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:	**2023/62/91207/E**
Site Address:	73, Bunkers Lane, Staincliffe, Batley, WF17 7QT
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.

Julia Steadman

AUTHORISED OFFICER

Date: 02-Oct-2023

OFFICER REPORT

Site Description

73 Bunkers Lane, Staincliffe, Batley. A detached dwelling located in an area of similar dwelling types. Constructed from brick with rosemary roof tiles. The rear single storey extension is currently a separate living unit. There is a detached garage located to the rear/side of the dwelling, a single storey flat roofed building. The boundaries have in part a mix of conifer and other shrub hedges.

The property is located off a residential street with a mix of house types surrounding in terms of age and style.

Description of Proposal

The applicant is seeking permission for a two storey side extension, roof alterations, first floor rear extension and formation of dormers.

The existing single storey side extension is proposed to be replaced with a two storey side extension which will project 2.6m from the original side wall of the dwelling extending the full depth of the dwelling. The plans have been amended since the initial submission to include windows on the front elevation.

The property has an existing single & two storey extension to the rear. The proposals include extending above the existing single storey rear and altering the roof over the two storey element, in line with the side extension.

The roof over the dwelling would be altered from a hipped roof to gable with two dormers in the front roof plane and two dormers in the side roof plane at the rear.

The front dormers would have a width of 2.7m with a height of 2.5m, the roof forms would be pitched and the dormers would align over the bay windows below.

The rear dormers would each have a width of 1.8m and a maximum height of 2.5m with pitched roof form.

The walls of the extensions would be constructed using brick with tiles for the roof covering. The dormers would be clad with vertically hung tiles.

Relevant Planning History

1993/00832 - erection of single storey extension - approved

1995/92140 - erection of single storey extension - approved

2009/90153 - erection of first floor extension main house - approved

2009/91331 - erection of extension to outbuilding - withdrawn

2009/92020 - certificate of lawfulness for erection of garage/store/swimming pool/snooker room - granted

2010/90009 - erection of first floor extension and dormer - approved

2012/93498 - erection of detached outbuilding with garage - refused

2013/91953 - deemed approval of outbuilding with garage

2022/92206 - class AA to extend upwards - refused

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initially submitted plans raised issues in terms of the design, in particular for the side extension, with a blank front elevation and no set back which would have resulted in an unsympathetic addition. Amended plans have included windows which improve the appearance. As the alterations are minimal, the amended plans have not been advertised.

Representations

The application was advertised by neighbour letters, which expired on 16/06/2023.

As a result of the above publicity, three representations have been received. 2 in support and 1 objecting. The material considerations raised in the objection are summarised as follows:-

- The existing property is already not in keeping with its surroundings and the proposed extension would exacerbate this further,
- The level of existing development with the proposed would overdevelop the property,
- Overbearing impact from the extensions and roof alterations,
- The front dormers would overlook windows and garden at 73a Bunkers Lane,
- The side/rear dormers would overlook windows and garden at Deighton Holme,
- Overshadowing of the neighbouring 73a Bunkers Lane.

Although other matters may have been raised, only material considerations can form part of the assessment.

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

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

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 & Alterations 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:

Key Design Principle 1 of the House Extension & Alterations 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 House Extension & Alterations SPD 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.

There are a number of elements to the scheme which shall be assessed below.

Roof Alterations – hip to gable

Paragraph 4.2 of the House Extensions & Alterations SPD states that "the local context, character and identity of the area will be a significant factor in determining the appropriate form and scale of alterations". Paragraph 4.6 states "where extensions seek to differ from the existing materials, design, **roof pitch** or detailing, proposals will be considered on a case by case basis."

In terms of the roof alterations from the hip to a gable. The house itself is a detached dwelling set in a nonlinear group of properties, set off the highway, where the properties all differ in terms of design and style. As such, the hip to gable would not be out of character with the wider area. Although the new roof

form would be a departure from the stylings of the existing house, there is limited architectural merit to the house at present.

Front dormers

Paragraphs 5.24, 5.25, 5.26 and 5.27 of the House Extensions & Alterations SPD relate to the provision of dormers. Given roofs are a very prominent and visible element of the majority of properties, development affecting the roof, such as dormer extensions need to be carefully considered in terms of their appearance and scale in order to be considered acceptable in terms of LP24 of the KLP, KDP 1 & KDP2 of the House Extension SPD and chapter 12 of the NPPF.

The front dormers proposed would allow the main roof to remain the dominant feature. The use of vertically hung tiles allows the dormers to form a more organic relationship with the roof slope. The front dormers are therefore considered to be acceptable in terms of visual amenity.

Two storey side extension

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD 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 would not be set back or set down. However, this is a detached dwelling which is not located on a consistent building line with the surrounding neighbours in a nonlinear arrangement. As such, the scale is considered to be acceptable. The detailing including the fenestration and roof form are considered to form an appropriate relationship with the dwelling. The materials include the use of brick for the walling and tiles for the roof covering which would match the main house. On balance, the side extension is considered to be acceptable in terms of visual amenity.

First floor rear alterations and extensions

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD 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 proposals would offer limited additional increase in the footprint of the dwelling over and above the existing arrangements on site. There would be a reasonable amenity space retained between the house and the existing outbuilding. The scale of the rear works, can on balance, be considered to be acceptable. The materials include the use of brick for the walling and tiles for the roof covering which would match the main house. On balance, the rear extension is considered to be acceptable in terms of visual amenity.

Rear dormers

In point 5.25 of the House Extensions & Alterations SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size. The dormers proposed for this property are modest in terms of scale, would be located at the rear with limited views in the wider area and would be clad with vertically hung tiles allowing the dormers to form a more organic relationship with the main house. The rear dormers are therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals 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 & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

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 House Extension & Alterations 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 69 Bunkers Lane

The neighbour to the south occupies a position some 27m from the host property. Given the substantial separation between the properties, the alterations to the roof, the side extension and the two front dormers would result in no additional impact on the amenities of the occupiers of this neighbour with regards to overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 69 Bunkers Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on Winestone

The neighbour to the south west occupies a position some 36m from the host property. Given the substantial separation between the properties, the alterations to the roof, the side extension and the two front dormers would

result in no additional impact on the amenities of the occupiers of this neighbour with regards to overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring Winestone, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 71 Bunkers Lane

The neighbour to the west occupies a closer position with less than 7m between the dwellings. However, the host property for the most part aligns with the blank side elevation of this neighbour. The angled relationship between the properties minimises the potential for the rear elements to result in any significant overbearing or overshadowing. There would be a single window at first floor which would serve a study, given the alignment with the adjacent property, there would be potential for overlooking. However, a condition can be included, given the use of the room, requiring obscure glazing to prevent any loss of privacy.

With regards to the impact on the adjacent 71 Bunkers Lane, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

Impact on 72 Deighton Lane

The first floor extensions to the rear would bring the upper levels of the dwelling closer to the neighbour at the rear. However, as the neighbours blank gable faces the rear of the host property, there would be no overshadowing, overbearing or overlooking.

With regards to the impact on the 72 Deighton Lane, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, 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 Deighton Holme

The boundary with the adjacent property to the west is some 21m from the host property with a further 14m to the neighbours first floor. With such substantial separations, the proposed dormer windows within the roofscape would have no opportunity for overshadowing or overbearing and no significant potential for overlooking.

With regards to the impact on the neighbouring Deighton Holme, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, 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 73a Bunkers Lane

Although the scheme does include roof alterations which would increase the proximity of the roof to the adjacent neighbour to the south east, there would be no significant impact in terms of overbearing or overshadowing given the angling and modest separation. Furthermore, there would be no overlooking.

With regards to the impact on the neighbouring 73a Bunkers Lane, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extension & Alterations SPD, 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 & Alterations 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 rear of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling 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 Extension & Alterations 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:

Three representations have been received. 2 in support and 1 objecting. The material considerations raised in the objection are summarised as follows:-

- The existing property is already not in keeping with its surroundings and the proposed extension would exacerbate this further – **Response:** *this is a material consideration as it relates to visual amenity. The character of the area is mixed with quite a few newer properties immediately surrounding. The host property is not quite like the neighbouring properties at present and the changes proposed would therefore not be out of character with the wider area*,
- The level of existing development with the proposed would overdevelop the property – **Response:** *this is a material consideration as it relates to visual amenity. The proposed works would not increase the footprint of the dwelling and the dwelling retains a reasonable amenity space. As such, the works proposed are not considered to result in overdevelopment*,
- Overbearing impact from the extensions and roof alterations – **Response:** *This is a material consideration as it relates to residential amenity. This has been fully assessed, by property, within the relevant section of this report*,
- The front dormers would overlook windows and garden at 73a Bunkers Lane – **Response:** *This is a material consideration as it relates to residential amenity. This has been fully assessed, by property, within the relevant section of this report*,
- The side/rear dormers would overlook windows and garden at Deighton Holme – **Response:** *This is a material consideration as it relates to residential amenity. This has been fully assessed, by property, within the relevant section of this report*,
- Overshadowing of the neighbouring 73a Bunkers Lane – **Response:** *This is a material consideration as it relates to residential amenity. This has been fully assessed, by property, within the relevant section of this report*.

Although other matters may have been raised, only material considerations can form part of the assessment.

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.

The study window on the west elevation would face towards the garden area of the neighbouring property. As such, it is considered to be reasonable and necessary to include a condition requiring that this window is obscurely glazed to ensure privacy.

Conclusion:

This application for extensions and alterations to 73 Bunkers Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension & 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**

Decision Authorisation - Delegated Powers
Application Number: 2023/91207
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 & 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, Key Design Principles of the House Extension & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the first floor window on the west side elevation serving the study shall be obscure glazing to a minimum privacy level 4 or equivalent before the extension hereby approved is first brought into use and shall thereafter be retained.
Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension & Alterations 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	-	987329	28/04/2023
Existing elevations	-	987335	28/04/2023
Proposed plans	-	1006750	06/09/2023
Proposed plans	-	1006752	06/09/2023
Proposed plans	-	1009845	27/09/2023
Climate change statement	-	987331	28/04/2023

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 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.

The initially submitted plans raised issues in terms of the design, in particular for the side extension, with a blank front elevation and no set back which would have resulted in an unsympathetic addition. Amended plans have been received during the course of the application and have included windows, which improve the appearance. As the alterations are minimal, the amended plans have not been advertised.

Report Dated 28/09/2023