

**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: 2021/62/92367/E

Site Address: 45, Deighton Lane, Healey, Batley, WF17 7EU

Description: Erection of side and rear extensions and associated alterations

Recommending Officer: Olivia Roberts

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10-Sep-2021

Officer Report

Site Description

The application relates to 45 Deighton Lane, a two storey detached dwelling in Batley. It is constructed from stone for the external walls and slate tiles for the roof. The dwelling has been previously extended with single storey extensions to the side and rear. It is located within a substantial plot with a large driveway to the side of the property and garden areas to the front and rear. There is also a detached garage towards the rear of the property. Land levels slope gradually towards the east.

The site is located within a predominantly residential area, which comprises properties which vary in terms of their style and design.

Description of Proposal

The application seeks planning permission for the erection of side and rear extensions and associated alterations.

First Floor Side Extension

The extension would be located above the existing single storey extension to the side of the dwelling. It would be designed with a hipped roof form which would form a continuation of the roof form of the main property.

First Floor Rear Extension

A first floor level extension would be located above the existing single storey extension to the rear of the property and would extend from the rear of the proposed first floor side extension. The extension would be designed with a double hipped roof form with a ridge height set down in relation to the main dwelling.

Single Storey Rear Extension

The extension would project 3.9m from the rear of the dwelling to sit flush with the rear elevation of the existing additions to the property. It would be set in from the side of the dwelling and designed with a lean-to roof form.

Alterations

A new first floor level opening is proposed to the front elevation of the dwelling.

The extensions would be finished in stone and slate tiles to match existing.

Relevant Planning History

At the application site –

94/93036 – Erection of single storey extension. Granted.

At 47 Deighton Lane –

95/90720 – Erection of kitchen extension. Granted.

93/03350 – Erection of extensions. Granted.

History of negotiations/amendments received

No amendments were sought or received during the course of the application.

Representations

The application was advertised by neighbour letters which expired on 26th July 2021.

Two representations have been received as a result of the above publicity. The following material concerns have been raised:

- Overlooking, loss of privacy and loss of natural light due to extensions.

All comments have been carefully considered during the assessment of the application and officer comments regarding material planning considerations will be made in Section 6 of this report.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary during the course of the application.

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.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 53 – 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 20th 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents:

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.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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 proposed extensions would introduce a significant amount of development to the property which has previously been extended to the side and rear. However, when taking into account the scale and design of each element, it is considered that they would be subservient to the main dwelling.

Within the Council's House Extensions and Alterations supplementary planning document, it is noted that first floor side extensions should be set back from the front elevation of the dwelling and down from the ridge. In this case, the extension is considered to be subservient by virtue of its projection and design which would be in keeping with that of the host dwelling. The

property has a projecting gable element to the front and the proposed extension would remain set back in relation to this. As such the impact on the dwelling itself is acceptable. Whilst the extension would be located within close proximity of the shared boundary, the dwelling is set back in relation to the neighbouring property which is considered sufficient to prevent the creation of a terracing affect in this case. The dwelling is also set back from Deighton Lane where there is substantial planting along the front boundary of the site. It is considered that these two elements would limit the impact that the extension would have on visual amenity of the street scene. Additionally, it is noted that access to the rear of the property would be retained to both sides of the dwelling. For the above reasons, the design of the first floor extension is considered acceptable in this case.

The rear extensions are considered to be in keeping with the design of the host property and would be constructed from materials to match existing. The first floor extension would include a Juliet balcony. Whilst of a slightly more modern appearance to the existing first floor level openings, this would not detract from the character of the dwelling. The rear extensions would not be visible from the street scene and would therefore not affect the character of the wider area.

Having taken the above into account, the proposal would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 (a) and (c) of the KLP and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 35 Deighton Lane

The impact on the property to the north of the dwelling would be acceptable. The first floor extensions, whilst located to the south of the property, would be set in significantly from the shared boundary. This is considered to prevent there from being any harmful overbearing or overshadowing to the rear amenity space of the property. The single storey extension would also be set in from the shared boundary. When considering this, along with its single storey nature and positioning in relation to the rear elevation of the neighbouring property, the impact on the amenity of the occupiers is considered acceptable. A small window is proposed for the side elevation of the first floor level extension. However, as this opening would serve an en-suite, it is considered that it would not allow for harmful overlooking. At ground floor, the distance retained between the shared boundary is considered sufficient to protect the privacy of the occupiers of the neighbouring property should openings be installed in this elevation in the future. The privacy of the

occupiers would be further protected by the existing boundary hedging which runs between the properties.

Impact on 52 & 54 Deighton Lane

The proposed extensions would not project beyond the front elevation of the dwelling. As such, it is considered that the proposal would not have a significant impact on the amenity of the properties which are located to the west of Deighton Lane.

Impact on 47 Deighton Lane

The proposed first floor level extensions would be located within close proximity of the boundary shared with the neighbouring property, introducing additional bulk and massing at first floor level. Due to the positioning of the two properties, the front elevation of the first floor level side extension would be located just to the rear of the neighbouring property. Whilst there would be the potential for some additional overbearing, the habitable openings to the rear of the property appear to be set in from the shared boundary. This, along with the indirect relationship between the development and the openings on the property, is considered to reduce the potential for additional overbearing to an acceptable level. Whilst there would be additional bulk introduced to the boundary, it is considered that this would not have a detrimental impact to the amenity space of the property which extends significantly to the east. The extensions would be located due north of the property which would prevent there from being any significant overshadowing or loss of light as a result of the extensions.

The single storey extension would be located to the north of the additions to the rear, and as such would not impact on the amenity of the occupiers of the property. No openings are proposed to the side elevation of the first floor extensions which would prevent overlooking towards the property. It is noted that future first floor level openings in the side elevation would be restricted by the limitations of the General Permitted Development Order. Whilst there would be habitable openings to the front and rear of the extensions within close proximity of the shared boundary, any overlooking towards the property and its amenity space would be at an oblique angle. As such, it is considered that the extensions would not offer the potential for overlooking to an extent which would be harmful to the amenity of the occupiers of the property.

Impact on 42-46 Trafalgar Street

Whilst the extensions would not project closer to the properties to the rear of the site than existing, they would introduce additional development at first

floor level. Notwithstanding this, a distance of at least 27m would be retained between the rear of the extensions and the rear elevation of the properties. This distance is considered sufficient to prevent harmful overbearing and overshadowing and to prevent overlooking towards the properties which would be harmful to the amenity of the occupiers. The privacy and amenity of the occupiers of these properties would also be protected by the dense planting to the shared boundary which would reduce the impacts of the proposal.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the KLP and Paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal would introduce an additional bedroom to the property which would also double as a study and may therefore result in some intensification in the domestic use of the dwelling. The property currently benefits from a large driveway which runs down the side of the property from Deighton Lane. The driveway would not be affected by the proposal and is considered to provide sufficient parking for the property following development. As such, the scheme would not represent additional harm in terms of highway safety complying with Policies LP21 and LP22 of the KLP.

5 – Other matters:

Contaminated Land

The site is identified as being located on land which is potentially contaminated due to a historic use. To accord with the requirement of Policy LP53 of the KLP, a condition shall be imposed relating to the reporting of unexpected contamination.

Carbon Budget

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 comprises development within the curtilage of 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.

6 – Representations:

Two representations have been received as a result of the above publicity. A response to the concerns raised follows:

- Overlooking, loss of privacy and loss of natural light due to extensions.

The material considerations have been taken into account as part of the assessment of the application and the impact of the proposed development is considered to be acceptable. The concerns raised relate to the impact on the neighbouring property and have been addressed within this report.

7 – Conclusion:

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.

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: 2021/92367

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan, the Council's adopted House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the

environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

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 13.00hours, 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 can 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	-	-	11/06/2021
Block Plan	21/93	C	11/06/2021
Existing Plans & Elevations	21/93	-	11/06/2021
Proposed Plans & Elevations	21/93	A	11/06/2021

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 Authority have, 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 amendments were sought.

Report Dated:

08/09/2021