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:	**2023/62/91985/E**
Site Address:	26, Thorncliffe Estate, Staincliffe, Batley, WF17 7BG
Description:	Erection of single storey side and rear extensions
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: 01-Sep-2023

OFFICER REPORT

Site Description

26 Thorncliffe Estate is a semi-detached dwelling of brick and render construction with an existing two storey rear extension. The property has a paved area for parking at the front and an enclosed garden to the rear.

The property is located on a residential street with properties of a similar age and style.

Description of Proposal

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

The side extension would lie flush with the front wall of the property, projecting 2.2m up to the boundary with a lean to roof form. The side extension would be constructed along the depth of the dwelling and 6m beyond the original rear wall of the property. The extension would wrap around the rear of the existing two storey rear extension, extending the projection an additional 2m along the boundary with the adjoining property. The roof form would be lean to.

The walls of the extension would be constructed using brick with tiles for the roof covering. There are also a number of roof lights proposed - 4 in the side roof plane and 2 in the rear roof plane.

Relevant Planning History

2001/93128 - erection of two storey rear extension - granted and built

Representations

The application was advertised by neighbour letters, which expired on 15/08/2023

As a result of the above publicity, three representations have been received. The material considerations raised are summarised as follows:-

- Overshadowing,
- Loss of privacy,
- Highway safety,
- Noise & disturbance,
- Odours,
- Parking issues,
- Harm to listed building and conservation area,
- Issues for emergency vehicles,

Although other matters may have been raised such as the house being used as a HMO and as such should have a licence, cannot be considered pertinent to the determination of this application. This is a separate matter.

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.

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

Single storey side extension

Paragraphs 5.15 & 5.16 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 from the front nor would it include a separation from the boundary. However, this is similar to the arrangements at the adjoining property and would be single storey and as such the scale and form can be considered to be justifiable in this instance, the materials proposed include the use of brick for the walling and tile for the roof covering which would match the main house and the detailing is considered to be appropriate. The side extension is therefore considered to be acceptable.

Single storey rear extension

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 property does have a two storey extension to the rear and as such the proposed rear extension under this application would increase the footprint on the ground floor. However, the property would retain a reasonable amenity space and the extension proposed is limited in height to single storey. The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house and the detailing is considered to be appropriate. The rear extension is therefore considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed extensions to the side and rear 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.

<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 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.

There are no properties directly to the rear which could be affected by the works proposed.

Impact on 25 Thorncliffe Estate

The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would have no impact on the amenities of the occupiers of the adjoining property.

The neighbouring property has been extended with a two storey rear which is located to the boundary. The proposed single storey addition to the existing two storey rear extension would have a limited impact in terms of overbearing or overshadowing given the limited projection together with the single storey nature of the extension now proposed. As such, there would be no material harm to the amenities of the occupiers of the adjoining 25 Thorncliffe Estate.

With regards to the impact on the adjoining 25 Thorncliffe Estate, 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 27 Thorncliffe Estate

The adjacent dwelling has an existing timber side extension and an outbuilding located along the boundary which would mitigate the potential for the proposed side and rear extensions from resulting in any overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 27 Thorncliffe Estate, 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 23 Thorncliffe Estate

The space between the host property and the neighbour opposite would not be reduced and the side extension would not result in any further impact in terms of overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 23 Thorncliffe Estate, 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.

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 limited intensification of the domestic use with no additional bedrooms. The parking area to the front 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. The material considerations raised are summarised as follows:-

- Overshadowing – ***response:*** *this is a material consideration as it relates to residential amenity. The impact on the neighbouring properties to each side has been addressed within the relevant section of this report*,
- Loss of privacy– ***response:*** *this is a material consideration as it relates to residential amenity. The impact on the neighbouring properties to each side has been addressed within the relevant section of this report*,
- Noise, disturbance & odours– ***response:*** *Construction practices are covered by other regulations however it would not be unreasonable in include an informative regarding construction practices to the decision notice, if permission is granted.*
- Parking issues & highway safety – ***response:*** *this is a material consideration as it relates to highway safety. The potential impacts have been considered within the relevant section of this report*,
- Harm to listed building and conservation area – ***response:*** *there are no listed buildings or conservation areas within the vicinity of this site*,
- Issues for emergency vehicles – ***response:*** *the works themselves would be set back from the highway and as such would result in no blockages for emergency vehicles. There may be potential for*

construction vehicles and associated paraphernalia to cause restricted access. However, given the transient nature of the construction activities together with protection of the highway from blockage being covered within traffic regulations, this is not considered to be a barrier to granting planning permission.

Although other matters may have been raised such as a neighbour's belief that the house is used as a HMO and as such should have a licence, cannot be considered.

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 single storey extensions to the side and rear of 26 Thorncliffe Estate 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: 2023/91985
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 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 & 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	01	997140	03/07/2023
Proposed plans	02	997139	03/07/2023
Climate change statement	-	997142	03/07/2023

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 31/08/2023