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:	2021/62/91997/E
Site Address:	32, Solway Road, Soothill, Batley, WF17 6HH
Description:	Demolition of existing conservatory and erection of single storey 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: 06-Jul-2021

OFFICER REPORT

Site Description

32 Solway Road is a semi-detached dwelling of brick construction, with stone detailing, which has been added to the front elevation. The property has an existing single storey extension to the front and a single and two-storey extension to the side, which includes a garage. The dwelling has a drive for two vehicles to the front and a small lawned area, a larger garden to the rear, an existing conservatory and a detached outbuilding to the rear.

The properties in the street are residential and of a similar age to the host property, although they are a mix of single and two-storey dwellings.

Description of Proposal

The applicant is seeking permission for a single-storey rear extension.

The extension would project 4.5m from the original rear wall of the dwelling and would extend across the width of the property, including to the rear of the existing two storey rear extension and angled to fit the boundary. The roof form would be a double pitch.

The walls of the extension would be constructed using brick with tiles for the roof covering.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 28/06/2021.

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 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

Kirklees Council has recently adopted its supplementary planning guidance on house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the 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) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

The site is without notation on the 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. 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 Solway Road are residential and of a similar age to the host property. Although there is a mix of single and two-storey dwellings in the street, there have been several extensions and alterations. 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 extension, without amounting to overdevelopment and would retain a reasonable amenity space. The scale is acceptable relative to the size of the host property. The extension would be to the rear with limited views in the wider area. However, it is noted that there are other rear extensions and, as such, this would not be out of character with the area. The materials proposed include the use of brick for the walling and tiles for the roof covering, which will match the main house. The rear extension is, therefore, 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, 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.

Impact on 30 Solway Road
The extension would be constructed along the shared boundary with this adjoining dwelling and would have the potential to result in an overbearing and oppressive impact. However, the extension would replace an existing conservatory, albeit with a slightly larger extension, and it would be single storey in height, with a pitched roof taking the vertical emphasis up and away from this adjoining dwelling. As such, whilst there will be some limited impact on the amenities of the occupiers of the adjoining 30 Solway Road, this would not be significant enough to justify refusal.

Impact on 34 Solway Road
The extension would be close to the shared boundary with this adjacent dwelling. However, it would replace an existing outbuilding and would be a single storey structure, with the pitched roof form taking the vertical emphasis up and away from this neighbour. As such, the rear extension proposed would not have a significant impact on the amenities of the occupiers of the adjacent 34 Solway Road.

Impact on 21 & 23 Douglas Avenue
The rear of the dwelling aligns with the garages within the grounds of 21 and 23 Douglas Avenue and the rear extension would be some 25m from these neighbouring houses. Given the single storey nature of the extension, there would be no impact on the amenities of the occupiers of the properties to the rear, 21 & 23 Douglas Avenue.

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.

<u>4 – Impact on highway safety</u>:

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 it is considered to represent a sufficient 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.

<u>5– Other matters:</u>

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 single storey extension to the rear of 32 Solway 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 it is, therefore, recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2021/91997
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:

Plan Type	Reference	Web ID	Date Received
Location plan	-	872825	12/05/2021
Existing plans	002	872239	12/05/2021
Proposed plans	003	872238	12/05/2021

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 05/07/2021