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:	**2023/62/91024/E**
Site Address:	19, Grange Road, Staincliffe, Batley, WF17 7AT
Description:	Erection of rear extensions and removal of side door
Recommending Officer:	Edward Cheseldine

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: 13-Jun-2023

OFFICER REPORT

2023/91024 - 19, Grange Road, Staincliffe, Batley, WF17 7AT

Site Description

19 Grange Road is a two-storey, semi-detached property in Batley. Brick has been used to form the exterior walls on the bottom half of the dwelling, with a pebble dash rendered finish on the top half. The roof is tiled with concrete roofing tiles. The property has a chimney breast which is shared with the adjoining neighbours. There is a ground floor porch extension on the front of the property with a shed roof and gable over the front door. Window frames of the property are made with Upvc.

The property has a modest front space which is currently used as a driveway, with parking space for one motorised vehicle. The front of the property is enclosed by a red brick wall. The rear of the property has a sizeable garden which is enclosed by wooden fencing and brick walls. An outbuilding has been constructed at the end of the garden.

19 Grange Road is situated on a residential street with similar semi-detached dwellings that have a matching appearance. Surrounding properties are finished in the part-brick, part-pebble dash exterior.

Application Proposal

The applicant is seeking permission to erect a first-floor, rear extension on to an existing ground-floor extension. A gable end roof will be constructed, adjoining the existing gable roof of the host dwelling.

The extension will project 3.0m from the original rear elevation, with a 1.5m gap to the side of the extension where it meets the property boundary. The extension will meet the ridgeline of the existing roof.

Materials of the extension will match the existing external materials, including rendered walls, concrete roof tiles and white Upvc windows.

A side door will also be removed as part of the application.

The application is a resubmission of 2022/93384. The submitted design is similar to a first-floor rear extension found at 28 Thorncliffe Estate.

History of Negotiations

Negotiations between the planning officer and planning agent resulted in a 1.5metre gap between the first-floor extension and the shared boundary.

Public Consultation

The application was advertised by neighbour letters, which expired on 26 May 2022. As a result of the above publicity, no representations have been received in relation to the original submission.

It was not considered necessary to re-advertise the amended plans due to the nature of the change to the proposals, which resulted in a better outcome in terms of residential amenity.

Relevant Planning History

2006/95171 – Erection of double garage – Full permission granted

2010/91860 - Erection of front single storey extension - Full permission granted

2020/94242 - Prior notification for single storey rear extension – NA Details approved

2022/93384 - Erection of rear extensions and removal of side door – Refused

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 30** – Biodiversity

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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

1) Principle of development
2) Impact of visual amenity
3) Impact of residential amenity
4) Impact on highway safety
5) Other matters
6) Conclusion

<u>Principle of development</u>:

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 Alterations and Extensions 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 visual amenity:

The property is located on Grange Road, a residential urban street which is characterised by semi-detached properties. Residential, two-storey, semi-detached dwellings constitute the significant majority of the housing on the street. The dwellings are mainly comprised of a red brick external aesthetic on the ground floor with a render on the first floor. Gable roofs are constructed on the properties. Similarly, the spatial footprint of the properties and grounds are uniformed with similar ground space for each property. Properties on the street are similar ages. However, a large amount of properties on the street have been extended. These have been single storey extensions and outbuildings. Two-storey extensions have been constructed on a dwelling on the end of the road, as well as at properties on the other side of the street.

Policy complying with designed is entrenched within the English planning system. National guidelines, found within the National Planning Policy Framework (2021), forms policy regarding design. Chapter 12, Achieving well-designed places, ensures planning decisions take into consideration how development will add to the overall quality of the area, provide a visual attractiveness and is sympathetic to development's current surroundings.

Additionally, local policy, directed through the Kirklees Development Plan (2019), reinforces the weight given to design. Policy LP 24 states proposals should promote good design by ensuring,

A) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
C) extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

Kirklees planning policy is outlined in the House Extensions & Alterations Supplementary Planning Document (2021) which specify guidelines for two-storey extensions on page 25.

A two-storey rear extension should:

- be proportionate to the size of the original house and garden;
- not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);
- not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;
- not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;
- be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre;

- and not adversely affect habitable room windows where they adjoin a neighbour's boundary.

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

Scale – The scale of the proposed development, which will add an additional storey onto a ground-floor extension, will, in totality be large in comparison to the original size of the dwelling. Furthermore, with the construction of the outbuilding at the end of the garden, which is large in size, the scale of extensions in comparison to the original house and garden is considerable. However, given the proposal will not extend the footprint of the dwelling further, although will add additional floor space, the scale is deemed appropriate as a sizeable plot of land will be left undeveloped.

Size – The projection of the extension from the original wall is 3.0m which is in line with Kirklees policy. The height of the extension will match the existing property, a separation to the boundary wall of 1.5m is present. Due to this, there will be sufficient distance between the first-floor rear elevation of the dwelling and proposed extension.

Materials – Materials for the extension are to match the existing materials used for the host dwelling which include a matching render wall finish, with new matching concrete roof tiles and Upvc window frames which is acceptable.

Having taken the above into account, the proposed extension would not cause 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 Extensions 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 LP24c, in the Kirklees Local Plan, 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 House Extensions & Alterations SPD goes into further detail with respect to outlining principles.

- Key Design Principle 3 states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.
- Key Design Principle 4 states, '*extensions and alterations should consider the design and layout of habitable and non-habitable rooms to*

reduce conflict between neighbouring properties relating to privacy, light and outlook'.

Considering the orientation of the windows on the first-floor extension face a west orientation, and given the footprint of the surrounding dwellings, as well as the forward projection of the first floor extension, consideration to privacy levels is to be assessed for the properties of 9, 11 & 17 Grange Road.

Impact on 9 & 11 Grange Road

Due to distance, there will not be an impact in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. The rear outlook of the first-floor will be altered through the projection of the extension, given the angle of the outlook, due to the relationship of the street, there will not be a change to privacy levels between the property in question and 9 & 11 Grange Road. The development is therefore deemed to be acceptable.

Impact on 17 Grange Road

The extension has the ability to overbear the neighbouring property at 17 Grange Road due to the spatial relationship between the two properties. Key Design Principle 5 protects against an overshadowing/loss of light impact from development, stating '*extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property*'. The specification for an overbearing nature is outlined through the protection of a 45oC angle from habitable windows. Design amendments have been sought to overcome an overbearing impact and a loss of light, from the projection of the first-floor rear extension on the neighbour's habitable room. Regarding the amendments, the 1.5m gap will prevent an overbearing impact or loss of light from the extension. There are no side windows proposed.

In consideration of the Kirklees House Extensions and Alterations Supplementary Policy Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework the development is considered to be acceptable in terms of residential amenity.

<u>Impact on highway safety</u>:

The proposals will result in an intensification of domestic use, albeit through extending existing bedrooms. The parking to the front and side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the side of the house and would not be moved as part of the proposals. 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 Extensions and Alterations SPD.

<u>Biodiversity</u>

The development is for a rear extension on the first storey of the property. Whilst the property is not located in an area, which is known to include bat habitats, as there is an alteration to the roof, and bat habitats have been found to exist in close proximity, it is to be noted that care should be taken to note if bat habitats are present.

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.

Conclusion

This application to erect a first-floor rear extension at 19 Grange Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations 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**

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 walling 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 Extensions and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	04	2	06/06/2023
Block Plans	BP	1	18/04/2023

Plan Type	Reference	Version	Date Received
Location Plans	LP	1	18/04/2023

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. Amendments were sought to bring the design of the extension in line with national and local planning policy.