

**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:** 2021/62/91878/E

**Site Address:** 149-151, High Street, Hanging Heaton, Batley, WF17 6DP

**Description:** Erection of replacement roof

**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: 29-Jun-2021**

## **Officer Report**

### **Site Description**

149-151 High Street is a two-storey, semi-detached dwelling in Hanging Heaton, Batley. There is a workshop adjoined to the rear of the property that is set down significantly from the host dwelling. The property has a garden to the front, side and rear, which is accessible via a long driveway that runs from the front of the dwelling to a double, detached garage. The exterior of the dwelling is finished in pebble-dashed render, stone walls and a tiled roof.

The house is located on a predominantly residential street, with properties of a variety of designs, ages and sizes.

### **Description of Proposal**

The applicant is seeking permission for the erection of a replacement roof.

The existing flat roof on the single-storey side projection from the western side elevation would be replaced with a pitched style roof with a gable roof to the porch. The proposal would increase the roof height by 1.2 metres, to a total of 3.7 metres.

The replacement roof would be constructed from materials to match the existing dwelling.

### **History of negotiations/amendments received**

No amendments were sought or received.

### **Relevant Planning History**

93/02571 Erection of conservatory. Conditional full permission.

### **Representations**

The application was advertised by neighbour letter. Final publicity expired on the 22<sup>nd</sup> June 2021.

No representations were received.

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

### **Consultation Responses**

Kirklees Council's Strategic Waste officers were consulted due to the proximity of this site to a historic landfill site. Their comments will be summarised in section 6 of this report.

## **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 maps.

### **Kirklees Local Plan:**

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP53** – Contaminated and unstable land

### **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, 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 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 replacement roof to an existing residential property. The site is without notation on the Kirklees Local Plan (KLP), policy LP1 of which 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. The extension would be relatively small in scale in relation to the host property and would not alter the footprint of the existing dwelling. 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

The proposed development would be in keeping with the existing dwelling and surrounding properties in terms of design and materials. The pitched roof design is considered an improvement on the existing flat roof design. Therefore, 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

Due to the location of the proposed development and given the small-scale nature of the works, which will not alter to footprint of the existing dwelling, it is considered that no harm would be caused to the amenity of the neighbouring properties due to the proposed development.

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 and chapter 12 of the NPPF.

## 4 – Impact on highway safety

The proposed works would not result in any intensification in the domestic use of the dwelling, so the existing parking provision is acceptable. It is considered that the proposed extension will not cause any additional harm in terms of highway safety and the proposal complies with policies LP21 and LP22 of the KLP.

## 5 – Other matters

### *Historic landfill site*

Kirklees Council Strategic Waste were consulted as the application site is within 250 metres of a historic landfill site. No methane was recorded during the last landfill gas monitoring and the proposed development would not involve digging into the ground. It is, therefore, considered that landfill gas measures are not required and so there are no objections to the proposed development. The proposal, therefore, complies with policy LP53 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 small-scale 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

No representations were received.

### 7 – Conclusion

This application to erect a replacement roof to 149-151 High Street, Hanging Heaton, Batley 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 it is, therefore, recommended for approval.

**Recommendation**

**Approve**

## Decision Authorisation - Delegated Powers

**Application Number:** 2021/91878

**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, LP24 and LP53 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:** 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 | 2021-159 HS- |         | 05/05/2021    |

|                              |                |  |            |
|------------------------------|----------------|--|------------|
|                              | 01             |  |            |
| Grouped plans and elevations | 2021-159 HS-02 |  | 05/05/2021 |

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: 24/06/2021