

**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: 2020/62/94210/E

Site Address: 6, Osborne Terrace, Batley, WF17 0LZ

Description: Erection of extensions and formation of pedestrian access (within a Conservation Area)

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: 10-Mar-2021

OFFICER REPORT

Site Description

6 Osborne Terrace is detached dwelling, which has been constructed with hammer dressed stone with ashlar string courses and lintels on the south and west sides, with brick external walls on the north and east sides, which face away from the terrace and boundary wall. The house has a hipped roof, with a two-storey gable projection facing west, and although this and the south elevation retain some architectural detailing such as the stone gutter corbels and gable kneelers the windows have been replaced with modern uPVC windows and it appears that historic mullions have been removed from some windows. The principal elevation faces down onto Wayne Close with a small garden area. There is a larger garden area to the west side and a drive area to the north, off Osborne Terrace.

A historic map of 1890 shows a driveway at the north of the house, which also serves the other houses on Osborne terrace, and a row of gardens with a line of trees and retaining wall along the southern boundary of Osborne Terrace and this property. To the south of this was a field and railway line, which were replaced with a housing development in the late twentieth century, with a new residential road built directly to the south of the boundary wall.

Description of Proposal

The applicant is seeking to modify the existing planning permission for the erection of a porch, a two-storey side extension and formation of new pedestrian access from Wayne Close.

The porch would be located centrally with the extended front elevation and would have a projection of 1.5m with a width of 2.5m. The roof form is proposed to be parapet.

The two-storey side extension would now project 5.7m from the original side wall of the dwelling lying flush with the front and rear elevations and extending the depth of the property. The roof form would be a double hip.

The north, west and south elevations would be natural stone with slate for the roof covering.

The scheme proposes a pedestrian access from Wayne Close which would require the removal of a section of the existing stone walling.

Relevant Planning History

2019/91980 - Erection of two storey side extension, front porch and pedestrian access - approved

2019/90541 - Erection of porch, two storey side extension and formation of new vehicular & pedestrian access - refused

1. The proposed demolition and alterations to wall on Wayne Close for the vehicle and pedestrian accesses is extensive and would cause harm to the character of the host property and the wider conservation area by the removal of a large section of this historic feature and altering the layout of the site. To permit such development would be contrary to Policies PLP24 & PLP35 of the Kirklees Local Plan and chapters 12 & 16 of the NPPF.
1. The proposed side extension, by reason of the design, scale, bulk, massing and the increase in height would result in the formation of an incongruous feature in a prominent position which would be harmful to the character of the host property and the wider conservation area. To permit such development would be contrary to Policy PLP24 & PLP35 of the Kirklees Local Plan and chapters 12 & 16 of the NPPF.

History of negotiations

The submitted plans raised significant concerns in terms of the design and the details of the vehicular access. Amended plans were sought regarding the design details and removing the vehicle access as well as re-siting the pedestrian access. The changes reduced the overall scale of development and, as such, have not been advertised.

Representations

The application was advertised by site notices, press notice and neighbour letters, which expired on 22/02/2021

Following the above publicity, four representations have been received. The material considerations raised are summarised as follows:

- Highway safety resulting from the new vehicle access,
- Loss of privacy resulting from the new bathroom window proposed in the side elevation of the original house.

Although other matters may have been mentioned in the representations, these do not relate to material considerations and, as such, cannot be considered.

Consultation Responses

K.C. Conservation & Design – Informal discussions, on balance, support the side extension to the house, subject to changes with the windows, would need to see the roof over the porch reverted to the previous parapet design and the removal of the vehicle access, a pedestrian access would be acceptable.

K.C. Trees – Consulted previously, no concerns.

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 Proposals Map. However, the property is sited within the Upper Batley Conservation Area

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
- **LP 33** – Trees
- **LP 35** - Historic Environment

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
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity including heritage considerations
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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.

In this instance, the property is located within the Upper Batley Conservation Area, which is characterised by attractive, well-treed suburbs with large houses in substantial gardens. Although this group of buildings is lower status and smaller than other houses in the conservation area, it displays some of the features such as trees and stonework, which are characteristic of this conservation area. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area, with regards to policy LP35 of the KLP and chapter 16 of the NPPF.

This application is a resubmission of a previously approved scheme with some alterations in terms of the size. Given the scale of the side extension has increased and the proposed pedestrian access has been repositioned, these elements need to be assessed again.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The host property is a large unlisted detached house, which dates from the late nineteenth century, located within the Upper Batley Conservation Area, which is characterised by Victorian suburban houses.

The properties within Osborne Terrace, along with the boundary wall and gardens, form an interesting grouping with attractive features, which officers consider makes a positive contribution to the character and significance of the Upper Batley Conservation Area and forms the gateway to the Conservation Area. The scale, design, detailing and materials are typical of Victorian housing in this area, with the boundary wall clearly showing the extent of the conservation area.

The scheme under consideration comprises three distinct elements, which shall be addressed below.

Formation of new pedestrian access

The applicant proposes a modest demolition of a small section of the southern boundary wall to create a pedestrian entrance, with steps towards a corner of the side extension. The area to be removed is modest and the bulk of the walling, which does form an important characteristic of the area would, for the most part, be retained. As such, this element of the scheme can be considered acceptable in terms of visual amenity and the impact on the significance of the character of the conservation area.

Two-storey side extension

The two-storey side extension proposed on the western elevation of the house would be constructed with stone walls, slate roof and uPVC windows. The proposed construction is in stone with stone gutter corbels and a double hipped roof to reflect the design of the existing building, along with a stone string course to match the existing. The applicant also proposes to replace the brick external skin of the north facing wall with coursed stone to match the existing.

It is appreciated that the width of the extension has been increased by 0.6m from the previous approval. However, the host property has a reasonably sized curtilage, which can support the proposed extension without amounting to overdevelopment of the site and whilst retaining an acceptable area of amenity space. It is appreciated that the extension would alter the existing gable feature on the western elevation with a hipped roof. Although this is one of the two most important elevations of the house, as this is seen in context with the adjacent terrace of Victorian houses, the alteration is considered not to be so significant, given that the new hipped roofs would be set down from the level of the main roof. The two-storey side extension, as proposed, would form an acceptable relationship with the host property and would conserve the significance of the conservation area.

Porch

The elevation facing onto Wayne Close is very prominent, considering the elevated position. The modest scale and appropriate detailing proposed for the porch, including the flat roof form, which includes a parapet and would be similar in appearance to the single storey side extension, can be considered

to be acceptable in terms of visual amenity and the significance of the conservation area.

Summary

Having taken the above into account, the proposed extensions and alterations to the host property would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus 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.

Furthermore, the scheme as amended would also conserve the significance of the conservation area, in accordance with the aims of policy LP35 of the KLP and chapter 16 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 in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties to the north, which would be affected by the development proposed.

Impact on 5 Osborne Terrace

The side extension would align with part of the garden area to the south of the neighbouring property and the proposed extension would have the potential to cause an overbearing and oppressive impact, as well as some overshadowing in the morning. However, the orientation of the properties would mitigate some of the impact. Furthermore, the windows have been reduced in the side elevation to minimise the potential for overlooking. Officers are satisfied, therefore, that the effects of the extension would not be significant upon the amenity of the occupiers of the adjacent 5 Osborne Terrace. The formation of the pedestrian access to the front and the small porch would have no significant potential to affect the amenity of the occupiers of the adjacent 5 Osborne Terrace.

Impact on 2 – 6 Wayne Close

The extension to the side of the dwelling would introduce new habitable room windows, which would face towards the properties on the opposite side of Wayne Close at a higher level. The extension itself would have the potential to result in overlooking of the neighbouring properties and to form an overbearing and oppressive impact. However, the relationship already exists to a degree with the position of the host property. Furthermore, there is a separation of over 23m with the respective garden areas and the road which, together with the orientation of the properties, would minimise the potential

impact on the neighbouring occupants on the opposite side of Wayne Close. It is considered, therefore, that there would be no significant impact as a result of the proposed side extension, over and above those existing at present, in terms of the impact on the amenity of the occupiers of the properties on Wayne Close. The limited scale of the porch and pedestrian access is such that there would be no significant impact on the amenity of the occupiers of the properties on Wayne Close.

Impact on 1 Glenn Avenue

The extension would be on the opposite side of the dwelling to the adjacent 1 Glenn Avenue and, as such, the proposed works would have no potential to affect the neighbouring 1 Glenn Avenue. The pedestrian access and porch would be set away from the adjacent neighbour and would have no impact upon the amenity of the occupiers of the neighbouring 1 Glenn Avenue. It is noted that the plans show a new window in the side elevation of the original house. However, this is a bathroom window and would be obscurely glazed and, as such, does not require planning permission, as it can be carried out under permitted development.

Summary

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 (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals initially included a new vehicle access, although this element has been removed and replaced with a pedestrian access. The extensions to the dwelling itself would result in some intensification of the domestic use at the application site. However, the parking area access from Osborne Terrace would not be affected by the proposed extension and is considered to represent a sufficient parking provision. The scheme would not result in any additional harm in terms of highway safety and, as such, complies with Policies LP21 and LP22 of the KLP.

5– Other matters:

Mature Trees

The Council's Arboricultural Officer was consulted as part of the previous application and as this submission is fairly recent, those comments are still considered to be relevant. The Council's Arboricultural Officer confirmed that there are no tree related concerns. As such, the proposal is considered to comply with the aims of policy LP33 of the KLP.

Carbon Budget

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.

There are no other matters for consideration.

6 – Representations:

Four representations have been received. The material considerations raised are summarised as follows: -

- Highway safety resulting from the new vehicle access,
- Loss of privacy resulting from the new bathroom window proposed in the side elevation of the original house.

Highway safety is a material consideration as is loss of privacy. These have been addressed within the relevant sections of this report.

Although other matters may have been mentioned in the representations, these do not relate to material considerations and, as such, cannot be considered.

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 condition:

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

In discussions for the previous application, the Conservation Officer had requested a condition requiring samples of the materials. However, after further discussion, it is considered appropriate to impose a condition requiring the extension to be constructed using natural stone, as close in appearance to the original house as possible, to ensure that the extensions harmonise with the host property.

8 – Conclusion:

This application to modify the existing planning permission for the erection of a porch, a two-storey side extension and formation of new pedestrian access from Wayne Close for 6 Osbourne Terrace 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: 2020/94210

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 of the extensions hereby approved shall be constructed using natural stone which in all respects matches that used in the construction of the existing building.

Reason: In the interests of visual amenity and to conserve the significance of the Upper Batley Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 of the National Planning Policy Framework.

4. The roofing material shall, as far as practicable, match that used in the construction of the existing building.

Reason: In the interests of visual amenity and to conserve the significance of the Upper Batley Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 of the National Planning Policy Framework.

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	-	857512	11/01/2021
Existing plans	-	844585	11/01/2021
Proposed plans	-	858011	22/02/2021
Proposed plans	-	858010	05/03/2021

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 submitted plans raised significant concerns in terms of the design and the details of the vehicular access. Amended plans were sought regarding the design details and removing the vehicle access, as well as re-siting the pedestrian access. The changes reduced the overall scale of development and, as such, have not been advertised.

Report Dated

10/03/2021