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:	**2021/62/94479/E**
Site Address:	31, Grosvenor Road, Batley, WF17 0LN
Description:	Erection of single storey side and rear extensions (within a Conservation Area)
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.

Emma Thompson

AUTHORISED OFFICER

Date: 04-Feb-2022

OFFICER REPORT

Site Description

31 Grosvenor Road is a semi-detached, dormer bungalow of brick construction. The property has a garden to the front including a drive which continues down the side of the property and an enclosed rear garden. There is an existing conservatory to the rear.

The property is located in a residential area with a mix of house types, styles, ages and sizes. The dwelling is located within the boundary of the Upper Batley Conservation Area.

Description of Proposal

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

The side extension would have an "L" shape with an initial projection of 3.3m for 3.2m along the depth reducing to 2m for 3.3m and leaving a setback of 0.9m to the rear elevation. The roof form would be pitched.

The rear extension would project 3.3m along the shared boundary with the adjoining property stepping in 1.5m and then out 1.45m. The overall projection would be 4.8m and the width would be 4.5m. The roof form would be pitched.

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

Relevant Planning History

None

Representations

The application was advertised by site notice, press notice and neighbour letters, which expired on 01/02/2022

As a result of the above publicity, one representation has been received. This has not raised objections. However, they have expressed concerns regarding parking, which will be addressed and noise during construction, which is covered via a footnote.

Consultation Responses

None

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 Proposals Map. However, the property is sited within the Upper Batley Conservation Area

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 predates 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
- **LP 30** – Biodiversity
- **LP 35** - Historic Environment
- **LP 53** - Contaminated land

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. 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 SPD 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 National Planning Policy Framework (NPPF) published 20th July 2021, 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
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP), it is however located within a Conservation Area. 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 the House Extension SPD and 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.

Impact on Conservation Area:

In this instance, the property is also located within the Upper Batley Conservation Area, which is an area of mixed and open character on the edge of Batley town with some large Victorian villas set in mature grounds alongside older cottages. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

The dwelling itself is a modern addition to the Conservation Area of which there are a few interspersed with the Conservation Area. The design would be in keeping with the modern stylings of the dwelling and given the limited scale of the extensions proposed together with the size of the curtilage, the proposals would have a neutral impact on the Conservation Area resulting in less than substantial harm. The scheme is therefore considered to comply with policy LP35 of the KLP and advice within chapter 16 of the NPPF.

Impact on visual amenity:

The proposed is located on a residential street with properties of varying ages and styles. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design

Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey side extension

Paragraphs 5.15 & 5.16 are of relevance with regards to the side extension as the require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. The side extension proposed would have a modest size and would form a subservient addition to the property. The materials proposed would match the main house and the detailing would be considered to be appropriate. The side extension is considered to comply with policy LP24, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.

Single storey rear extension

Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials. It is appreciated that with the stepped footprint of the rear extension, the normal suggested limitations for rear extension of 3m is exceeded for part of the rear extension. However, given the scale and design of the rear extension together with the size of the associated curtilage of the dwelling and the replacement of an existing rear extension it is considered that a subservient relationship would be formed with the host property. The materials proposed would match the main house with the use of brick for the walls and tiles for the roof covering. The rear extension is considered to comply with policy LP24 of the KLP, justifiable with respect to KDP1 & KDP2 of the House Extension SPD and advice from chapter 12 of the NPPF.

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, complying with Policy LP24 of the Kirklees Local Plan (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, justifiable with regards to KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

<u>Impact on residential amenity</u>:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 29 Grosvenor Road

The side extension would be constructed on the opposite side of the dwelling to the adjoining neighbour and as such would have no impact on the amenities of the occupiers of the adjoining 29 Grosvenor Road.

The rear extension would be constructed with a 3.3m projection along the shared boundary with the adjoining property, steps in for 1.47m and out a further 1.5m. The extension would be replacing an existing structure and would project a little further and the adjoining neighbour has their own extension. As such, the proposed extension would have no significant impact upon the amenities of the occupiers of the adjoining dwelling.

With regards to the impact on the adjoining 29 Grosvenor Road, the scheme is considered to be acceptable in terms of KDP3 – privacy. For the reasons outlined above, the proposals are considered to be justifiable with regards KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 33 Grosvenor Road

The 26m separation between the host property and the neighbour on the opposite side of Glen Avenue is more than sufficient to ensure that the side and rear extension proposed would have no impact on the amenities of the occupiers of the neighbouring 33 Grosvenor Road. With regards to the impact on the neighbouring 33 Grosvenor Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Impact on 14 Grosvenor Road

The neighbour on the opposite side of the road occupies a position more than 40m from the host property. Given this separation together with the limited size of the side extension, there would be no impact on the amenities of the occupiers of the neighbouring 14 Grosvenor Road. With regards to the impact on the neighbouring 14 Grosvenor Road, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on

neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would represent a sufficient provision for at least two vehicles and bin storage could be accommodated within the site. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were 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 which will require compliance with national standards.

There are no other matters for consideration.

Representations:

One representation has been received. This has not raised objections. However, they have expressed concerns regarding parking, addressed in the highway section above, and noise during construction, which is covered via a footnote as this matter is controlled under separate legislation.

Negotiations:

None

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.

Conclusion:

This application to erect a single storey extension to the side and a single storey extension to the rear of 31 Grosvenor Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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: 2021/94479
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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD 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, Key Design Principles of the House Extension SPD 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 13.00hours, 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	Web ID	Date Received
Location plan	-	907172	30/11/2021
Proposed site plans	-	907171	30/11/2021
Proposed plans	-	907170	30/11/2021
Heritage statement	-	907397	30/11/2021

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 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 to be acceptable, no changes were sought.

Report Dated 02/02/2022