

**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:	2023/62/93735/E
Site Address:	41, Batley Field Hill, Upper Batley, Batley, WF17 0BE
Description:	Erection of outbuilding and erection of extensions and alterations to existing dwelling
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal 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: 08-Mar-2024

OFFICER REPORT

Site Description

41 Batley Field Hill, also known as the White House, is a well preserved - for its age and attractive example of an art deco property. Built in 1935 by architect, A L Abbot, the property is listed on the UK Modern House Index. The property has two vehicle openings to the front with an ingress and an exit with a curved drive surrounded by landscaping and a large, enclosed garden to the rear. The front of the dwelling has a single and two storey appearance with a two storey curved feature entrance, with a proud flat roofed section, a cat slide element with an oriel window on the north west side, two garage on the south side. The rear elevation has an almost villa feel to the architecture with a symmetrical main elevation with two arched doors central on the ground floor with matching doors above serving the balcony which is supported on two columns. The corners have windows on both the ground and first floor which wrap around the side. There is a large single storey sunroom with full glazing on the rear wrapping part was along the side. There are two, detailed iron vents on the side with a central flower design, T B Talbot Ltd of Dewsbury. The sunroom is set back from the front elevation by 3m with a curved wall and steps down to the drive level concealing bin storage.

The surrounding properties are a mix of house types, fairly large, detached with a mixed palette of brick and stone although there are no other art deco style properties.

Description of Proposal

The applicant is seeking permission for extensions to both sides, single, two storey and first floor with an increase in the width of the partial hipped roof, installation of rear dormers with two, new first floor balconies and a balcony at the new second floor level on the rear elevation. The plans also show a detached garden room with a hot tub enclosure, shower room, bbq/bar and gym.

The two storey side extension with the flat roof form would project 7.2m from the original north east side, lying flush with the front of the dwelling and set back 1.2m from the main rear elevation. The new sunroom would project 3.2m from the rear of the side extension with a balcony formed above.

The side extension on the south west side would replace 1 of the garages, with a width of 3.2m and a depth of 10.2 with a 1m balcony formed on piers.

The rear dormer would have a width of 6.7m and a height of 2.4m with the balcony.

The detached garden building has the main block with the depth of 5m and a width of 9 for the main part which would house the shower room, bbq & bar and the gym. The hot tub enclosure would add further 2.8m by 2.5m, open fronted into the garden area. The store element on the other side of the gym would add 2.2m by 2.2m towards the garden. This would have a combination of render and glazing with a flat roof form.

The walls are shown as white render with blue/grey tiles for the roof covering on sloped roof planes and grey membrane for the flat roofed areas.

Relevant Planning History

None

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. There are significant issues with the proposal in terms of the scale of the development. Amended plans have not been sought.20/02/2024

Representations

The application was advertised by neighbour letters, which expired on 22/06/2023

As a result of the above publicity, one representation has been received. However, this raised no material planning matters only ownership issues and a boundary dispute. As this is a civil matter, this cannot be considered by Officers.

Consultation Responses

None

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 UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th 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 35** - Historic Environment

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.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of development:

The site is without notation on 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. The dwelling is a well preserved example of an art deco property and is considered to be a non-designated heritage asset and as such requires consideration in terms of Policy LP35 of the KLP and Chapter 16 of the NPPF. In this case, the principle of some form of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including heritage considerations, visual and residential amenity, as well as highway safety.

Heritage Implications:

Local heritage – whether buildings, monuments, sites, places, areas, historic parks and gardens or other designed landscapes – plays an essential role in building and reinforcing a sense of local character and distinctiveness in the historic environment. With respect to 41 Batley Field Hill, also known as The White House, the dwelling is an art deco property built in approx. 1935 by architect, A L Abbot. Although clearly showing some signs of age, the building is a good example of the style with a charm and unique character. As such, the property is considered to be a non-designated heritage asset.

Paragraph 209 of the NPPF says the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy LP35 states that proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset.

In this instance, whilst it is clear that the agent has tried to reflect some of the features of the property, the significant increase in terms of both side extensions with the extension on the north east side representing a very sizeable addition to the dwelling together with the large new roof to cover the original house and the south west side extension which will result in a significantly larger roof massing and the full size dormer at the rear would have a deleterious effect on much of the character of the property and would therefore be considered harmful to the heritage asset and fails to comply with Policy LP35 of the KLP and Chapter 16 of the NPPF.

The detached garden building would have limited impact on the heritage asset given the single storey nature, position to the rear of the property and limited footprint relative to the host property.

Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations 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 House Extensions & Alterations 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.

Although there are a number of distinct elements within the scheme, given the overall changes proposed, the scheme shall be assessed cumulatively as extensions to the house.

The scale of the extensions proposed to the sides of this property are significant & disproportionate to the main house and would not form subservient additions to the property. The scale would overwhelm the original house and is therefore not considered to be acceptable. It is appreciated that the continued use of white render would be in keeping with the aptly named White House. However, the design of the development, because the works are so large would not reflect the character of the host property and would obscure a number of the unique features of the art deco property. The scheme consists of extensions to both sides and to the roof at the rear, which form inappropriate design because of the sheer size which would not be in keeping with the dwelling and would form an incongruous and significantly harmful relationship within the surrounding area.

Detached garden building

Paragraph 5.29 and 5.30 of the House Extensions & Alterations SPD considers an outbuilding can have as much of an impact on the appearance of a building as any extension. These should be designed to reflect the style, shape and features of the host property and be subservient in terms of the scale of the original dwelling.

The outbuilding is to the rear with a limited height given the single storey nature, appropriate footprint relative to the host property and its associated curtilage and would be constructed using matching materials. As such, this element of the scheme is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposals to the house would cause significant harm to the visual amenity of both the host dwelling and the wider street scene. Therefore, failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extensions would not form subservient additions to the property in keeping with the

existing building, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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 House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Impact on 39 Batley Field Hill

The adjacent property to the south west occupies a position some 5m from the host property. The extension proposed to the side would not reduce this space between the properties and would result in limited impact in terms of overbearing or overshadowing. However, the plans include a balcony which would overlook the neighbouring property.

The garden building would be located some distance from the neighbouring property to the south west and would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the adjacent 39 Batley Field Hill, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be unacceptable.

Impact on 41a Batley Field Hill

There is a separation of 19m between the side elevation of the two storey element of the host property and the side elevation of the neighbour adjacent to the north east. This space would be reduced by the extension proposed. However, the relationship is between side elevations and the distances are considered satisfactory in terms of potential for overbearing and overshadowing. The scheme does include the provision of a balcony. It is noted that there is significant screening along the shared boundary with the adjacent dwelling which would minimise the potential for overlooking.

The garden building would be constructed parallel the shared boundary with the neighbour. There is significant screening on site within the hedges and trees (none of which are protected) at present and the application form together with the submitted plans indicate these are not to be removed and would screen the single storey outbuilding, limiting the potential for any overshadowing or overbearing.

With regards to the impact on the adjacent 41a Batley Field Hill, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 1 Heaton Road

The property on the opposite side of the road occupies a position in excess of 35m from the host property. Given the very substantial separation, the works proposed would have no impact on the amenities of the occupiers of the neighbour dwelling in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the neighbouring 1 Heaton Road, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Impact on 13 – 17 Lamplands

The properties to the rear occupy positions between 38m and 50m from the site, given the very substantial separation, the works proposed would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the neighbouring 13-17 Lamplands, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF.

Having considered the above factors, the proposals would result in overlooking of the adjacent 39 Batley Field Hill. As such, the proposals fail to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KD9 3 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of one of the garages. However, the parking area to the front of the property would not be affected by the proposed extension which together with the retention of the other garage, is considered to represent a sufficient provision. Bin storage for the dwelling would be moved along to the side of the property as part of the proposals. 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 SPD.

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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application for extensions and alterations together with a detached garden building at 41 Batley Field Hill has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The proposed extensions and alterations given the significant increase in terms of both side extensions with the extension on the north east side representing a very sizeable addition to the dwelling together with the large new roof to cover the original house and the south west side extension which will result in a significantly larger roof massing and the full size dormer at the rear would have a deleterious effect on the character of the non-designated heritage asset. To Permit the proposals would be harmful to the non-designated heritage asset and fails to comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

The proposed extensions and alterations, by reason of the scale, bulk and massing would not reflect the character of the host property and would obscure a number of the unique features of the host property. The scheme consists of extensions to both sides and to the roof at the rear, which form

inappropriate design because of the lack of subservience which would not be in keeping with the dwelling and would form an incongruous and significantly harmful relationship within the surrounding area. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

The proposed south west side extension, in particular the proposed balcony would result in an unacceptable degree of overlooking and loss of privacy relative to the adjacent 39 Batley Field Hill. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2023/93735

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed extensions and alterations, due to the scale, design, mass and positioning result in a significant increase together with the large new roof to cover the original house and full-size dormer at the rear would significantly detract from the original scale and form of the host building harmful to the character of the non-designated heritage asset contrary to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
2. The proposed extensions and alterations, due to the scale, design, mass and positioning would detract from character of the host property obscuring existing unique features, forming an incongruous which would not appear subservient thereby significantly harmful to the host and surrounding area . To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 & KDP2 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.
3. The proposed south west side extension, in particular the proposed balcony would result in an unacceptable degree of overlooking and loss of privacy relative to the adjacent 39 Batley Field Hill. To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan, KDP3 of the House Extensions & Alterations SPD and advice within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	006a	1024208	12/01/2024
Existing plans	001a	1024203	12/01/2024
Proposed plans	005b	1024207	12/01/2024
Proposed plans	004b	1024206	12/01/2024
Proposed plans	003a	1024205	12/01/2024
Proposed plans	002b	1024204	12/01/2024

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 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.

There are significant issues with the proposal in terms of the scale of the development. Amended plans have not been sought.

Report Dated

29/02/2024
