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:	**2022/62/90128/E**
Site Address:	6, Glen Avenue, Batley, WF17 0ET
Description:	Erection of extensions and alterations
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: 10-Mar-2022

OFFICER REPORT

Site Description

6 Glenn Avenue is a brick built, semi-detached dormer bungalow with gardens to the front, side and rear. There is a drive and garage to the side of the property.

The street is residential with properties of a similar age although some variances in terms of style.

Description of Proposal

The applicant is seeking permission for a porch to the front, a side extension and a rear extension.

The porch would project 1.5m from the original front wall of the dwelling with a width of 2.5m and a pitched roof form.

The side extension would project 4m from the original side wall of the property, extending along the side for 5m, then stepping in by 1m for 3.2m as it aligns with the original rear elevation of the dwelling. The roof would be a continuation of the existing pitch with the dormer detail being extended over the extension.

The rear extension would project 3.2m from the original rear wall of the dwelling extending across the full width of the original house and partially across the rear of the side extension with a width of 7.9m. The roof form would be lean to with roof lights.

The walls of the extensions to the front and side would be constructed using brick and the rear extension would be constructed using blockwork and render with tiles for the roof covering. The extended dormers would be clad with vertical boarding.

Relevant Planning History

None

Representations

The application was advertised by site notice, press notice and neighbour letters, which expired on 01/03/2022

As a result of the above publicity, one representation has been received. The correspondence raised no objections however posed a number of queries including whether or not the bathroom window would obscurely glazed, what would happen with the trees on the site and how long the building works would take.

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

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 35** - Historic Environment

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 16 – Conserving and enhancing the historic environment

Assessment

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 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.

The property is close to the boundary of the Upper Batley Conservation Area. However, the dwelling is part of a modern street which would have a very limited relationship with the conservation area and therefore there would be less than substantial harm in terms of the Heritage Asset.

Impact on visual amenity:

The host property is located on a residential street with properties of a similar age although there are some variances in terms of style. 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 three distinct elements which shall be addressed below.

Front porch

Paragraph 5.13 of the House Extension SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD,

careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.
The porch would be small in scale and would be constructed using materials to match the main house. The porch is therefore considered to be acceptable in terms of visual amenity.

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 extension continues the style of the existing dwelling including the dormer detail. The design would be in keeping with the main house and the materials proposed would match the host property. The side extension is therefore considered to be acceptable in terms of visual amenity.

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. The single storey rear extension would leave a reasonable amenity space and is considered to be acceptable in terms of the scale. The design is simple with a lean to roof and appropriate fenestrations. Although the rear extension would be finished with render which is not a material featured on the host property, this is considered to be acceptable in this instance given the limited views at the rear of the property and would provide an acceptable finish. The rear extension is therefore considered to be acceptable in terms of visual amenity.
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, 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>3 – 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 4 Glen Avenue

The angled relationship between the adjacent dwelling and the host property minimises the potential for the side and rear extensions proposed to have any significant impact on the amenities of the occupiers of the adjacent dwelling. There are two windows proposed on the ground floor which would serve a dining area and toilet which would have limited views towards the applicants own garage along with a first floor window to serve as a secondary bedroom window also looking out over the garage. With regards to the impact on the adjacent 4 Glen Avenue, 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 8 Glen Avenue

The porch would be set back from the shared boundary with the adjoining dwelling and is of such a limited size that there would be no impact on the amenities of the occupiers of the adjoining 8 Glenn Avenue.

The side extension would be positioned on the opposite side of the host property to the adjoining dwelling and as such would have no effect on the amenities of the occupiers of the adjoining 8 Glen Avenue.

The rear extension would be constructed along the shared boundary with the adjoining property with the potential to result in an overbearing impact. However, the extension is replacing an existing conservatory, is proposed to be a single storey addition and would have a limited projection of 3.2m. The rear extension would therefore have no significant effect on the amenities of the occupiers of the adjoining 8 Glen Avenue.

With regards to the impact on the adjoining 8 Glen Avenue, 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 5 Glen Avenue

The property on the opposite side of the road occupies a position some 28m from the host property. Given the separation together with the limited scale of the porch and the side extensions position in line with the existing house, there would be no significant impact on the amenities of the occupiers of the neighbouring 5 Glen Avenue. With regards to the impact on the neighbouring 5 Glen Avenue, 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 1 Wayne Close

The neighbouring property to the rear occupies a position some 19m from the host property. Given the separation together with the single storey nature of the rear extension and the position of the side extension with no reduction in the space between the host property and the neighbour at the rear, there would be no significant impact on the amenities of the occupiers of the neighbouring 1 Wayne Close. With regards to the impact on the neighbouring 1 Wayne Close, 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.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Furthermore, there is space within the curtilage for bin storage. 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.

5– 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.

6 – Representations:

One representation has been received. The correspondence raised no objections however posed a number of queries including whether or not the

bathroom window would obscurely glazed, what would happen with the trees on the site and how long the building works would take.

The only issue raised in the representation which is a material consideration would be the query about the bathroom window as this may be a privacy issue. The bathroom window would be obscurely glazed. The trees and the time the build would take are not material considerations.

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 porch to the front, side and rear extensions at 6 Glen Avenue 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: 2022/90128
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	01	912955	14/01/2022
Existing elevations	03	912954	14/01/2022
Existing elevations	04	912952	14/01/2022
Proposed site plan	02	912950	14/01/2022
Proposed floor plans	05	912953	14/01/2022
Proposed elevations	06	912951	14/01/2022

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 01/03/2022