

**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: 2020/62/91809/E

Site Address: 73, Healey Lane, Healey, Batley, WF17 7SU

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 11-Aug-2020

Officer Report

Site Description

73 Healey Lane is a two storey end terrace property in Batley. It is constructed from stone to the front and side and brick to the rear and is designed with a gable roof form which is finished in roof tiles. The dwelling benefits from a two storey element and a single storey outrigger extension to the rear which form part of the original dwelling. There is an attached garage which is located to the east. The dwelling is set back from the access road with a small garden and driveway to the front and a larger garden and area of amenity space to the rear.

The site is located in a predominantly residential area which comprises properties which vary in terms of their style and design. The properties immediately to the east of the site comprise commercial units at ground floor with living accommodation above.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension. The extension would project 6.15m from the rear elevation of the property, sitting flush with the rear elevation of the existing two storey element. It would project 2.2m from the side elevation of the two storey rear element, sitting flush with the eastern side elevation of the dwelling. The extension would be designed with a lean-to roof form which would have an eaves height of 2.7m and a maximum height of 3.5m.

The extension would be finished would be finished in brick.

History of negotiations/amendments received

Clarification was sought from the agent regarding the roofing materials which are proposed for the extension. The agent confirmed that the roofing materials would comprise double roman pantiles. The officer requested that the roofing materials be of a similar appearance to those used on the host dwelling. The agent has agreed to this being secured by condition.

Relevant Planning History

No relevant planning history at the site.

At 79 Healey Lane –

2016/92523 – Erection of two storey side extension and single storey rear extension. Conditional Full Permission.

Representations

The application was advertised by neighbour letters which expired on 29th July 2020.

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

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary.

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
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality

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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- 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, whilst relatively large in projection, is considered to be subservient to the host property which would remain the dominant feature following development. The extension is considered to be in keeping with the host property in terms of its design and would be finished in brick and roofing materials which would match those used on the host property. Whilst it is

noted that the side elevation of the host property is constructed from stone, visibility of the proposed extension from the street scene would be limited. It is considered that the proposed extension would be read against the two storey brick element to the rear of the property. Taking this into consideration, it is not considered that the proposal would be detrimental to the visual amenity of either the host property or street scene in this instance.

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:

75 Healey Lane is located immediately to the west of the application dwelling. The proposed extension would not project beyond the existing two storey rear element at the property. It is therefore not considered that the proposed development would have a significant impact on the residential amenity of the property in terms of overbearing or overshadowing. Whilst no openings are proposed for the rear elevation of the extension, it is not considered that there would be the potential for harmful overlooking into the property or its amenity space should any be installed in this elevation in the future.

The properties to the east of the application site comprise residential accommodation and first and second floor level with a commercial unit below. Whilst these properties appear to be located at a slightly lower land level, given the single storey nature of the proposed extension, along with the distance that would be retained, it is not considered that the proposal would have a significant overbearing or overshadowing impact, nor would it allow for harmful overlooking.

It is considered that sufficient distance would be retained to prevent the proposed extension from having a significant impact on the amenity of the properties which are located to the rear of the site. The extension would be located to the rear of the property and is therefore not considered to impact on the amenity of the properties which are located to the south of Healey Lane.

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 proposed extension would serve a shower room and would facilitate the creation of a kitchen diner. It is therefore not considered that the proposal would result in an intensification in the domestic use of the dwelling. The extension would be located to the rear of the property and would not affect the existing access and parking arrangements at the site. As such, it is not considered that the scheme would represent additional harm in terms of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

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 were 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 which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6 – Representations:

No representations have been received.

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: 2020/91809

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 walling materials of the extension hereby approved shall be brick to 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 details included within the submitted plans and information, the external roofing materials of the extension hereby approved shall be of a similar appearance to 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	A101		16/06/2020
Proposed Elevations	A102		16/06/2020
Proposed Plans & Location Plan	A101		16/06/2020

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 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 acceptable, no changes were sought.

Report Dated: 07/08/2020