

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:	2023/62/92189/E
Site Address:	11, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ
Description:	Erection of single storey front extension
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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-Sep-2023

Officer Report

2023/92189 - 11, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ

Site Description

11 Hollybank Avenue is a two-storey, detached dwelling in Upper Batley. The dwelling is constructed with brick exterior walls that fall under a pitched roof, clad in concrete roof tiles. The property features a balcony, white Upvc panelling and a forward projection on the front elevation. The property has a modest front and rear garden plot with a driveway which is sufficient for two vehicles. The property is located on the turning head of a dead-end street. It is set back from other properties, 'tucked away' from the residential row.

Properties on the street have a similar mid-century appearance to the application dwelling. The design materials present within the street scene include brick, stone, Upvc panelling and a slight amount of render. The property line on the street is diluted with each dwelling set back from the last.

The application site is not situated in a conservation area or in close proximity to a listed building. Neither is the application site within designated green belt.

Description of Proposal

The applicant is seeking permission to erect a single storey front extension.

The front extension is proposed to project 3.30m from the front elevation, to a width of 4.35m. The extension is proposed to reach a height of ~3.10m including the flat roof. The extension is positioned in the centre of the house. It will not project past the most forward projection of the front elevation.

Materials of the extension will match the materials of the existing property, including the use of brick exterior walls and Upvc windows.

Public Representation(s)

Neighbourhood notification letters were sent to advertise the proposal. As a result of the publication, one representation was received. Full comments can be viewed on the Kirklees Planning Website. A summary of the planning concerns is as follows:

- Size and scale of the dwelling will be out of character with the surrounding properties.

The impact the development will have on size, scale and character will be discussed in the *visual amenity & residential amenity* section of the report.

Consultation Responses

No consultations were required.

History of Negotiations

No amendments or negotiations have been necessary within this application.

Relevant Planning History

2018/90390 - Erection of extensions, creation of first floor terrace and external alterations – Refused.

2021/91168 - Erection of extension and external alterations – Refused.

2023/92167 – HHPD single storey rear extension – Details approved.

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 (House Extension and Alterations SPD) 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 House Extension and Alterations 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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

Principle of development:

Kirklees Council adopted supplementary planning guidance on house extensions (House Extension and Alterations Supplementary Planning Document) 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 House Extensions and Alterations Supplementary Planning Document (SPD) will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Impact on visual amenity:

Front extensions are additions that are highly visible from the public domain as such they should appear as modest alterations to the host dwelling, being subservient, whilst respecting the architectural design and materials found on the building. Furthermore, consideration should be taken to the design to preserve the character of the street scene and wider area.

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. With regard to extensions, it states under part c, that proposals should promote good design by ensuring 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details'.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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.*'
- Key Design Principle 2 of the House Extensions & Alterations SPD states '*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.*'

Within the House Extensions & Alterations House Supplementary Planning Document, paragraphs 5.13 – 5.14 outline design guidelines for single storey extensions. They state single storey front extensions are usually unacceptable due to the impact on the character of the area and visual amenity and will not normally be permitted unless:

- The house is set well back from the pavement or is well screened;

- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area;
- The materials and design match the existing features of the original house;
- The extension would not unreasonably affect the neighbouring properties.

In terms of this proposal, the dwelling is set well within the application site. Due to the sitting of the dwelling, the extension will not form a prominent feature on the street scene. As for size, the extension is proposed to be 3.30m x 4.35m, which is proportionate to the size of the host dwelling. The new frontage will not detract from the existing frontage as it fits well within the existing features and is a forward projection of what contains the current hallway. Materials will match the current materials present on the front elevation and wider area. As the extension is set back from the current forward most point, there will not be an additional impact to neighbours.

In this instance, a front extension is acceptable given the lack of harm from the proposal.

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 Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, *'extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.
- HASPD - Key Design Principle 4, *'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.'*

Impact on 9 Hollybank Avenue

No. 9 is located to the south of the application site and is the adjacent neighbour. The application sight rests on slightly higher ground than No.9. The rear elevation of No. 9 is forward of the front elevation of the application dwelling. In terms of privacy, there will be vistas from new forward facing windows. The bathroom window will be obscurely glazed to a grade 4 level.

The other new windows will light a hall which is a non-habitable room. In terms of outlook, it will view the neighbouring property at an obtuse angle. The increase in projection from the existing windows, coupled with the fact it is a non-habitable room with an obtuse angle of outlook towards the neighbouring property means it will not have a negative impact to privacy. The proposal is a minimal extension that fits within the existing frontage, due to this there will not be a change to light, or an overbearing impact caused by the extension.

Impact on 13 Hollybank Avenue

No. 13 is located to the east of the application site and is the other adjacent neighbour. In terms of privacy, the new front facing windows will face the side of the property at an outlook of less than a 45degree angle. There is a window on the side of the property. It is estimated there will be ~13.10m from the proposed windows to this first-floor side window. Given there is an existing outlook from the current property, which will be reduced by 4.00m, the distance is sufficient to mitigate any changes to privacy from the non-habitable room. Further to this, there will not be a change to light or an overbearing impact.

Impact on Highway Safety

The proposal is for the construction of a front extension, under the proposal there will be no increase to the number of bedrooms. Off-street parking provisions can accommodate two vehicle which is sufficient. Under the proposal, side and rear access will be maintained. 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 & Alterations SPD.

Other Matters

Representations

Under the current proposal the development has been assessed for an impact to the character of the dwelling and surrounding area. It has been deemed the extension would not cause harm to either the host dwelling or surrounding area due to the modest nature of the extension, which is in keeping with the style and materials of the local vicinity. The size and scale of the addition will have no harm in terms of visual or residential amenity as it is deemed the alterations are subservient to the dwelling.

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.

Biodiversity

The development is for a front extension. Whilst the property is located in an area which is known to include bat habitats, the proposal does not affect the eaves of the house, it is considered unlikely to have an impact on the bat populations.

A cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

There are no other matters.

Conclusion

This application for the erection of a front extension at 11 Hollybank Avenue, 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

Decision Authorisation – Delegated Powers

Application Number: 2023/92189

Officer Recommendation: Full permission granted

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.

1. 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.

2. The wall and window frame 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.

3. The development shall not be occupied until the ground floor, bathroom window in the front elevation of the extension hereby approved has been obscurely glazed (to a minimum Grade 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) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	LP	1	26/07/2023
Proposed - Grouped Plans and Elevations	001	1	26/07/2023
Existing - Grouped Plans and Elevations	002	1	26/07/2023

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 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. No amendments were sought.