

**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: 2020/62/91652/E

Site Address: 82, Raikes Lane, Birstall, Batley, WF17 9QF

Description: Erection of two storey side extension with balcony

Recommending Officer: Katie Wilson

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.

Paul Dowd

AUTHORISED OFFICER

Date: 16-Feb-2021

Officer Report – 2020/91652

Site Description

82 Raikes Lane, Birstall is a two-storey semi-detached house, with red brickwork walls and dual-pitched and hipped roof surfaced in grey/blue tiles. The house is set back from the roadside and on slightly elevated ground. There is garden and driveway to the front and garden to the rear, enclosed by other gardens to all sides.

The wider area is residential in nature, with similar properties to either side and a variety of dwellings beyond.

Description of Proposal

Planning permission is sought for the erection of a two-storey side extension with a balcony.

- Rectangular footprint projecting 2.85m to the side x 7.0m long, set back from the front elevation 0.5m.
- Ridged roof, which is hipped to the side, eaves in line with existing to the front and rear, and ridge line slightly below that on the original part of the house.
- Patio doors and one window above in rear elevation; window and patio doors above at first floor level with Juliet balcony to front elevation; no openings in the side gable end.
- All external materials to match the existing.

History of negotiations/amendments received

Negotiations took place to amend the roof design, in the interests of visual amenity.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date Expires: 3rd August 2020. Two representations were received. The points made are as follows:

- Contrary to submitted information, there is a hedge on the driveway.
- The proposed side extension will have an overshadowing and overlooking impact.

Parish/Town Council comments: Not applicable.

Consultation Responses

K C Strategic Waste: supplied landfill gas values for two sites within 250m of the site address.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 without notation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity
- **LP 52** – Protection and improvement of environmental quality (including pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution to soil.
- **LP 53** – Contaminated and unstable land

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
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring “*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*”.

In this instance, historical maps dated 1955 and held on the Council’s mapping system show the footprint of a semi-detached house at the application site. From this and site photos, it appears that the house as it now stands, could be considered the original building.

The proposed side extension, whilst adding mass, has a footprint, which is less than half the original and an overall height, which is below that of the host dwellinghouse. Furthermore, the front elevation is set back around 0.5m from the front elevation. As such, it is considered that the proposed extension would be subservient to the original building.

These measures, together with use of ridged and hipped roof design, would also ensure that there would be no undesirable terracing effect, should the neighbouring property wish to extend over two-storeys at the side in the future.

In terms of materials and details, the external wall and roof materials would be brickwork and blue slate respectively and these would be like those on the original part of the house. The roof style would also match the existing and the window openings would be generally in-keeping, although the first-floor bedroom would have patio doors with a Juliet balcony on the front elevation. Whilst this introduces a new feature, it is set back from the front building line and in officers’ opinion would not appear at odds with the character of the host dwellinghouse or the surrounding residential area.

As such, on balance, it is considered that the proposal would promote good design and is compliant with this part of policy LP24.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

In this instance, there would be four households potentially affected by the proposals; these are addressed below:

80 Raikes Lane – This is a similar two-storey semi-detached house, adjacent to the western side of the house at the application site.

In terms of overshadowing and overbearing impacts, whilst the proposed side extension would be two-storeys in height and close to the mutual boundary, it would be set back from the front elevation slightly and the overall height would be lower than that of the existing house. Furthermore, it does not project further than the rear building line of the original part of the house. As such, it is considered that this impact would be relatively limited over and above that of the existing house.

Regarding overlooking, the opposing side elevations are roughly parallel. At 80, Raikes Lane, the side elevation contains a door at ground floor and a small window above, whilst the facing side elevation of the proposed extension is blank. It is suggested that new openings in this side elevation be controlled by condition, this would prevent direct overlooking.

Windows and doors proposed in the front and rear elevations have no direct relationship to others at 80, Raikes Lane. There may be potential to view parts of the front and rear gardens from these proposed windows, but this would be at an oblique angle, similar to many other properties. As such, in officer's opinion, this would also have relatively limited adverse impact upon residential amenity.

84 Raikes Lane – This is the adjoining semi-detached house, attached to the eastern side of the house at the application site.

Given that the proposed extension does not project beyond the front or rear elevations and its overall height is below that of the existing building, it is considered that there would be no significant overshadowing, overbearing or overlooking impacts on this neighbouring property.

181b Raikes Lane – This is a detached house on the opposite side of Raikes Lane.

As the proposed extension would be slightly further away from the facing front elevation of this neighbouring property than the house at the application site, with at least 25.0m separation distance, it is considered that there would be no additional impacts upon the residential amenities of its occupants.

43 Briarmains Road – This is a two-storey end-terraced house, to the north of the application site.

The proposed extension would retain a gap of at least 25.0m to the facing rear elevation of this neighbouring property and would be no closer or higher than the existing house at the application site. As such, it is considered that the proposal would have no overbearing, overlooking or overshadowing impacts upon the occupants of this neighbouring property.

To conclude, it is considered that the proposal would minimise the impact on residential amenity of future and neighbouring occupiers.

4 – Impact on highway safety:

The application site is accessed from Raikes Lane, an adopted but unclassified road.

The house at the application site is set back from the main road, with a relatively long driveway suitable for two cars to park in tandem and further space at the top for another car to park in front of the front door.

The currently proposed side extension would create a fourth bedroom, but the existing off-street parking provision, described above, would not be affected.

Therefore, it is considered that there would be no significant harm caused to highway safety from the proposed development and, as such, the proposal complies with policy LP21 of the KLP.

5 – Other matters:

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the

construction process and which will require compliance with national standards

Protected species (bats):

The site is in an area recorded as a bat alert area. Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies. An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and, as a result, no survey is required. However, a precautionary footnote shall be added to the decision notice to comply with the aims of chapter 15 of the NPPF.

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

Contaminated land/Land fill gas:

The site is within 250m of two closed landfill sites; approximately 232m away from landfill site ref: 254 (Raikes Lane cutting), where investigative boreholes were sunk in 1996 and found no leachate or groundwater, landfill Gas values were CH₄ 1.6% v/v and the same for CO₂ south of Fieldhead bridge. It is also approximately 242m away from landfill site ref: 76, where in 1994 shallow spike surveys for LFG found no CH₄ and ambient CO₂.

These are below the Lower Explosive levels. Furthermore, built development lies between the site and the closed landfill site, which has since been developed for housing. It is considered unlikely that methane would be present in sufficient quantities to present a hazard. However, as a precaution, a footnote is suggested, to comply with LP53 of the KLP.

6 – Representations:

Two representations were received during consideration of this application. They raise the following points:

- Contrary to submitted information, there is a hedge on the driveway.
Response: This is noted, however, from a planning point of view its contribution to the visual amenity of the area is very limited.
- The proposed side extension will have an overshadowing and overlooking impact.
Response: an assessment of this impact is given in section 3 above and found to be acceptable.

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: 2020/91652

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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP30, LP52, LP53 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 the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevation of the side extension hereby approved.

Reason: To not detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The applicant is hereby advised that the site lies within 232m of a former closed landfill site. Investigative boreholes sunk in 1996 at the former landfill site, which produced low levels of methane (1.6% v/v). The former landfill site has since been developed for housing. Whilst it is considered unlikely that methane would be present in sufficient quantities to present a hazard, the applicant may wish to carry out landfill gas monitoring to establish whether landfill gas levels are significant. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

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: 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: 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 13.00 hours, 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 may control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			05.06.2020
Site plan	Dwg no. 20/75		05.06.2020
Existing and proposed plans and elevations	Dwg no. 20/75/A		02.12.2020

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 has, 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. Negotiations took place to amend the roof design, in the interests of visual amenity.

Report Dated: 12.02.2021

