

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:	2023/62/92450/E
Site Address:	1, Ridgeway Drive, Birstall, Batley, WF17 0NU
Description:	Erection of two storey side extension, single storey rear extension, dormer window to rear and front porch
Recommending Officer:	Nicole Helliwell

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: 25-Oct-2023

Officer Report

Reference No. 2023/62/92450/E

Site Address: 1, Ridgeway Drive, Birstall, Batley, WF17 0NU

Proposal: Erection of two storey side extension, single storey rear extension, dormer window to rear and front porch

Site Description

The application relates to 1 Ridgeway Drive, a two storey semi-detached property situated in Birstall, Batley. The dwelling is predominately faced in red brick with elements of white render to the front elevation and incorporates a dual pitched roof finished in concrete tiles. The property currently benefits from off road parking to the front, a detached garage and gardens to the front and rear. The neighbouring properties are of residential use and comprise two storey properties of similar materials and architectural styles.

Description of Proposal

The application seeks planning permission for a two storey side extension, single storey rear extension, dormer window to rear and front porch. The existing detached garage will be demolished to allow for the proposed development. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed extensions and alterations. The proposed works are as follows:

- Single storey rear extension (projection approx. 3m, maximum height approx. 3m, and eaves height approx. 3m)
- Front porch (projection approx. 0.82m, maximum height approx. 3m and eaves height approx. 2.4m)
- Two storey side extension (projection approx. 2.6m, maximum height approx. 6m and eaves height approx. 3m to 3.2m due to changes in ground level)
- Rear dormer extension (width of approx. 1.7m, depth of approx. 3.05m and a maximum height of approx. 1.95m)
- Installation of velux window within the roof plane of the two storey side extension
- Installation of obscure glazed first floor window within the front elevation

Relevant Planning History

2023/91333: Erection of two storey side extension, single storey rear extension and front porch. [Planning application details | Kirklees Council](#) – **Conditional Full Permission**

2023/90338: Erection of single storey side and rear extension and replacement front porch. [Planning application details | Kirklees Council](#) – **Conditional Full Permission**

2022/93871: Certificate of lawfulness for proposed single storey side and rear extensions and porch to front. [Planning application details | Kirklees Council](#) – **Cert of Lawful Opps Granted**

2022/92285: Demolition of existing garage and erection of two storey side extension, single storey rear extension and front porch extension. [Planning application details | Kirklees Council](#) – **Withdrawn**

Representations

The application was advertised by neighbour notification letters, which expired on 11th October 2023. As a result of the above publicity, no representations have been received.

Consultation Responses

Not Applicable.

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. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **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.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

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, 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 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Assessment

1. 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 Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design.

The current application follows earlier approvals for similar proposals at the site. In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Visual amenity

Key Design Principle 1 of the House Extensions & Alterations 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 SPD goes on to 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.

Two Storey Side Extension

The proposed two storey extension would project approximately 2.6m from the side elevation of the original dwellinghouse. The enlargement would be faced in brick and would incorporate a dual pitched roof finished in concrete tiles to match the appearance of the host property. The extension would also feature a significantly lower ridge line and would be set back approx. 0.3m from the principal elevation such that it would have some form of subservience to the original build. Whilst it is noted that the enlargement would alter the scale and form of the dwelling, this is considered acceptable given that the property and its curtilage would support the extension without it appearing incongruous or amounting to overdevelopment. This is similar to the side extension previously approved. For these reasons, it is considered that the proposal would not have any significant visual impact on the character and appearance of the host property and wider street scene.

Rear Dormer Extension

The traditional vertical dormer window would be located within the rear roof plane of the proposed two storey extension. The dormer would be set back from the eaves, sited below the existing ridge line and would be faced in tile hanging to match the appearance of the existing roof. The dormer window would also be of an appropriate size and design and would generally align with the existing fenestration. Although the area is generally devoid of dormer extensions, it is noted that the dormer would be located to the rear of the dwelling with limited visibility from public vantage points. On this basis, the proposed development would be acceptable in terms of visual amenity.

Single Storey Rear Extension

The proposed single storey extension would extend approximately 3m from the rear elevation of the original dwellinghouse. The enlargement would be faced in materials to match the appearance of the host property and would incorporate a flat roof. Although this feature would generally constitute poor design, the extension would be concealed by the existing boundary treatments and would have limited visibility from public vantage points. Furthermore, the design of the enlargement has already been approved under planning application reference no. 2023/90338 and 2023/91333. The extension would also have an acceptable scale relative to the original build and would maintain a sense of space within the plot. Therefore, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Front Porch

The proposed porch would be single storey in height and would extend approximately 0.82m from the front elevation of the original dwellinghouse. The extension would incorporate a dual-pitched roof finished in concrete tiles and would be faced in a material palette to match the appearance of the host property. The porch would be modestly proportioned and would appear subservient in relation to the original build. Furthermore, the enlargement would maintain a distance of approx. 6.4m to the pavement, which would reduce its prominence from public vantage points. Therefore, it is considered that the proposed development would respect the character and appearance of the host property and wider street scene.

Alterations to Fenestration

The proposed external alterations would see a modest obscure glazed window installed at first floor level in the front elevation of the property. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area. Given the location of the window, this would be permitted development.

Velux Windows

The velux window proposed would be modestly sized and would be located within the front facing roof plane of the proposed two storey side extension. Given that the roof light would be of an appropriate design and scale, it is considered to respect the appearance and character of the host property and wider street scene. These would likely be permitted development in any case.

Summary

Having taken the above into account, the proposed development 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 proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. 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 SPD goes into further detail with

respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 2 Ridgeway Drive

The proposed development would occupy a position approximately 27.6m from the front elevation of 2 Ridgeway Drive. Given that the separation distances retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

Impact on 11 Meadow Close

11 Meadow Close is a residential property located west of the application site. Although the rear dormer extension would not have a direct relationship with the neighbouring property, it is noted that there may be some additional overlooking of the neighbour's rear garden. However, it is considered that any impact would be minimal, over and above the existing relationship, and therefore would be acceptable.

Furthermore, the proposed single storey rear extension would occupy a position approximately 11.5m from the common boundary shared with no.11. However, given the offset relationship between the properties and its single storey height, it is considered that the extension would cause not any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Impact on 47 and 49 Windmill Lane

47 and 49 Windmill Lane are a pair of two storey semi-detached dwellings located south-east of the application site. The proposed two storey side extension would be situated approximately 7.8m away from the neighbour's rear elevation and would fail to accord with the 12m separation distance outlined within the SPD. However, it is noted that the existing relationship falls short of the required separation distances, therefore, whilst the proposal would reduce the distance further, given the existing close relationship between the properties, it is considered that any impact would be minimal and would not be so significant to warrant a refusal.

It should be noted that the relationship with these neighbouring properties was considered acceptable at the time of previous approvals, which are a material consideration in the assessment of this application.

Impact on 3 Ridgeway Drive

The proposed single storey rear extension would occupy a position approximately 0.18m from the common boundary shared with 3 Ridgeway Drive. Whilst it is noted that the enlargement would fail to comply with the

45 degree rule in relation to the neighbour's ground floor fenestration, the bulk of the extension has already been approved under planning application reference no. 2023/90338 and 2023/91333 and therefore would be acceptable.

It is also considered that the neighbouring occupants at no.3 would not experience any additional harm to their residential amenity as a result of the proposed front porch given that the enlargement would be positioned approximately 3.3m from the common boundary and would accord with the 45 degree rule in relation to the neighbour's front windows.

Occupier Amenity

The plans confirm that sufficient outdoor amenity space of a functional layout would be retained at the site. on this basis, the proposed works would ensure an acceptable standard of amenity for existing and future occupants.

Summary

Having taken the above into account, the proposed development 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 proposal would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

3. Highway Safety

Although the proposal would not significantly intensify the domestic use at the dwelling, it would affect the existing parking arrangements on site. However, the submitted plans demonstrate that the existing outdoor amenity space to the front of the dwelling would be altered to driveway. As a result of the proposed works, two off road parking spaces would be provided which would represent a sufficient provision for a three bedroomed dwellinghouse. Therefore. the proposal is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

4. 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 relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

Amendments were sought during the course of the application. A request was made to omit the front dormer extension from the proposed two storey side extension. Revised drawings were received which were considered acceptable with regard to visual amenity.

The description of development was changed during the course of the application. However, given that the front dormer extension was removed from the description, it was not considered necessary to readvertise the application via neighbour notification letters.

7. Conclusion

This application for a two storey side extension, single storey rear extension, dormer window to rear and front porch at 1 Ridgeway Drive has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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. 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:** 2023/92450**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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls of the single storey extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and

Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The external walls and roofing materials of the two storey extension and front porch hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

5. The external walls of the dormer extension hereby approved shall be tile hanging to match the appearance of the existing roof and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

6. The proposed ensuite window in the front elevation shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the House Extensions and Alterations SPD.

7. The development shall not be brought into use until the approved vehicle parking areas have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The parking areas shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims 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	Date Received
Existing Plans & Elevations	22103-0101-P01	31/08/2023
Proposed Floor Plans	22103-0301-P05	26/09/2023
Proposed Elevations	22103-0302-P04	26/09/2023
Climate Change Statement	-	31/08/2023

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 Case Officer undertook negotiations with the agent to secure amended plans. Revised drawings were submitted which were considered acceptable with regard to visual amenity.

Report Dated: 12/10/2023