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: 2020/62/93241/E

Site Address: 12, Hillcrest Avenue, Healey, Batley, WF17 7HW

Description: Erection of two storey side extension

Recommending Officer: Jennifer Booth

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: 02-Dec-2020

OFFICER REPORT

Site Description

12 Hillcrest Avenue is a brick-built semi-detached dwelling with a drive to the front, single-storey garage attached to the side and an enclosed rear garden with a conservatory.

The property is located on a cul-de-sac, with houses of a similar age, although they vary in terms of their size, materials and style.

Description of Proposal

The applicant is seeking permission for a two-storey side extension.

The proposed extension would be set back 0.7m from the front wall of the dwelling, projecting an initial 3.2m, angling the depth of the dwelling, to finish at 6.8m in line with the rear wall of the property. The roof would be hipped for the most part with a flat roofed section.

The front wall would be constructed using brick with render to the side and rear. The roof would be covered with tiles.

History of negotiations

The initially submitted plans raised concerns in terms of the scale and the impact on the adjacent property. As such, amended plans were sought to set the extension back from the front wall of the dwelling to minimise the impact on the adjacent property. The alteration reduced the overall scale of the extension and, as such, has not been advertised.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 20/11/2020.

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

Consultation Responses

None.

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 Proposals Map.

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.

Kirklees Local Plan Policies

- **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 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
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 host property is located on a residential street, with properties of a similar age, although there are some variances in terms of design and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The host property and its associated curtilage are of a sufficient size to support the proposed side extension, without amounting to overdevelopment, and retaining a reasonable amenity space. The materials proposed would match the main house and the detailing is considered appropriate. The angling and the inclusion of an area of flat roof is not ideal in terms of design. However, the position of the dwelling in the corner will limit the views of the extension. On balance, the side extension is considered acceptable in terms of visual amenity.

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 KLP (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 10 Hillcrest Avenue

The extension is proposed to be located on the opposite side of the host property to this adjoining dwelling and, as such, will have no effect upon the amenities of the occupiers of the adjoining 10 Hillcrest Avenue.

Impact on 14 Hillcrest Avenue

Although the extension will reduce the space between the host property and this adjoining dwelling, the angled relationship between the properties is such that any additional impact would be limited. Officers are satisfied, therefore, that the side extension would not cause any significant harm to the amenities of the occupiers of the adjacent 14 Hillcrest Avenue.

Impact on 17 Hillcrest Avenue

This neighbouring dwelling, opposite, is separated from the host property by the road itself. Given this separation, officers are satisfied that the side extension would have no significant effect upon the amenities of the occupiers of the neighbouring 17 Hillcrest Avenue.

Impact on 203 Healey Lane

This is a neighbouring property along the rear boundary of the site. However, it has a blank elevation facing towards the area to be extended. Given the arrangements on site, the side extension would cause no harm to the amenities of the occupiers of the neighbouring 203 Healey Lane.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient parking provision. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, complies with Policy LP22 of the KLP.

5– Other matters:

Carbon Budget

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.

There are no other matters for consideration.

6 – Representations:

None.

7 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.

- Matching materials, to ensure that the extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.

8 – Conclusion:

This application to erect a two-storey extension to the side of 12 Hillcrest Avenue has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2020/93241
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 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 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.

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: 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: 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 the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	-	833322	07/10/2020
Block plan	-	833320	07/10/2020
Existing plans	-	833323	07/10/2020
Proposed plans	-	841437	30/11/2020

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

The initially submitted plans raised concerns in terms of the scale and the impact on the adjacent property. As such, amended plans were sought to set the extension back from the front wall of the dwelling to minimise the impact on the adjacent property. The alteration reduced the overall scale of the extension and, as such, has not been advertised.

Report Dated 01/12/2020