

**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:	2024/62/90289/E
Site Address:	28, Chapel Fold, Staincliffe, Batley, WF17 7AY
Description:	Erection of single storey rear extension and front porch
Recommending Officer:	Morgan Braithwaite

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: 01-May-2024

OFFICER REPORT

Site Description

28, Chapel Fold, Staincliffe, Batley, WF17 7AY is a two-storey semi-detached dwelling constructed from brick. The property benefits from a parking area to the front of the dwelling, while amenity space is found to the rear.

The dwellings that form the street scene are somewhat uniform in appearance, scale, and are constructed of a similar material palette. The area is predominantly residential with local amenities, hospital, and bus links close by.

Description of Proposal

This application has been received for the erection of a front porch along with a single storey extension to the rear. The proposal would be constructed of materials that would match that of the existing dwellinghouse.

It is proposed that the proposed porch would project approximately 2.5m from the front elevation of the existing dwelling, with an approximate width of 2.5m. The porch would feature a pitched roof with an overall height of 4m.

With regards to the rear extension, it is proposed that the extension would project approximately 4m from the rear elevation of the existing dwelling with an approximate width of 7.7m. The proposal would feature a lean-to roof with a height of 5m and an eaves height of 3.8m.

Relevant Planning History

93/04014: Erection of external skin to existing dwelling. Conditional Full Permission.

2015/92248: Proposed single storey rear extension. Conditional Full Permission.

Representation

The application was advertised by neighbour notification letters, which expired on 21.03.2024.

No representations were received as a result of site publicity.

Consultation Responses

None required.

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.

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

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 20th 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity

- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – 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 the property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations supplementary planning document (SPD) state that extension and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area of the street scene. Furthermore, Key Design Principle 2 of the HEASPD goes onto 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.

The porch element of the proposal would be visible from the street scene as it relates to the front elevation of the dwelling. The proposal would be single storey in scale and project 2.5m from the principal elevation, along with materials that would match that of the existing dwelling. With regards to the rear extension, this would not be visible from the street scene due to its location. However, this shall also be single storey in scale and constructed of materials which would match that of the existing dwellinghouse.

The other element of the proposal shall not be visible from the street scene as it relates to the rear elevation of the existing dwellinghouse. The proposal shall be single storey in scale, however, it does not comply with the House Extensions and Alterations SPD as the proposal exceeds both the projection and height limits stated in the document. As with the porch, the rear extension shall be constructed of materials which match that of the existing dwelling house. This would also have a larger projection than that which would normally be considered acceptable, however the immediate locality is characterised by properties which have undergone substantial extension and addition and the proposals would not have an adverse impact upon visual amenity, in this context.

Having taken the above into account, the proposed extensions 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.

3 – 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 proposal 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 Principal 3 on privacy, Key Design Principal on overshadowing/loss of light, Key Design Principal 6 on preventing overbearing impact and Key Design Principal 7 for outdoor space.

The size of the extension would cover some of the amenity space of the application property. It is considered that; the proposals would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

Impact on 25, Chapel Fold, Staincliffe, Batley, WF17 7AY

There is approximately 23.4m between the front elevation of each dwelling. The proposed porch would be in view of no.25 as it relates to the principal elevation of the application property. However, as the proposal is single storey, to be constructed of materials matching that of the existing dwellinghouse and the significant separation distance between the dwellings there, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

When considering the proposed extension to the rear of the application property, there would be no direct impact on no.25 due to the proposal being to the rear (south-east) and no.25 being located to the north-west, as such the applicant property screens no.25 from the proposed rear extension. Therefore, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 26, Chapel Fold, Staincliffe, Batley, WF17 7AY

No.26 is the adjoining dwelling to the application property. The front porch is not anticipated to have an adverse effect on no.26 due to the minimal location and height of the single storey porch. However, as the rear extension does not comply with the SPD, due to being larger in height and projection, there could be some concern with the overlooking, overshadowing/loss of light or the overbearing impact on no.26. An amended plan was received during the course of the application which showed a reduction in the overall height of the extension. As the proposal would be located to the north east of No.26, it is not anticipated that significant overshadowing would occur.

Impact on 27, Chapel Fold, Staincliffe, Batley, WF17 7AY

There is approximately 22.3m between the front elevation of each dwelling. The porch and no.27 both relate to the north-west of the applicant site. The porch is to be single storey in scale and to project 2.5m from the principal elevation of the applicant property. Due to these factors, plus the substantial separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

When considering the rear extension, the view to this component of the application to no.27 would be screened by the application dwelling. This is due to no.27 being located to the north-west, while the proposal shall relate to the south-east (rear) of the application dwelling. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 29, Chapel Fold, Staincliffe, Batley, WF17 7AY

There is approximately 22m between the front elevation of each dwelling. The porch and no.29 both relate to the north-west of the applicant site. The porch is to be single storey in scale and to project 2.5m from the principal elevation of the applicant property. Due to these factors, plus the substantial separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 30, Chapel Fold, Staincliffe, Batley, WF17 7AY

There is approximately 2.5m between the side elevations of each dwelling. The proposals would be single storey in scale, partially screened by the boundary treatment between the two dwellings, along with the proposal being set in from the boundary of the dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 18, Thorncliffe Estate, Staincliffe, Batley, WF17 7BG

There is approximately 17.7m between the rear elevation of each dwelling. The proposal would be single storey in scale, with further mitigating factors including the partial enclosure by the boundary treatment between the dwellings and the satisfactory separation distance between the dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 19, Thorncliffe Estate, Staincliffe, Batley, WF17 7BG

There is approximately 17.3m between the rear elevation of each dwelling. The proposal would be single storey in scale, with further mitigating factors including the partial enclosure by the boundary treatment between the dwellings and the satisfactory separation distance between the dwellings. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The proposal would result in some intensification of the domestic use of the property. However, the proposal would not alter parking arrangements, nor would it see any additional bedrooms. It is noted that the front porch would consume a small portion of the existing driveway, however, the size of the

driveway is such, that it would have no adverse impact upon the parking provision.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with the Policy LP22 of the Kirklees Local Plan along with Key Design Principals 15 & 16 of the House Extensions and Alterations SPD.

5– 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.

6 – Representations:

No representations received.

7 – Negotiations:

Alterations have been requested through negotiations with the agent handling the application. It was requested that the pitch of the roof would be reduced with the aim to mitigate the potential overshadowing/loss of light or overbearing impact that could potentially be caused by the rear extension. The agent submitted amended plans which have been deemed acceptable.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials condition

9 – Conclusion:

The application to erect a single storey front porch and single storey rear extension at 28, Chapel Fold, Staincliffe, Batley, WF17 7AY 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.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Governments 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. While the proposal does not comply with the House Extensions and Alterations SPD due to the rear extension exceeding both the height and projection. However, it has been deemed that due to the presence of other extensions exceed the SPDs constraints, that the projection of the rear extension is justified. This is due to

larger rear extensions being part of the character of the area. The agent has also amended plans to reduce the height of the roof to mitigate any impact on the neighbouring property. As such, it is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/90289

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The external facing 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 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: 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 13.00 hours, 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	Version	Date Received
Grouped Plans and Elevations – 2024/90289 Updated floor plans and elevations-revision A	1038826	A	29.04.2024
Climate Change Statement			07.02.2024

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.

Alterations have been sought to the plans originally submitted. Amended plans were submitted with the aim of mitigating the impact on neighbouring properties. The amended plans are considered to be acceptable.

Report Dated: 01.05.2024