear extension.

Given the location of the extension at the rear of the house, there would be no harm on the streetscene and given the variety of built form in the surrounding area, the extension would not create an unduly prominent feature.

In summary, the proposed extensions would be of a satisfactory design quality. The building materials would be in keeping with the host property and the character of the area. Therefore, for such reasons, the proposal would accord with policy LP24 of the Kirklees Local Plan and chapter 12 of the NPPF.

3 – Impact on residential amenity:

35 Denison Street is the adjoining neighbouring terraced property to the north of the application site. It is noted that this property benefits from multiple rear extensions built along the shared boundary.

Front extension

The proposed front extension projects 1.2m from the front of the host dwelling and is inset from the boundary with no.35. Given this small projection and the single storey nature of the extension, there would be no overbearing impact.

Rear extensions

In regards to overbearing, it has been assessed that the proposal would intensify development to the rear of the application site. Although, given the existing massing and bulk of development along the shared boundary, due to the multiple extensions at this neighbouring property, it has been assessed that any impact on overbearing can be supported, given that the proposed rear extensions would be inset from the shared boundary with this property.

In regards to overshadowing, these neighbours are located to the north of the application site and therefore there would be no detrimental impact. Furthermore, there is no amenity space to the rear of this neighbour that could warrant any concern.

The submitted plans also show no additional openings to be inserted into the north facing side elevation of the extension which would mitigate against any undue harm on overlooking. Given the existing relationship between the sites with blank walls, it was not considered necessary to remove permitted development rights.

Overall the harm to these neighbouring occupants can be supported.

39 Denison Street is the adjoining neighbouring terraced property to the south of the application site. It is noted that this property is situated slightly higher than the application site and benefits from a single storey front and rear extensions.

Front extension

The proposed front extension projects 1.2m from the front of the host dwelling and is inset from the boundary with no.39. Given this small projection and the single storey nature of the extension, there would be no overbearing impact, especially given that no. 39 has a front extension of a similar scale.

Rear extensions

As a result of the rear extensions it has been acknowledged that there would be some harm to these neighbours amenity as a result of this application. In regards to overbearing, it has been assessed that the proposal would intensify development to the rear of the application site. However, the extensions would be inset from the shared boundary with this neighbour and there is sufficient heavy boundary treatment in place, which would help minimise any overbearing impact.

In regards to overshadowing, these neighbours are located to the south of the application site and therefore any impact would only be visible within an evening. For these reasons any harm on overshadowing can be supported.

The submitted plans also show no additional openings to be inserted into the south facing side elevation of the extension which would mitigate against any undue harm on overlooking. It has been considered that should any be inserted in the future, the current boundary treatment is considered sufficient to mitigate any impact, therefore permitted development rights have not been removed.

Overall, the harm to these neighbours can be supported.

58 Denison Street is the neighbouring property opposite the rear elevation of the application site. Whilst there is development to the rear of the host property, it been considered that there would be no impact on this neighbour given the significant separation distance between the nearest elevations.

22 Denison Street is the neighbouring property opposite the front elevation of the application site. It has been considered that there would be no harm to these neighbours amenity in regards to overbearing and overshadowing, as a result from the front extension. Alongside this there would be limited overlooking as a result, given the fact that there is a minimum separation distance of 19.5m between the nearest elevations at these neighbours. Overall the impact to these neighbours amenity can be supported.

Having considered the above factors, the proposal is not considered to result in any significant 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 would result in some intensification of the domestic use and it is noted that the property will lose part of the driveway due to this proposal. However there will be 6m of driveway to the rear retained, which is sufficient space for a car, alongside an additional off street parking space which is considered to represent a sufficient provision. Whilst no additional parking would be provided, it is noted that off-street parking is available to the front. Further to this, given the nature of the proposal, it is not anticipated that there would be a material increase in traffic generation as a result. The scheme would not represent 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:

None

6 – Representations:

No representations were received during the course of this application.

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: 2019/93466

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: 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	Version	Date Received
Existing plans and elevations and location plan	01	-	29 th October 2019
Proposed plans and	02	A	29 th October 2019

Plan Type	Reference	Version	Date Received
elevations			

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. No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Report Dated: 13/12/2019