

**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: 2021/62/92214/E

Site Address: 1, Beech Way, Birstall, Batley, WF17 0EG

Description: Erection of extensions to dwelling and garage and enlargement of driveway

Recommending Officer: Ian Lunn

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: 23-Sep-2021

Officer Report

Site Description

1 Beech Way is a semi-detached dormer bungalow constructed from brown brick, for the external walls, under a brown concrete pantile pitched roof. It is located to the south-west of the junction of Beech Way and Ashfield Road, in an area of residential development.

Description of Proposal

Planning permission is sought to extend the dwelling to the side (north-east) front (north-west) and rear (south-east). These extensions will provide additional accommodation on two floors, including a new kitchen, utility room, study and an en-suite bedroom, whilst also allowing the existing dining room and bedrooms to be enlarged.

The proposals also involve:

- a) the enlargement of the existing detached garage, which lies to the rear of the property, to create a garage and a bar, and
- a) the widening of the existing driveway.

It is also proposed to widen the existing vehicular access serving the property. However, Ashfield Road is an unclassified highway, so these works do not require formal planning permission and, therefore, do not form part of this application.

History of negotiations/amendments received

Amendments were secured to reduce the size of the proposed dormer windows and to provide a further parking space within the property curtilage.

Relevant Planning History

None.

Representations

The application was advertised by sending individual letters to the surrounding properties. These were posted on 7th June 2021 giving 35 days to comment (14 days more than the normal 21 days in this instance due to current Covid restrictions). Amended plans were subsequently received and these were also advertised, the same properties being re-consulted on 12th August 2021 and given a further 21 days to comment. All publicity periods have now expired, and no representations have been received.

Consultation Responses

KC Environmental Health (Strategic Waste Team): Indicated that there is a closed landfill site within 250 metres of this address.

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 in the Kirklees Local Plan proposals map.

Kirklees Local Plan:

LP1 Presumption in favour of sustainable development
LP21 Highways and Access
LP22 Parking
LP24 Design

House Extensions Supplementary Planning Guidance

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 20 July 2021, 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

Other

Highway Design Guide SPD (2019)

Assessment

The main issues for consideration in this instance are:

- a) Principle
- a) Visual Amenity
- b) Neighbour Amenity
- c) Highway Safety
- d) Landfill Gas Issues

Principle

The proposals are considered acceptable in principle. They involve the extension and alteration of a property that is sustainably located within the main built-up area of Birstall.

Visual Amenity

The extensions and enlarged garage will be visible to a greater or lesser extent from the adjoining roads, despite the presence of hedges along most boundaries of this property. Nevertheless, it is considered, on balance, that they will all appear in scale and keeping with the host dwelling and the surrounding area, meeting the requirements of policy LP24 of the KLP, of Chapters 12 and 15 of the NPPF and of the Council's House Extensions and Alterations SPD (2021) in visual amenity terms.

The extensions to the host dwelling itself will not appear especially subservient to the property, being collectively built up to the main front and rear walls and to the same height. Nevertheless, it is considered, on balance, that the enlarged property that will be created will remain in scale and keeping with its surroundings. The enlarged garage will appear subservient to the main bungalow, as it will remain a freestanding single-storey flat roofed structure, located to the rear of the dwelling.

The extensions and enlarged garage are also considered to be acceptable in design terms. The former will incorporate matching pitched, and the latter matching flat, roofs. They are also to be constructed of matching materials (brick, tile and vertical timber boarding in the case of the extensions, and matching brick and bitumen felt in the case of the enlarged garage).

The proposal to widen the existing driveway is also considered to be acceptable in visual amenity terms. Whilst this will be fully visible from Ashfield Road, its width would only be increased by approximately 1.8 metres, from 5.4 to 7.2 metres, and it is to be surfaced using tarmac, which is considered an acceptable material to use in this instance. It is understood that the hedge, which is located along the remainder of the Ashfield Road

boundary of this property, is to be retained and this would help to partly screen and 'soften' the impact of these works on the appearance of the street scene.

Neighbour Amenity

a) Light

The rear extension will project approximately 0.5 of a metre out from the rear wall of the host dwelling at a point where it directly adjoins 3 Beech Way next door. It will therefore have some effect upon the level of light currently received by facing windows in an extension that has been added to the back of the latter property. However, the facing windows are obscurely glazed and have been installed at a 'high level'. Furthermore, it is considered that the extension that they serve will continue to receive a satisfactory level of light from other unaffected openings.

The rear extension will have slightly more effect on a dormer window that has also been added to the rear of 3 Beech Way. However, it will not intersect an imaginary '45' degree line if this was to be drawn, on plan, from the centre of that opening. Therefore, levels of ambient light will remain substantially unaffected.

In view of the above, it is considered that a refusal of this application on grounds of light loss to any of the above openings could not reasonably be sustained in this instance.

It is envisaged that the proposals would not unduly affect light to any other of the surrounding properties:

- a) the proposed side and rear extensions will stand a minimum of 13 metres away from the next nearest potentially affected dwelling (1a Ashfield Road which lies to the immediate rear of this property),
- a) the enlarged garage will largely adjoin the blank gable of 1a Ashfield Road and whilst it will project marginally forward of the front wall of that property it will not intersect any imaginary '45' degree lines drawn from the centre of any openings within it. It will also stand almost 7 metres from, and slightly to one side of, the extended rear elevation of 3 Beech Way with a boundary hedge in between.

a) Overlooking

It is envisaged that the proposals will not give rise to any unacceptable overlooking of neighbouring properties. All windows and doors in the extensions will either directly face Beech Way to the front (and, thereafter, 2 Beech Way at a distance of over 21 metres) the well-screened side (north-eastern) boundary of the property (and, thereafter, 6 and 8 Ashfield Road at a

distance of over 21 metres) or the rear (south-eastern) garden boundary at a distance of approximately 11 metres (and, thereafter, the blank gable of 1a Ashfield Road). The new window and door openings to be formed within the enlarged garage will be installed at ground floor level and will face directly into the applicant's own garden.

b) Overdevelopment

The proposals will not lead to more than 50% of the property curtilage (excluding the land on which the 'original' dwelling currently stands) from being built upon. Consequently, they will not lead to the overdevelopment of the plot.

In view of the above it is considered that the proposals will meet the requirements of policy LP24 of the KLP and the requirements of the Council's House Extensions and Alterations SPD (2021) in neighbour amenity terms.

Highway Safety

This property currently benefits from two car parking spaces, which are located on a driveway to the rear and accessed from Ashfield Road. A third space is to be created by widening this. Three spaces are considered acceptable to serve the four-bedroomed property that will be created by this scheme. Consequently, the proposals are considered acceptable in parking terms.

It is currently not possible to turn vehicles around within the property curtilage, nor would it be possible to provide any satisfactory 'on-site' turning facilities, given the limited space available. However, this should not lead to any undue highway safety concerns in this instance as the property is located:

- a) on estate roads, which are unlikely to be experiencing substantial vehicular use, and
- a) next to a road junction where vehicles are unlikely to be travelling very quickly.

The existing vehicular access serving the property is to be widened, to allow vehicles satisfactory access to and from the enlarged parking area. This proposal is also considered acceptable as it is considered that the widened access will continue to allow vehicles safe access to and from the adjoining road.

In view of the above it is considered that the proposals will be acceptable in highway safety terms, reasonably satisfying the requirements of policies LP21 and LP22 of the KLP, and of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019), in this regard.

Landfill Gas

The Council's Environmental Health (Strategic Waste Team) have indicated that this property lies within 250 metres of a closed landfill site. However, it is understood that this is currently generating negligible levels of landfill gas, so it seems unlikely that this will pose a significant risk to future occupiers of the development. If suitable protective measures are considered necessary to safeguard the occupants, these can reasonably be required to be provided under the terms of the current Building Regulations.

Conclusion

The proposals to extend and alter an existing sustainably located dwelling are considered acceptable, in principle. It is also considered, on balance, that the development will reasonably safeguard the visual amenity of the area, the amenities of surrounding properties and highway safety. The proposals, therefore, comply with the requirements of policies LP1, LP21, LP22 and LP24 of the KLP, chapters 12 and 15 of the NPPF and the requirements of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019).

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number:2021/92214

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, LP21, LP22 and LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019).

3. The materials to be used in the construction of the external walls and roofs of the proposed extensions shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls and roof of the host dwelling.

Reason: In the interests of visual amenity, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the requirements of the House Extensions and Alterations SPD (2021).

4. The materials to be used in the construction of the external walls and roof of the enlarged garage shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls and roof of the existing garage.

Reason: In the interests of visual amenity, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the requirements of the House Extensions and Alterations SPD (2021).

5. Notwithstanding any details submitted with the application the widened driveway shall be surfaced using tarmac.

Reason: In the interests of visual amenity and highway safety, in accordance with the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the requirements of the House Extensions and Alterations SPD (2021) and Highway Design Guide SPD (2019).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors

or other openings shall, at any time, be formed within the side (south-western) and rear (south-eastern) facing elevations of the enlarged garage.

Reason: To safeguard the privacy of the occupiers of 3 Beech Way and 1a Ashfield Road, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Council's House Extensions and Alterations SPD (2021).

7. The parking spaces shown on approved drawing number DWG-002 C shall be laid out and made available for the parking of vehicles before the enlarged dwelling is first occupied. These works shall include for measures to ensure that surface water does not drain onto the adjoining highway. The parking spaces shall, thereafter, be retained permanently, solely for the parking of vehicles in conjunction with the enlarged dwelling.

Reason: In the interests of highway safety in accordance with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan and the provisions of the Highway Design Guide SPD (2019)

NOTE: Please note that to extend the existing 'dropped kerb' you will need to obtain the formal approval of the Council's Highways Service. They can be contacted on (01484) 456868.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan, Existing Site Layout Plan, Floor Plans, Elevations and Cross Section	DWG-001		27/05/21
Location Plan, Proposed Site Layout Plan, Floor Plans, Elevations and Cross Section	DWG-002	C	14/09/21

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 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 and agent in dealing with the application.

Discussions with the agent resulted in a reduction in the size of the proposed dormer windows and the provision of one additional 'off-street' car parking space within the property curtilage. These amendments subsequently led to the recommendation of approval.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Report Dated:

15.09.21