

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:	2023/62/92833/E
Site Address:	9, Lark Hill, Batley, WF17 0QR
Description:	Erection of first floor extension to side with balcony
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: 20-Nov-2023

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/92833
Location	9, Lark Hill, Batley, WF17 0QR
Proposal	Erection of first floor extension to side with balcony
Publicity end date	03-Nov-2023
Number of representations received	0
Kirklees Local Plan Allocation/Designation	N/A
Extension to Time (EoT)	No
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 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	No	
Planning History	None	

Consultations required	No	

Assessment

The Kirklees SPD sets out that first-floor rear extensions should comply with certain parameters set out at paragraph 5.22 on page 29 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Ideally be visually smaller in relation to the original house;	Yes. The side extension is ~2.70m in width on a ~6.00m dwelling, with an existing garage underneath.	
Be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;		No. The first-floor side extension will occupy an 'infill area' where there is a gap in the development above the garage space. The design will create a uniform first-floor elevation. There will be the appearance that this elevation is set back from the canopy roof and the forward projection of the garage. Given there is a visual break from the canopy projection the continuity of the ridgeline is acceptable.
Have a roof design that follows the form of the existing roof; and	Yes. the pitched roof design is retained within the design of the extension.	

Retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.	Yes. A ~1.35m gap will be retained from the extension to the boundary gap.	
--	--	--

Design and Visual Amenity:

Summary of local street scene/character: Lark Hill is a residential cul-de-sac which is characterised by two-storey, detached dwellings. Dwellings comprise of brick and stone built dwellings that have pitched roofs. There are front elevation canopies on all the dwellings apart from the application dwelling. Plots have similar positions creating a linear building line, however there are forward and rearward projections from architectural features present within the building group. Modest front and rear gardens, as well as driveways feature commonly.

Consideration has been given here in terms of the proposals 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 extension and canopy will form commonplace, residential features that will not appear out of place given the character of the street. The majority of houses have canopies on the ground floor and triple windows on the first-floor. Neither will the dwelling appear large given there are wider properties on the road.	✓
Impact on original house	• KDP2 of the SPD	The extension will not appear disproportionately large to the original house	✓

	• Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	and will be 'infill'. The footprint of the dwelling will be retained as the extension is only to the first floor. The canopy will appear characterful and match neighbouring dwellings.	
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 extension will meet the height of the eaves and ridgeline. In terms of scale, the extension will not increase the width of the dwelling and is an 'infill' extension. The massing will not appear bulky or unbalanced.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	Materials of the extension are in keeping with the materials of the original house including brick wall and concrete roof tiles.	✓
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 pitched roof style will be maintained.	✓
Window proportions	• KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF	Windows are proportionate to the existing and neighbouring properties.	✓

As well as the first-floor extension and the canopy roof, a balcony will be installed on the rear of the property. Balconies can be found on a neighbouring property therefore it is visually acceptable. The balcony will also be assessed in terms of its impact on residential amenity below.

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:

The main properties affected are:

- 14 & 16 Lark Hill

	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	These properties are to the north-east of the application site on the other side of the road to the application site. There will be a new first-floor window on the front elevation, facing the property. In terms of privacy, there is estimated to be ~27.00m between the new outlook and nearest habitable window. Due to distance, the relationship is acceptable.	✓
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	Similarly, due to distance, there will not be an impact to light or the outlook of the properties	✓

- 11 Lark Hill

	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	11 Lark Hill is to the north-west of the application site and is the adjacent property. There are no side windows which will face this property therefore there will be no impact to privacy. The proposed balcony will have an obscured screen 1.8m on the north-west face.	✓
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 extension will form a close first-floor elevation to the neighbour, being ~1.30m from the property boundary. The application site does not project forward or rearward of the No.11. Additionally, the closest side elevation of No.11 is a two-storey wall with no windows. Because of this, there will not be a loss of light or a loss of outlook.	✓

• 8 Robin Hill

	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	8 Robin Hill is the property to the west of the application site. The rear boundary of the application site shares its border with the garden of No. 8. The proposal is for a rear facing balcony that has a ~0.70m platform.	✓

		In terms of habitable rooms, there are none on the side elevation of No. 8 facing the application property. However, the balcony will be ~10.90m from the rear garden which will be overlooked. In terms of the impact of the construction, the garden of No. 8 is already overlooked due to its residential setting. The additional opening and subsequent balcony will not have an outlook that is not already observed by other windows on the dwelling. Additionally, there is a substantial change in ground height as the land slopes down to the west mitigating the impact of being overlooked. The relationship is therefore acceptable due to distance and ground height.	
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	Due to distance the balcony will not result in a loss of light out outlook to neighbours.	✓

- *6 Robin Hill*

	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)	8 Robin Hill is the property to the south-west of the application site. The nearest	✓

	Chapter 12 of the NPPF	habitable window is estimated to be ~25.00m from the balcony. Due to distance there will not be an impact to 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	Similarly, due to distance, there will not be an impact to light or the outlook of the properties	✓

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	None.	✓
Parking provision	- KDP 15 of the SPD - Policy LP22 Parking (f) of the KLP - Chapter 12 of the NPPF	The proposal will add one bedroom, making the dwelling a three-bed house. The dwelling will retain its two off-street parking spaces. For the number of bedrooms, the two parking spaces are acceptable.	✓
Provision for waste storage	- KDP 16 of the SPD - Policy LP24 Design (d) (iv)	Side and rear access will remain for bin storage.	✓

	Chapter 12 of the NPPF		
--	--	--	--

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	None.	✓
Impact on ecology	- KDP 12 of the SPD - Policy LP30 - Chapter 15 of the NPPF	None.	✓
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. A Climate Change Statement has been submitted with this application.	✓
Drainage and Flood Risk	- KDP 14 of the SPD - Policy LP24 (d) (vii), LP27 and LP34 of the KLP	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

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 NPPE.

Representations, including Parish/Town Council comments:

Summary of Representation	Officer response	Addressed ✓ / X / N/A

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:

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 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 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.

4. The development shall not be occupied until a 1.8m obscurely glazed screen (to a minimum Grade 4) has been placed on the north-west elevation of the balcony. 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
Grouped plans and elevations – Proposed / existing	A1	1	22/09/2023
Location plan	A3	1	22/09/2023

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.

