

**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:	2023/62/92471/E
Site Address:	14, Swallow Hill, Batley, WF17 0QN
Description:	Erection of single storey side extension and associated alterations
Recommending Officer:	Katie Wilson

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: 10-Nov-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92471
Location	14, Swallow Hill, Batley, WF17 0QN
Proposal	Single storey side extension and associated alterations
Publicity end date	3 rd October 2023
Number of representations received	None
Kirklees Local Plan Allocation/Designation	Unallocated
Extension to Time (EoT)	Yes EoT Date: 10.11.2023
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) July 2021
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought	N/A	
Planning History		At the application site:

		2003/92626 – erection of conservatory. Refused Planning application details Kirklees Council
Consultations required	No	

Assessment

The Kirklees SPD sets out that single storey side extensions should comply with certain parameters set out at paragraph 5.17 on page 28 (and listed below) and if they do not, they need to be justified:

Single storey side extensions should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Not extend more than two thirds of the width of the original house	Yes – it would be no more than two thirds the width of the main part of the original bungalow.	No – it would also be attached to the side of what could be an original garage. This garage is already attached to part of the front elevation, and also projects beyond the side of the main part of the bungalow. It may have been modified with a new mono-pitched roof and possibly extended at the back, although there is no planning history for these alterations. The proposed side extension would be over two thirds the width of the garage. However, its ridge height would be

		no higher than the original bungalow and its footprint would be approximately a third that of the original part of the building. It is therefore considered subordinate to the original bungalow.
Not exceed a height of 4 metres; and	No	The ridge height would be 150 mm above 4.0m high. This would be the same ridge level as the existing bungalow and it is considered that the additional height would have no harmful impacts upon visual or residential amenity.
Be set back at least 500mm from the original building line to allow for a visual break.	Yes – It would be behind the original building line.	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The application property is a true bungalow with predominantly red brickwork walls and a shallow pitched ridged roof surfaced in grey / brown tiles. It has a single garage attached to the front, perpendicular to the front elevation and set back from the roadside, with projection beyond the side elevation of the bungalow.

There is a driveway suitable for two or three cars to the front and quite large garden space to the side and rear. To the rear it slopes up and away from the back of the bungalow in a series of terraces.

The property is at the head (and in a corner) of a residential cul-de-sac of similar bungalows. This residential estate and others nearby are on a hillside that slopes gently in a south westward direction. The application site is towards the upper slopes. Neighbouring estates on the same hillside contain a mixture of housing types (although predominantly detached bungalows or

two storey houses) thought to have been built in the 1970's or 80's and many have been extended in various ways. Within the wider estate the pallet of materials is also more varied

Consideration has been given here in terms of the proposal's impact on the local character and street scene, including subservience, terracing and building line

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	• KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF	The proposed extension would essentially infill a corner between the side of the bungalow and the side of the garage. It would be a moderately sized domestic extension in materials to match the host dwellinghouse and sympathetic roof design. It would also be screened from the streetscene by other parts of the existing bungalow and surrounding houses. As such it is considered that it would have an acceptable impact upon local character and very limited, if any, impact upon the street-scene.	
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposed extension would be subordinate in terms of scale to the original part of the bungalow. It is also considered that it would be in keeping in terms of design and materials, and so would have an acceptable impact upon the original part of the bungalow.	

Height, scale and massing	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The original house is a true bungalow with single garage attached to the front and relatively large garden to the side and rear. The height of the proposed extension would match the existing, but the scale and massing would be subordinate. This is considered acceptable in terms of design and visual amenity.	
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The proposed materials would be to match the existing, as would the window and door openings, and so would blend in very well.	
Roof style	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The roof style would also be to match the existing bungalow.	
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	The window proportions would be the same or similar to those on the existing bungalow.	
Accessibility for all users	• KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF	Private domestic extension which would not change the existing access into / around the property.	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity: Are the considerations in the following table acceptable?

The main properties affected are:

No 12, Swallow Hill – a similar detached bungalow to the south of the application site and on slightly lower ground.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to northern side)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	The proposed side extension would project beyond the back of the existing garage, but only 900mm. The exposed wall would be blank and not wide enough to take a window. There would also be a gap of approximately 3.5m to the mutual boundary. As such it is considered that there would be no invasion of privacy issues.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	The proposed extension would be single storey and approximately 3.5m from the mutual boundary	

No. 16, Swallow Hill – This is another true bungalow at the head of the cul-de-sac and to the north west of the application site.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to	• KDP 3 & 4 of the SPD	The main impact would be from an element of the proposed side extension	✓

sides, rear and front)	• Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	that projects just 1.0m beyond the rear building line and has one window (to a garden room) facing in a northerly direction over the back garden. It would be at ground floor level, with no direct relationship to windows in 16, Swallow Hill and a separation distance of around 22.0m. As such it is considered that there would be very limited, if any invasion of privacy.	
Impact on light and outlook of neighbours (to sides, rear and front)	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF	Given the details described above, it is also considered that there would be no overshadowing or overbearing impacts.	✓

9 and 11, Robin Hill – These are more detached bungalows that have been extended in various ways. They are located to the east of the application site and face towards its rear elevation, however there would be approximately 30.0m between facing elevations and a tall evergreen hedge along the mutual boundary.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	In the context described above, it is considered that there would be very limited, if any invasion of privacy.	✓
Impact on light and outlook of neighbours (to	• KDP 4, 5, 6 of the SPD • Policy LP24 Design (b)	Given the details described above, it is also considered that there would be no	✓

sides, rear and front)	Chapter 12 of the NPPF	overshadowing or overbearing impacts.	
Remaining garden space of application property	- KDP 7 of the SPD - Policy LP24 Design (b) and (c) - Chapter 12 of the NPPF	The proposed extension would retain well over 50% of the existing garden space.	

No other neighbouring properties would be affected.

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	The proposed development would not impact upon existing access to the highway and complies with relevant policies.	
Parking provision	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	The proposed development would lose parking space in a garage but retain space for three cars to park in tandem on the driveway, and this is considered acceptable for the enlarged bungalow.	
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv) - Chapter 12 of the NPPF	The proposed development would not affect the existing arrangements for the storage and collection of household waste.	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	• KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF	No trees would be affected by the proposed development	
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF	The site is in an area where bats may be roosting. The existing house is relatively recently built and appears to have walls of good construction with no holes suitable for bats to enter. As such it is recommended that a precautionary footnote is applied stating what should be done if bats are discovered during construction.	
Carbon Budget / Climate change statement	• KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	• KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and	The proposed development is not located within an	✓

	LP34 of the KLP	identified Flood Risk Zone 2 or 3 area. Surface water run-off would be towards rear garden and neighbouring properties at lower level.	
Contaminated land.	Policy LP52 and LP53 of the KLP	N/A	

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed N/A
None		

Conclusion:

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number: 2023/92471

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 accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The external walls and roof 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 they 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 3.00hours, 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	Version	Date Received
Location plan, floor plan, elevations and street-scene as existing	Dwg title (23221) 1_Scheme as existing		17.08.2023
Block plan, floor plan, elevations and street-scene as proposed	Dwg title (23221)2_Scheme as proposed		17.08.2023
Supporting information: Climate change statement			17.08.2023
Statement in support of proposed extension			17.08.2023

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 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. It was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 10.11.2023