

**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:         | <b>2024/62/90632/E</b>                                                  |
| Site Address:         | 28, Lime Tree Avenue, Staincliffe, Batley, WF17 7DJ                     |
| Description:          | Erection of two storey side and rear and single storey front extensions |
| Recommending Officer: | Jennifer Booth                                                          |

**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: 26-Apr-2024**

## **OFFICER REPORT**

### **Site Description**

28 Lime Tree Avenue is a brick built, semi-detached dwelling with an outbuilding attached to the side. The property has a garden and drive to the front with a larger enclosed garden to the rear.

The property is located on a residential street with properties of a similar age and style although there have been some significant extensions.

### **Description of Proposal**

The applicant is seeking permission for a single storey front extension, two storey side extension and two storey rear extension.

The front extension is proposed to project 1.7m from the original front wall of the dwelling, extending the width of the property and to the front of the proposed side extension with a lean to roof form for the most part. There would be a pitched detail over the front door.

The side extension is proposed to project 3.3m from the original side wall of the property, lying flush with the front wall at first floor. The roof form would be pitched.

The rear extension would project 3.7m to the rear of the original house reducing to 2m to the rear of the side extension, extending across the width of the property with two perpendicular pitched roof forms.

The walls are proposed to be constructed using brick with tiles for the roof covering.

It is noted that the plans also show pv panels on the west facing roof plane of the extension to the rear of the original house.

The plans show the widening of the drive to the front to provide off road parking for four vehicles with a permeable surface.

### **Relevant Planning History**

None for the host property. Although of relevance are the following approved applications:

26 Lime Tree Avenue - 2009/91549 for erection of two storey side and rear extensions

20 Lime Tree Avenue - 2014/93293 for erection of two storey side and rear extensions

32 Lime Tree Avenue - 2017/90645 - erection of two storey rear, single storey side extension and porch to front

34 Lime Tree Avenue - 2012/91243 - erection of single and two storey extension

### **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. The agent was asked to provide a justification statement.

### **Representations**

The application was advertised by neighbour letters, which expired on 12/04/2024

As a result of the above publicity, no representations have been received.

### **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 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

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 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 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

### **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. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

#### 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.

The proposal under consideration consists of three distinct elements which shall be addressed below.

#### *Single storey front extension*

Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.

The front extension is proposed to be limited in terms of its size and as such would be considered to be acceptable in terms of its scale. It is noted that there are other front extensions in the vicinity and as such, the front extension would not be out of character with the wider area. Furthermore, the extension would be constructed using brick for the walling with tiles for the roof covering which would match the main house. The front extension is therefore considered to be acceptable in terms of visual amenity.

#### *Two storey side extension*

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

Paragraph 5.20 of the SPD suggests that side extensions should be set in 1m from the boundary with a set back of 0.5m from the front elevation. Whilst it is noted that the proposals plans do not include a set back from the front or from the boundary, the agent has submitted a justification statement. The statement notes that the adjoining property has been extended in a similar fashion as have other properties in the street. A review of the planning history does show approvals and whilst it is noted that these were approved prior to the adoption of the SPD, the character of the properties in this row have altered and as such, this would not be out of place in the wider area. The design of the side extension is therefore considered to be justified. The materials proposed include the use of brick for the walling with tiles for the roof covering which would match the main house and the detailing is considered to be appropriate. The side extension is therefore considered to be justified in terms of visual amenity.

#### *Two storey rear extension*

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.

It is noted that the extension to the rear would extend across the full width of the property with a stepped design including a lesser projection from the rear of the proposed side extension. The property would retain a reasonable amenity space. There are also a number of extensions in the area of a similar size. As such, the scale is considered to be justifiable. The materials proposed include the use of brick for the walling with tiles for the roof covering. The fenestration mimics the main house and although the two irregular perpendicular pitched roof forms are a little out of the ordinary, they are considered to form an acceptable relationship with the main house. The rear extension is therefore considered to be acceptable in terms of visual amenity.

#### *Widening parking area*

Paragraph 4.43 of the House Extension & Alterations SPD requires consideration when providing parking to the front of a dwelling in terms of the appearance. These should retain as much of the garden and soft landscaping as possible to ensure that the street scene does not be dominated by hard surfacing.

The property has a drive at present. The proposals are to widen the parking area to ensure an adequate parking provision whilst retaining some of the garden area. The layout appears to be in line with the SPD.

Having taken the above into account, the proposals 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, 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 26 Lime Tree Avenue*

The adjoining property has their own single storey front extension. As such, the front extension proposed would result in no overlooking, overshadowing or overbearing.

The two storey side extension would be constructed on the opposite side of the host property to the adjoining dwelling and as such would result in no overbearing, overshadowing or overlooking.

The neighbouring property has a two storey rear extension. Although the proposed extension would project 20cm further, the proposed extension would result in no overshadowing or overbearing. The windows would look into the applicants own garden with limited potential for overlooking over and above the existing relationships.

With regards to the impact on the adjoining 26 Lime Tree Avenue, 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 30 Lime Tree Avenue*

The front extension would have a limited projection and is proposed to be single storey. Given the dimensions together with the spatial relationship relative to the adjacent property, there would be no overlooking, overbearing or overshadowing.

The side extension would reduce the space between the properties. There is a landing window in the side elevation of the neighbouring property. However, this would not be considered to be a habitable room. The area to the side of the neighbouring properties is a path to the rear garden. Given the spatial relationship, the proposed side extension would not result in any overlooking, overshadowing or overbearing.

The rear extension towards the shared boundary with the adjacent dwelling has a reduced projection of 2m. Furthermore, there is a separation between the properties which would minimise the potential for any significant overshadowing or overbearing. The windows in the rear elevation would look into the applicants own garden with limited potential for any overlooking over and above the existing relationships.

With regards to the impact on the adjacent 30 Lime Tree Avenue, 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 55 Manor Way*

The property to the rear occupies a position some 35m from the host property. Given the separation between the properties, the proposed side and rear extensions would result in no overlooking, overshadowing or overbearing impacts.

With regards to the impact on the neighbouring 55 Manor Way, 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 35 Lime Tree Avenue*

The property on the opposite side of the road occupies a position some 27m from the host property. Given the separation between the dwellings, the works proposed would result in no overshadowing, overbearing or overlooking.

With regards to the impact on the neighbouring 35 Lime Tree Avenue, 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 are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 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. However, the plans show the existing parking area for two vehicles being widened to provide parking for four vehicles which is considered to represent a sufficient provision.

Bin storage for the dwelling would not be moved 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

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 to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a single storey extension to the front, two storey side and rear extensions with associated alterations including widening of the parking area at 28 Lime Tree Avenue 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are 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**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90632

**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 & Alterations SPD 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 House Extensions & 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 13.00hours, 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: -

| <b>Plan Type</b>              | <b>Reference</b> | <b>Web ID</b> | <b>Date Received</b> |
|-------------------------------|------------------|---------------|----------------------|
| Location plan                 | -                | 1031771       | 04/03/2024           |
| Existing site plan            | -                | 1031775       | 04/03/2024           |
| Existing elevations           | -                | 1031778       | 04/03/2024           |
| Existing floor plans          | -                | 1031774       | 04/03/2024           |
| Proposed site plan            | -                | 1031780       | 04/03/2024           |
| Proposed elevations           | -                | 1031779       | 04/03/2024           |
| Proposed floor plans – ground | -                | 1031777       | 04/03/2024           |
| Proposed floor plans – first  | -                | 1031776       | 04/03/2024           |
| Proposed isometrics           | -                | 1031773       | 04/03/2024           |
| Climate change statement      | -                | 1031772       | 04/03/2024           |
| Justification statement       | -                | 1037793       | 19/04/2024           |

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.

As the submitted plans were considered to be acceptable, no changes were sought.

**Report Dated**

23/04/2024