

**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: 2020/62/94155/E

Site Address: 35, Woodside Crescent, Staincliffe, Batley, WF17 7DY

Description: Erection of single and two storey extensions

Recommending Officer: Nina Sayers

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: 25-Feb-2021

Officer Report

Site Description

35 Woodside Crescent is a two-storey, semi-detached property in Batley. It has a large driveway to the front of the property and a garden to the rear. There is a small, shared outbuilding between the property and the adjacent neighbour. The exterior of the property is constructed from brickwork, tiled roofing and UPVC windows and doors.

The proposed development is located on a residential cul-de-sac with properties of a similar age, size and design. It is apparent from application history and site photos that several surrounding properties have any had significant extensions permitted. There is a Public Right of Way (BAT/28/10) running along the rear boundary of the property.

Description of Proposal

The applicant is seeking permission for the erection of a single and two-storey extensions to the front, rear and side of the property.

Front extension

The front extension would be single storey. It would project from the front elevation by 1.6 metres. It would be the entire width of the house plus the width of the side extension (2.3 metres), creating a total width of 9.6 metres. It would be single storey with a pitched roof, with a gabled roof over the front door. The proposed height to the eaves would be 2.4 metres, with a total height of 3.3 metres.

Side extension

The side extension would be built on the part of the footprint of the shared outbuilding and would project 2.3 metres out the side elevation of the property. The side extension would have two storeys, with the same eaves and roof height as the existing property. The ground floor would share the same front elevation as the proposed front extension. The first floor would share the existing front elevation. The rear of the proposed side elevation would share the same rear elevations as the proposed rear extension.

Rear extension

The proposed rear extension would have both a single and a two-storey component. The single storey extension would project 5.9 metres from the rear elevation. The width would be the entire width of the existing property, plus the additional 2.3 metre side extension, creating a total width of 9.6 metres. It would have a height to the eaves of 2.9 metres, creating a total height of 3.8 metres.

The two-storey section of the proposed development would project 2.9 metres, with the same width as the ground floor rear extension. It would have a gable roof. The eaves and total height would be the same as the existing dwelling.

It is also noted that part of the proposed development is to provide accessible living space.

History of negotiations/amendments received

The proposed development raised concerns regarding the large nature of the development, particularly the large front projection of the proposed works. Amended plans were sought and received, with a reduction of the front extension to 1.6 metres, rather than the originally proposed 2.3 metres. The applicant was also asked to consider setting the side extension down and back to ensure subservience of the host property but, after negotiations with the applicant, the original plans were considered acceptable due to other approved extensions on neighbouring properties.

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process.

Relevant Planning History

2005/90332 Permission granted for erection of two storey and single storey extensions (at number 28).

2007/91929 Permission granted for erection of ground floor and two storey extensions (at number 37).

2019/91382 Erection of single storey front extension (at number 43).

2020/93534 Prior notification not required for single storey rear extension. The extension projects 5.85m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.85m, the height of the eaves of the extension is 2.64m.

Representations

Final publicity date: 19/01/2021.

The application was advertised by neighbour letter, site notice and in the press due to the proximity to a Public Right of Way (BAT/28/10).

One representation has been received. This be summarised in section 6 of the officer report.

Officer comments will be made in section 6 of this report.

Consultation Responses

Kirklees Council's accessible homes team were consulted regarding this application, as part of the application is to provide accessible living for a resident.

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:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – 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 2 – Achieving sustainable development
- 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 and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a single and two-storey extensions to the front, rear and side of an existing residential property. 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.

The proposal is for an extension within the curtilage of an existing residential property. 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.

2 – Impact on visual amenity

Front extension

The front extension would project 1.6 metres out the existing front elevation of the property, so would be visible from the street. It is noted that 43 Woodside Crescent has had a similarly styled and sized front extension approved and erected. There are also several other neighbouring properties with front extensions. Therefore, the proposed development is considered to remain in character with the surrounding street scene.

Side extension

The two-storey side extension would project 2.3 metres from the side elevation of the existing property. This would also be visible from the street scene. Similarly, it is noted that multiple neighbouring properties have had a two-storey side extension. Ideally, this extension would have been set back from the front elevation but given the design of other approved extensions in the vicinity (numbers 43 and 28), this was considered not necessary for this application, as it will still be in-keeping with the character of the surrounding area.

Rear elevation

The proposed rear extension will not be visible from the street and, so, will not cause significant harm to the visual amenity of the street.

The proposed development would be in-keeping with the host property in terms of materials and design. The proposed development is substantially larger than is normally considered acceptable. However, given the similar scale development in the area and the additional accessible living requirements, this development is considered acceptable in this instance.

As such, this development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 in the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity

Impact on 37 Woodside Crescent

The proposed development would be built on part of the outbuilding shared with 37 Woodside Crescent. The neighbour has been notified and certificate B has been signed.

The proposed front extension would project 1.6 metres from the front elevation of the host property. It would include no openings on the side

elevation and, given the relatively small projection, would not cause significant harm to the amenity of the occupants of this neighbouring dwelling.

The proposed side elevation would project towards the neighbouring property by 2.3 metres, reducing the separation distance between the properties. However, there will remain approximately 2.4 metres between the properties, which is considered a suitable distance.

The proposed rear extension would project along the boundary shared with the neighbouring property. The 2.9 metre two storey rear extension may potentially cause some overshadowing harm, but due to the easterly projection of the host property and given the remaining garden space at 37 Woodside Crescent, this is considered to not to cause significant overshadowing harm to the amenity of the neighbour.

The single-storey rear extension would project 5.9 metres along the boundary shared with the neighbouring property. Given the single storey nature of this extension, and the easterly projection, it is also considered not to cause any significant overshadowing harm.

The proposed development would include one opening on the western side elevation, which would serve a shower room and, so, a condition will be added to ensure this is obscurely glazed. As such, the proposed development is considered not to cause any significant overbearing harm to 37 Woodside Crescent.

Impact on 33 Woodside Crescent

The proposed front extension would project 1.6 metres from the front elevation of the host property. It would include no openings on the side elevation and, given the relatively small projection, would not cause significant harm to the amenity of the occupants of this neighbouring dwelling.

The proposed two-storey rear extension would project 2.9 metres from the rear elevation of the property. From site photos and planning history it is clear the neighbouring property has a single storey rear extension, which projects approximately 3 metres from its rear elevation. Therefore, the proposed two-storey extension is unlikely to cause significant overshadowing or overbearing harm, as it will have a similar projection to the existing extension at 33 Woodside Crescent.

The single storey rear extension will project 5.9 metres from the rear elevation of the host dwelling. From site photos there does not appear to be a boundary treatment separating the gardens of the two properties. Therefore, the proposed works may cause some harm to the amenity of this neighbouring property. However, it is noted that the host property already holds permission for prior notification for a larger home extension (2020/93534), which has the same projection as that proposed. The neighbour also has a large garden, which wraps around the property, and so there is sufficient remaining, unaffected garden space. As a result, it is considered that the proposed

development would not cause significant harm to the amenity of the occupants of this neighbouring house.

There would be no openings in the eastern side elevation of the proposed development and so, therefore, no overbearing harm would be caused to 33 Woodside Crescent as a result of this development.

Impact on 30 Woodhall Drive

30 Woodhall Drive is located to the rear of the application property. The proposed development would project 5.9 metres towards the rear boundary, which is separated from 30 Woodhall Drive by a Public Right of Way. The proposed development would include bi-folding doors, two windows and one further opening on the rear elevation. The proposed development would remain approximately 14 metres from the rear boundary of 30 Woodhall Drive, so despite the neighbouring property being set down from the host dwellinghouse, it remains at a substantial distance, so no significant harm would be caused to the amenity of the neighbouring property. It is also noted that the property already holds permission for a larger householder extension under prior notification to the Council (2020/93534) so, therefore, the proposed single-storey 5.9 metre extension (width of 7.4 metres) is already permitted.

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, thereby complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The extension would increase this property from a three to a five-bedroom property and so would lead to intensification in the domestic use of the dwelling. The proposed plans show the entirety of the front of the property as a driveway, which is approximately 14.3 x 9.7 metres. With the reduction of the proposed front elevation, this would be 12 x 9.7 metres, which is considerable adequate space for more than three workable parking spaces. Therefore, it is considered that the proposed extension would not cause any additional harm in terms of highways safety and that the proposal complies with policies LP21 and LP22 of the KLP.

5 – Other matters

Accessible Homes

Kirklees Council's accessible homes team were consulted regarding the accessible living provided in the plans for this application. They concluded that the submitted plans would meet the needs of the resident, but their needs could also be met with a much smaller rear extension. The accessible homes officer was satisfied that the accessible bedroom would still meet the residents needs and requirements with the reduction to the front extension.

Public Right of Way

There is a Public Right of Way (BAT/28/10) running along the rear boundary of this property. Given the size of the host dwelling's garden, the proposed development would remain approximately 13 metres from the Public Right of Way. Therefore, it is considered that the extension would be a significant distance from the Public Right of Way and, so, would not cause any significant impact on the amenity of its users in this instance, complying with policy LP23 of the KLP.

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 domestic development to an existing dwelling. As such, no specific measures are required in terms of the planning application, with regards to carbon emissions. However, there are controls in place 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

One representation was received objecting to this development. The objection raises concerns over the proximity of the development to the Public Right of Way and the loss of privacy to the property to the rear of the host dwellinghouse.

The Proximity to the Public Right of Way is a material planning consideration and so has been carefully assessed in section 5 of this report, which concludes the proposed development remains a significant distance from the Public Right of Way, so no harm would be caused to the amenity of its users by the proposed development.

The loss of privacy to the property to the rear of the host dwellinghouse is also a material planning consideration and so has been carefully considered in the residential amenity section of this report. It concluded that the proposed development remains a significant distance from the rear neighbouring property, so no significant harm would be caused to the amenity of the neighbour.

7 – Conclusion

This application for the erection of a single and two-storey extensions to the front, rear and side of 35 Woodside Crescent 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: 2020/94155

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 Policies LP1, LP2, LP21, LP22, LP23 and 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.

4. The development shall not be occupied until the window in the ground floor, western side elevation of the extension hereby approved has been obscurely

glazed (to a minimum Grade 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) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Before the Development is first brought into use, the area indicated for parking on the submitted/listed plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no other extensions or outbuildings other than those expressly authorised by this permission shall be constructed within the red line boundary of the application site.

Reason: In the interest of visual amenity and to prevent overdevelopment of the site in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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	Version	Date Received
Location Plan	001		04/12/2020
Existing Plans and Elevations	002		04/12/2020
Proposed Plans and Elevations	003	A	12/02/2021

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 proposed development raised concerns regarding the large nature of the development, particularly the large front projection of the proposed works. Amended plans were sought and received with a reduction of the front extension to 1.6 metres rather than the originally proposed 2.3 metres. The applicant was also asked to consider setting the side extension down and back to ensure subservience of the host property but, after negotiations with the applicant, the original plans were considered acceptable, due to other approved extensions on neighbouring properties.

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process.

Report Dated: 22/02/2021