

# 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:         | 2023/62/93352/E                                                          |
| Site Address:         | 84, Soothill Lane, Soothill, Batley, WF17 6NB                            |
| Description:          | Erection of single storey rear extension and demolition of existing shed |
| 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:** 15-Jan-24

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## **Officer Report**

2023/93352 - 84, Soothill Lane, Soothill, Batley, WF17 6NB

### **Site Description**

84 Soothill Lane is an existing hot food takeaway with residential living quarters within the same building. The building is part of a semi-detached pair of dwellings which have course stone exterior walls which fall under a pitched roof clad in stone roof tiles. The building features a single-storey side extension with a lean-to roof that is built in the same materials as the main building, it accommodates the side space of the property. To the front of the building remains a driveway which is block paved. There is a modest hard paved plot to the rear of the site.

84 Soothill Lane sits within a predominately residential area with properties to the south and west of the application site. To the north rests a sloping grass verge buffering the nearest residential building by ~50m. To the east rests a substation with the nearest dwelling being ~32m from the site.

### **Application Proposal**

The applicant is seeking permission for the erection of a single storey rear extension in the place of an existing outbuilding. The extension will project ~3.00m from the rear of the building, to a width of ~5.00m. It will have an eaves height of ~2.80m with a roof height of ~3.80m. It will form a 'wrap around' connecting with the previous extension. In terms of appearance the extension is proposed to have a rendered rear with a course stone side wall. Roof tiles will match the appearance of the building and side extension.

### **History of Negotiations**

The planning officer sought further information on the use of the newly proposed area to seek clarification if a ventilation system was required. However, the cooking of food would not occur within the extension, therefore no system was required. Amended designs were also submitted.

### **Relevant Planning History**

92/04864 – Erection of single storey extension – Full permission granted.

2013/91318 - Certificate of Lawfulness for existing use of premises for mixed use hot food takeaway and dwelling – Cert of law granted.

## **Consultation Responses**

Environmental Health – Conditions were proposed to maintain the existing ventilation system, however after engaging with the agent clarification was provided that the new area would be for the preparation of food only, which would not require the proposed conditions.

## **Public Representations**

Neighbourhood notification letters were sent out to advertise the proposal which expired on the 27 December 2023. As a result of the publicity, there were no representations.

## **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking

- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 51** – Protection and improvement of air quality

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Other supplementary planning documents:**

- Kirklees Hot Food Takeaway Supplementary Planning Document (2022)

### **Assessment**

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

#### Principle of development:

The site is without allocation in 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. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching

policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

#### Impact on visual amenity:

The extension will be to the rear and side of an existing hot food takeaway and residential property. Policy LP16 of the Kirklees Hot Food Takeaway Supplementary Planning Document (2022) states;

*In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application: (g) the appearance of any associated extensions, flues and installations.*

Takeaways in residential areas should be sympathetic to their surrounds, by being complimentary to the surrounding building group in terms of scale and appearance. The extension will be to the rear and side of the building but will be visible when travelling down Brentwood Close, a residential street. The application site shares its boundary with a shared space which is occupied by garages that are owned by residents of Brentwood Close. Through the choice of building materials and height of the structure, the extension will not appear incongruous when considered in context with the residential dwellings and garages that are in close proximity to the site. Additionally, the extension will form a 'wrap around' of the original building which, in terms of visual appearance to the dwelling, complements its later additions. The proposal is therefore acceptable in terms of impact to visual amenity.

#### 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.

#### *Impact on inhabitants of 84 Soothill Lane*

In this instance, the extension projects from the area of the takeaway however the adjacent section of the building forms a residential dwelling. In the place of

the extension is a rear extension with a temporary appearance which will be removed to allow for space for the extension. There are currently no rear windows on the ground floor of the building. The removal of such will improve the amenity of occupants at 84 Soothill Lane through the forming of a window. The extension will project past the 'house kitchen' window with a gap of ~0.85m. In this instance, the introduction of a rear window will improve the living conditions of the rear room by allowing light into area. The extension will contain a W.C area, in order to protect the privacy of the occupants of the dwelling area, the W.C window will be conditioned to be obscurely glazed.

#### *Impact on 82a Soothill Lane*

82a Soothill Lane is the adjoining semi-detached dwelling to the west of the application site. In terms of privacy, the W/C window will face towards the property. It will be conditioned that the window will be obscurely glazed to prevent any detrimental impact to privacy. There will be a distance of ~4.10m from the extension to the property boundary, as the extension is single storey with a large gap to the property maintained, there will not be a loss of light, outlook or an overbearing effect from the extension.

#### *Impact on 4 Brentwood Close*

4 Brentwood Close is situated to the south of the application site and is approximately ~11.60m from the extension. There will be one habitable window introduced which will face towards the property. In terms of this, there are garages between the two properties which will partially obscure the view, additionally there are no openings on the side elevation of 4 Brentwood Close. The relationship is therefore acceptable in terms of impact to privacy. Due to distance, there will not be an overbearing impact, loss of light or loss of outlook.

#### Impact on highway safety

The proposals will result in an intensification of domestic use, however it will not increase the number of bedrooms. The entranceway is to be widened to accommodate another vehicle which will support the increase in domestic use. Bin storage for the dwelling is currently to the rear which will remain. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations Supplementary Planning Document.

#### Environmental Matters

##### *Biodiversity*

The development is for a rear extension. Whilst the property is located in an area which is known to include bat habitats, the proposal does not affect the eaves of the building, it is considered unlikely to have an impact on the bat populations.

A cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

## **Conclusion**

This application for a rear extension at 84 Soothill Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, 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 extension 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.

As set out above, 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**

## 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 LP24 of the Kirklees Local Plan, and the aims 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

4. The development shall not be occupied until the W/C window on drawing 23-108-P-02 of the extension hereby approved has 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      | P-01      | 1       | 13/11/2023    |
| Grouped floorplans | P-02      | 2       | 05/01/2024    |
| Grouped Elevations | P-03      | 2       | 05/01/2024    |

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 has, 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 instance, communication between planning officer's and the planning agent were sought to consider what amendments could be provided to seek a positive outcome. In this instance, amendments to the initial plans were require for the proposed elevations and floorplans.