

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:	2023/62/93298/E
Site Address:	58, Deighton Lane, Healey, Batley, WF17 7EU
Description:	Demolition of existing garage and erection of two storey rear 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Jan-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2023/93298
Location	58, Deighton Lane, Healey, Batley, WF17 7EU
Proposal	Demolition of existing garage and erection of two storey rear extension
Publicity end date	22-Dec-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		2021/93693 - Demolition of shed and garage and erection of single

		and two storey rear extension and installation of side and roof windows and external works – Full permission granted
Consultations required	No	

Assessment

The Kirklees SPD sets out that rear extensions should comply with certain parameters set out at paragraph 5.8 on page 25 (and listed below) and if they do not, they need to be justified:

	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Be proportionate to the size of the original house and garden.		The proposal is for a part single, part-two-storey rear extension with a footprint of 6.00m (D) x 8.585m (W). The original footprint of the building measures 10.60m (D) x 8.585m (W). There is an extant permission for a part single, part two-storey rear extension with the same footprint, in this instance weight can be afforded to the existing permission previously granted. Additionally, there is a large rear garden which can accommodate such an increase in footprint.
Not normally exceed 50% of the total area of land around the original house (including previous extensions and outbuildings);		Extant permission ref: 2021/93693 has previously been granted which can be used as material weighting in this instance.

Not project out more than 3 metres from the rear wall of the original house or by 4 metres for detached properties;		The proposed extension will project 6.00m with the two-storey section projecting 3.90m. In terms of compliance, the dwelling is detached. Paragraph 5.6 states single-storey rear extension should not project further than 4.00m, however in this instance weight can be afforded to extant permission ref: 2021/93693.
Not exceed a height at the eaves of 3 metres where the extension is within 1.5 metres of the property boundary;		The extension abuts the property boundary shared with No. 56, in this instance, the height of the extension has extant permission under ref: 2021/93693 which can be afforded weight within the decision. This proposal has a flat roof section on the north side of the rearward projection which is to a height of ~3.80m which is considered acceptable given the previous permission has a similar roof height.
Be separated from the property boundary, such as a wall, fence or hedge, by at least 1.5 metre		The extension abuts the property boundary shared with No. 56, in this instance, the positioning of the extension has extant permission under ref: 2021/93693 which can be afforded weight within the decision.

Not adversely affect habitable room windows where they adjoin a neighbour's boundary.	Yes. 56 Deighton Lane is situated away from the property boundary, separated by the garage and rear outdoor plot, therefore the extension will not adversely affect a habitable window. Similarly, the extension has a separation distance of ~6.20 from No. 60.	
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Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character: Wilson Wood Street is a residential road on a slope that runs from north to south. Dwellings are considered to be small household units such as terrace houses and flats.

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 is to the rear of the property and will not be visible from the public domain.	✓
Impact on original house	• KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF	The proposal is for a large rear extension which will leave the original frontage unaltered. The rear elevation holds a historic character through the remaining outhouse and coal shed, however in	✓

		this instance, 2021/93693 can be afforded weight within the decision, therefore the impact to character is acceptable.	
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 height, scale and massing of the extension and impact to original dwellinghouse can be afforded weight to extant permission ref: 2021/93693, therefore the impact to character is acceptable.	✓
Facing materials and detailing	• KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF	The dwelling features characterful stone and a stone slate roof. The proposed materials will match the existing.	✓
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 extension will feature a hipped and flat roof. The hipped section will form a cross gable roof, extending the characterful original roof.	✓
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 on the first-floor are appropriately sized. There is a large amount of glazing on the ground floor section on the rear elevation to allow for a flow of light. The windows do not impact the character of the dwelling and are therefore acceptable.	✓

Complimentary to the increase in footprint is the removal of the garage which will further reduce the amount of built environment within the plot.

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

Residential Amenity:

The main properties affected are: 56 Deighton Lane

	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	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There are three side windows proposed on the north elevation facing No. 58. These windows will be frosted to a Grade 4 level in order to ensure privacy level are maintained. There is a Juliet balcony on the rear elevation from which the new outlooks will have a view into neighbouring private amenity space. There are existing views from the dwelling from similar openings. The Juliet balcony is a larger opening, however it is situated ~4.42m from the property boundary, as such there will not be an adverse impact from the openings.	✓
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 on the north side has a flat roof and is ~3.80m in height. No. 56 is separated from the application site by a driveway and garden area, which maintains a separation distance of ~9.10, due to this there	✓

		will not be an impact to light or outlook in the neighbouring property.	
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Remaining garden space is acceptable given the generous garden.	✓

60 Deighton Lane

	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	• KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	There are two side windows proposed on the south elevation. The opening on the first-floor will light an en-suite and will be obscurely glazed to ensure privacy. The ground floor window will light a lounge/dining area. Currently there is a stone wall with shrubbery that forms a boundary treatment between the properties. There is a side opening at No.60 which appears to be obscurely glazed at a higher level than the proposed opening. Due to this, the impact of the side window would be minimal. There is a Juliet balcony on the rear elevation from which the new outlooks will have a view into neighbouring private amenity space. Due to	✓

		the central location of the Juliet balcony, there will not be an adverse impact to the privacy of neighbours.	
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 ridgeline of the extension will extend from the ridgeline of the original dwellinghouse. The extension will be situated ~2.80m from the property boundary, ~6.20m from the property of No. 60. The separation distance will be such that there will not be a loss of light or outlook for neighbours.	✓
Remaining garden space of application property	• KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF	Remaining garden space is acceptable given the generous garden.	✓

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 extend the existing bedrooms, with no additional dwellings, therefore there will be 3 parking space for a 4 bedroom house which is considered appropriate.	
Provision for waste storage	• KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF	Existing side access will remain for bin storage at the rear.	✓

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		N/A
Impact on ecology	• KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF		N/A
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 NPPF.

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. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the south, north and west elevation of the rear extension at any time.

Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).

4. The development shall not be occupied until the W/C, ensuite and pantry windows in the side elevation of the extension hereby approved have 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	001	01	09/11/2023
Grouped plans – existing and proposed site plan	002 RevB	01	09/11/2023
Grouped plans – existing	003	01	09/11/2023
Grouped plans – proposed	004	01	09/11/2023

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.