

**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: 2020/62/91944/E

Site Address: 2-4, Hyrst Garth, Batley, WF17 7AD

Description: Erection of single storey side extension

Recommending Officer: Anthony Monaghan

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: 03-Dec-2020

Officer Report

Site Description

The application relates to nos. 2-4 Hyrst Garth, Batley; a large detached true bungalow of stone construction with double roman tile roof; there is a small garden to the front with a parking area and integral garage.

To the rear there is a further garden and patio area with a detached outbuilding and summerhouse.

The site is located on a corner plot at the junction of Hyrst Garth and Track Road and is unallocated on the Kirklees Local Plan.

Description of Proposal

The proposal is for the erection of a small single-storey extension to the front and side of the dwelling. The extension would essentially be an “infill” to the right-hand corner of the building, adjacent to no. 6 Hyrst Garth.

The extension would project 2.3m to the side and would be a maximum of 6.8m from front to rear. The pitch of a section of the roof would be slightly altered to extend over this extension.

Materials would be stone and tiles to match the existing, with uPVC doors and windows.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

None required.

Planning History.

2007/92012 Erection of ground floor extension. Approved.

Representations.

None received.

Final publicity date Expires: 17/08/2020

No letters of representation received.

Consultation Responses.

None required.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

LP 1 Presumption in favour of sustainable development.

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 12 – Achieving well designed places.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development

The site is unallocated on the Kirklees Local Plan (KLP), Policy LP 1 is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Policy LP 24 of the KLP suggests that proposals should promote good design by ensuring (among others) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Policy in Chapter 12 of the NPPF, achieving well designed places, suggests that local planning authorities should ensure that the issue of design and the way a development will function are fully considered during the assessment of an application.

2 – Impact on visual amenity:

The existing house is a large, stone built detached bungalow. The proposed extension would be to the front/side of the dwelling but would be small in scale and would tie in well with the host property.

In terms of the details, the window openings would match the existing and the proposed materials would also match the existing and are, therefore, acceptable. A simple condition shall be included to this effect.

Given the above it is considered that the proposals would be acceptable in terms visual amenity and in accordance with policy LP 24 of the KLP and national policy in chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed extension would be built up to the boundary with the adjacent dwelling no. 6 Hyrst Garth. This would be adjacent to the driveway of this neighbouring property and facing the side elevation. However, there are no windows in this section of no.6 which face onto the extension. As such, it is considered that there would be no overbearing impact on this neighbouring property.

Notwithstanding the above, as the proposed extension would be built up to the boundary, it is reasonable to require that the windows in this side elevation, serving the bathrooms, are obscurely glazed. A further condition is also required to prevent any additional openings being inserted in this side elevation.

There are no other properties which would be affected by the proposals.

Given the above, and subject to conditions, it is considered that the proposals, in terms of residential amenity are considered acceptable and in accordance with policy LP 24 of the KLP and national policy in chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposals will not affect off-street parking or highway safety and, as such, are considered in accordance with policy LP 21 and LP 24 of the KLP.

5 – Other matters:

Climate Change: 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 and which will require compliance with national standards.

6 – Representations:

None 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. For the reasons set out above it is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2020/91944

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 and to accord with policies LP 1 and LP 24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

3. The materials used in the construction of the extension hereby approved shall match those used on the host property in all respects.

Reason: To ensure the satisfactory appearance of the development on completion and to accord with policy LP 24 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 additional windows or any other openings (other than those approved by this permission) shall be created in the side elevation of the extension hereby approved.

Reason: To not detract from the amenities of the adjoining properties by reason of loss of privacy and to accord with Policy LP 24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

5. The proposed windows shown in the side elevation of the extension hereby approved and serving the bathroom and en-suite room, shall be obscurely glazed to a minimum of level 4 obscurity on first instalment and shall be retained as such thereafter.

Reason: To not detract from the amenities of the adjacent property by reason of loss of privacy and to accord with Policy LP 24 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 13.00 hours, Saturdays, with no working on 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 Environmental Services may control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location plan	001-A4-P	1	25/06/2020
Existing plans and	002-A2-P	1	25/06/2020

Plan Type	Reference	Version	Date Received
elevations.			
Proposed plans and elevations.	003-A1-P	1	25/06/2020

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application.

No discussions were necessary with the agent during consideration of the application and the report and recommendation are based on the original submission.

Report Date: 2/12/2020