

**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:** 2021/62/90560/E

**Site Address:** 17, Abbey Road, Healey, Batley, WF17 7EP

**Description:** Erection of two storey side and rear 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: 07-Apr-2021**

## **OFFICER REPORT**

### **Site Description**

17 Abbey Road is a brick-built, semi-detached dwelling. The property is elevated slightly from the level of the road and has gardens to the front, side and rear.

It is located on a residential street, with properties of a similar age and style.

### **Description of Proposal**

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

The two-storey side extension would lie flush with the front and rear elevations, with a projection of 2.7m and it would extend the depth of the property with a pitched roof form.

The two-storey rear extension would be set in 0.5m from the shared boundary with the adjoining property, would project 2.3m from the original rear wall of the property and would extend across the remaining width of the property, with a perpendicular pitched roof form.

The walls of the extensions are proposed to be constructed using brick with tiles for the roof covering.

### **Relevant Planning History**

None.

### **Representations**

The application was advertised by site notices and neighbour letters, which expired on 05/04/2021

Following the above publicity, no representations were 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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> 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 19<sup>th</sup> February 2019, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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) 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.

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

## 2 –Impact on visual amenity:

The properties on Abbey Road are of a similar age and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises two distinct elements, which shall be addressed below.

### *Two-storey side extension*

The scale of the side extension would be a proportionate addition to the side of the dwelling and the materials proposed would match the main house. As such, this element of the scheme is considered acceptable in terms of visual amenity.

### *Two-storey rear extension*

The host property and its associated curtilage are of a sufficient size to support the proposed rear extension, along with the side extension, without amounting to overdevelopment. The property would retain a reasonable amenity space. As such, the scale is considered acceptable. The materials proposed include the use of brick for the walling and tiles for the roof covering, which would match the main house and form a suitable relationship with both the host property and the wider area. As such, the rear extension is considered acceptable in terms of visual amenity.

### *Summary*

Having taken the above into account, the proposed extensions 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.

## 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 directly opposite the front elevation of the dwelling, which could be affected by the works proposed.

#### *Impact on 15 Abbey Road*

The side extension would be positioned on the opposite side of the host property to this adjoining dwelling and, as such, would have no effect upon the amenities of the occupiers of the adjoining 15 Abbey Road.

The rear extension would be constructed close to the shared boundary and would have the potential to result in overshadowing in the afternoon, which could raise concerns if this were to result in an overbearing and oppressive impact. However, the projection is limited to 2.3m, which is generally considered to be acceptable and the roof form would be pitched, which would take the vertical emphasis up and away from the adjoining neighbouring dwelling. Given the dimensions and position of the extension, officers are satisfied that the impact on the amenities of the occupiers of the adjoining property, 15 Abbey Road, would not be significant.

#### *Impact on 19 Abbey Road*

This neighbouring house adjacent occupies a position, which is closer to the road and, as such, part of the side extension would align with the rear amenity space of the neighbour. However, the projection of the extension is not significant, and a space would be retained between the properties. Given the spatial relationship, officers are satisfied that the proposed side extension would not have a significant impact on the amenities of the occupiers of the adjacent 19 Abbey Road.

The rear extension would have a limited projection of 2.3m and would be set back some way from the shared boundary. Given the scale of the rear extension together with the spatial relationship between the properties, officers are satisfied that the rear extension would have no significant impact on the amenities of the occupiers of the adjacent 19 Abbey Road.

#### *Impact on 27 Tichbourne Street*

The 11m separation together with the land level differences between the host property and this neighbouring house to the rear is such that the proposed extensions would cause no significant impact on the amenities of the occupiers of the neighbouring 27 Tichbourne Street.

Having reviewed the above, 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 will result in some intensification of the domestic use. It is appreciated that there is no parking within the curtilage and no potential to create such a provision. However, there is on-street parking, which 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, it 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 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:

None.

#### 7 – Negotiations:

None.

#### 8 – 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.

#### 9 – Conclusion:

This application to erect a two-storey extension to the side and a two-storey extension to the rear of 17 Abbey Road 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:** 2021/90560

**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:** 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:

| <b>Plan Type</b> | <b>Reference</b> | <b>Web ID</b> | <b>Date Received</b> |
|------------------|------------------|---------------|----------------------|
| Existing plans   | 01               | 855313        | 12/02/2021           |
| Proposed plans   | 02               | 855311        | 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.

As the submitted plans were considered acceptable, no changes were sought.

**Report Dated**

06/04/2021