

**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:	2023/62/92508/E
Site Address:	315, Soothill Lane, Soothill, Batley, WF17 6ES
Description:	Erection of rear dormer, external alterations and rendering
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.

Emma Thompson

AUTHORISED OFFICER

Date: 19-Oct-2023

Officer Report

Reference No. 2023/62/92508/E

Site Address: 315, Soothill Lane, Soothill, Batley, WF17 6ES

Proposal: Erection of rear dormer, external alterations and rendering

Site Description

The application relates to 315 Soothill Lane, a detached bungalow situated in Soothill, Batley. The dwelling is faced in red brick and incorporates a hipped roof finished in blue Welsh slate. The property benefits from off road parking, a double garage and gardens to the front, side and rear. The neighbouring properties are of residential use and comprise bungalows and two storey dwellings of varying materials and architectural styles.

Description of Proposal

The application seeks planning permission for a rear dormer extension and several exterior alterations to the original dwellinghouse. Permission is not required for the internal alterations to the property and therefore, the only matters for consideration are the proposed external alterations. The proposed works are as follows:

- Rear dormer extension (width of approx. 4.53m, a depth of approx. 3.4m and a maximum height of approx. 2.85m)
- Application of white render to all elevations
- Installation of 10 velux roof lights
- Alterations to fenestration on all elevations
- Installation of Juliet balcony at first floor level

Relevant Planning History

Not Applicable.

Representations

The application was publicised by neighbour notification letters, which expired on 18th 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 located within the designated Green Belt 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
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 57** - Extension, Alteration or Replacement within Green Belt

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 13** - Protecting Green Belt Land
- **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 (Impact on Green Belt and Visual Amenity)

Impact on Green Belt

The application site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

Paragraph 2.11 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

Paragraphs 149 and 150 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. One of these is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce additional built development within the Green Belt which may have some effect on the character and openness. However, the proposed rear dormer extension would be a subservient addition and would have an acceptable scale relative to the original dwellinghouse. Furthermore, given the location of the host property and its associated curtilage, it is considered that the effect on the Green Belt would be minimal.

Summary

On this basis, the proposal is considered to constitute appropriate development within the Green Belt, compliant with Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan. The application shall now be assessed against these issues and 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 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.

Part of Policy LP57 of the Kirklees Local Plan stipulates that *'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'*

Rear Dormer Extension

The traditional vertical dormer window would be located within the rear roof plane. The dormer would be set back from the eaves, sited below the existing ridge line and would be faced in Blue Welsh slate to match the existing roof. The dormer window would also be of an appropriate size and design and would generally align with the existing fenestration. Whilst it is noted that the area is generally devoid of dormer extensions, in this instance, the dormer would be considered acceptable given the lack of uniformity within the street scene and its limited visibility from public vantage points. On this basis, the proposed development would not have any significant visual impact on the character and appearance of the host property and surrounding area,

Alterations to Fenestration

The proposed external alterations would see the existing bedroom window within the rear elevation of the original build replaced with patio doors and steps. Furthermore, the plans confirm that the existing fenestration would be replaced with anthracite grey windows. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build and wider street scene, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area.

Juliet Balcony

The submitted plans also confirm that a Juliet balcony would be installed within the front elevation of the dwelling. Although this would have some visibility from public vantage points along Soothill Lane, it is not considered to harm the appearance of the property and wider street scene and would be acceptable in this regard.

Application of Render

The proposal seeks to apply white render to all elevations of the dwelling. Although the use of render would alter the appearance of the host property, it is noted that render is prevalent within the immediate street scene. Therefore, 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.

Velux Windows

The 10 velux windows proposed would be modestly sized and would be located within the north, east, south and west facing roof planes. Given that the roof lights would be of an appropriate design and scale, they are considered to respect the appearance and character of the host property and wider street scene.

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 extension 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.

1. 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 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.

The submitted plans confirm that no properties located north and west of the application site would be affected by the proposed works.

Impact on 317 Soothill Lane

317 Soothill Lane is a detached bungalow located east of the application site. The host property occupies an angled position such that the rear elevation faces towards the neighbour's rear garden. Although there are habitable windows in the proposed rear dormer extension, these would not have a direct relationship with the proposed dwelling. Therefore, given the offset relationship between the properties, it is considered that the dormer would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Impact on 378 Soothill Lane

378 Soothill Lane is an animal centre which is located south of the application site. The submitted plan confirms that the animal centre occupies a position approximately 26.5m from the host dwelling. Therefore, given that the neighbouring property is not of residential use and a sufficient separation distance is retained, it is considered that the proposed works would not result in any undue harm and would be acceptable in this regard.

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 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 Extensions and Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

2. Impact on Highway Safety

The proposal would intensify the domestic use at the dwelling. However, it is noted that two off road parking spaces would be retained on site which would represent a sufficient provision for a three bedroomed dwellinghouse. Therefore, the development 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.

3. 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.

Public Right of Way

Although it is noted that public footpath BAT/47/10 runs along the western boundary of the application site, due to the location of the proposed works, it is considered that there would be no impact upon the PROW's setting.

There are no other matters relevant to the determination of this application.

4. Representations

No representations were received following the statutory publicity.

5. Negotiations

No amendments were sought or received during the course of the application.

6. Conclusion

This application for the erection of a rear dormer extension, external alterations and rendering at 315 Soothill Lane 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development 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. 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: 2023/92508

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 Policy LP1, LP2, LP21, LP22, LP24, LP52, LP53 and LP57 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 original dwelling shall be faced in white render 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 facing material of the dormer extension hereby approved shall be blue Welsh Slate 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.

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: Public footpath BAT/47/10 is located adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

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	Revision	Date Received
Existing Site Plan	23-024-01	-	29/08/2023
Proposed Site Plan	23-024-02	-	29/08/2023
Existing Ground Floor Plan	23-024-03	-	29/08/2023
Existing Roof Plan	23-024-04	-	29/08/2023
Proposed Ground Floor Plan	23-024-05	-	29/08/2023
Proposed First Floor Plan	23-024-06	-	29/08/2023
Proposed Roof Plan	23-024-07	-	29/08/2023
Existing Elevations	23-024-08	-	29/08/2023
Proposed Elevations	23-024-09	-	29/08/2023

Plan Type	Reference	Revision	Date Received
Climate Change Statement	-	-	29/08/2023

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 19/10/2023