

**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:	2024/62/90649/E
Site Address:	13, Lydgate Road, Soothill, Batley, WF17 6EY
Description:	Erection of two storey side and rear extensions, single storey front extension and external alterations
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 02-May-2024

OFFICER REPORT

Site Description

13, Lydgate Road, Soothill, Batley, WF17 6EY is a two storey semi-detached dwelling which currently benefits from a driveway, integrated garage and rear garden.

The application property is set back from the street scene via a reasonable amount of amenity space which is consistent with the character of the area.

Properties within the immediate vicinity are not wholly identical in appearance as several benefit from extensions and not all are semi-detached pairs; however, there is cohesion within the street scene due to the use of similar building materials, roof design and detailing.

The site is located in a low risk coal area.

Description of Proposal

The application has been received for the erection of two storey side and rear extensions, single storey front extension and external alterations.

The side extension would replace an existing garage, extend two meters beyond the side elevation of the host property, have a depth of 7.3m and will be set back of 1m from the principal elevation of the dwelling.

The first floor aspect of the side extension would have a depth of 4.8m with a maximum height of 6.5m. The ground floor aspect would extend 80cm beyond the front of the original dwelling.

The rear extension would include a two storey element however it would be stepped, projecting a maximum of 6m at ground floor beyond the rear elevation of the dwelling with a width at ground floor level of 6.2m. This would feature a flat roof.

The first floor aspect would project 3m beyond the rear elevation of the dwelling and have a width of 4.9m with a maximum height of 7.3m with an eaves height of 5.9m.

The first floor element of the proposal would be set in 2.5m from the ground floor of the proposal.

Relevant Planning History

2023/93515 - The proposals are for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m - Not required

2023/91443 - Erection of two storey side and rear extensions, single storey front extension and external alterations - Refused

Representations

The application was initially advertised by neighbour notification letters, which expired on 17/05/2024

No comments received.

Consultation Responses

No formal consultations deemed necessary.

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

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

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

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 a 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 material 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 Extension & 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 Extension & 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 shall be addressed as three elements 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 scale of the front extension is modest relative to the main house and would be considered to be acceptable. The use of render would introduce a new material to this juncture of Lydgate Road, in a prominent position. However, there are other elements of render in the street and as such, this would not be wholly out of character with the wider area. The front extension can be considered, on balance, 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.

Previously, an application (2023/91443) was received at the application site which was refused due to the lack of spacing between the properties and sufficient set down and back.

It is considered that the proposal has been increased from a 0.3m set back to a 2.5m set back which officers consider would reduce the proposals prominence in the street scene and the use of matching materials would aid the proposals assimilation. It is noted that the proposal would retain the same width as the previous permission, however it is considered that the proposal would be suitably set back to not result in a terracing effect which would address the previous reason for refusal.

Single and 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.

The previous application referred to above included a two storey rear element also which was refused due to its scale and projection. A subsequent application for a larger home notification was received whereby prior approval for a 6 metre single storey extension was approved.

The rear extension proposed incorporates ground floor and first floor elements. The ground floor element will project 6 meters along the shared boundary with the neighbouring property which exceeds the limitations of the SPD. However, the application site benefits from prior approval for a larger house extension at 6 metres. Furthermore, the application site and the neighbouring property currently have existing rear projection. It is considered that this will result in an appropriate projection from this existing projection which will negate any significant harm.

The first floor aspect has been reduced to 3m from that previously refused. It is considered that a 3m projection at first floor would have an acceptable relationship with the host dwelling and addresses the previous reason for refusal.

It is considered that due to the scale, location and design of the proposal, it would accord with Policy LP24 in terms of visual amenity.

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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & 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. There are no properties to the rear which could be affected by the works proposed.

11 Lydgate – this property is attached to the application property.

Overlooking: The proposal would not feature any side facing windows and rear facing windows are considered a normal relationship in the street scene. Therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The rear extension incorporates ground floor and first floor elements. The ground floor element will project 6 meters along the shared boundary which exceeds the limitations of the SPD. However, the application site benefits from prior approval for a larger house extension at 6 metres. Furthermore, the neighbouring property does have an

existing rear projection which will result in an appropriate projection which will limit any significant harm.

The two storey element of the proposal would be set in from the boundary and extend 3m beyond the rear elevation of the dwelling. It is considered that the first floor element of the proposal would not be situated within the vertical 45 degree visibility splay of the first floor windows of no.11 and therefore, no significant issues would arise regarding overshadowing/loss of light or overbearing.

15 Lydgate: this property is located adjacent to the application property to the south. The garages of both properties currently separate the properties and a wall separates their amenity space.

Overlooking: The proposal would not feature any windows which face onto no.15.

Overshadowing/loss of light/overbearing: There are side facing windows at first floor level for no.15; however, within the previous officer report these have been highlighted as serving a landing area which are not habitable rooms. The proposal would be set back from the shared boundary between the dwellings and would not significantly intercept the rear garden of no.15. There are no concerns in terms of overbearing, overshadowing or overlooking.

Due to the separation distance between the application property and dwelling on the other side of the road, no issues would be raised regarding the residential amenity of the occupiers of no.10.

Due to the scale and location of the proposal, no other properties would be impacted from a residential amenity perspective.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, despite the loss of the garage, the parking area to the front of the property would be enlarged to provide parking for 3 vehicles with a modest planted border to reduce the visual harshness and 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 Extension & Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is a 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:

N/A

7 – Negotiations:

No alterations requested.

8 – Conclusion:

This application for the erection of a two storey side and rear extensions, single storey front extension and external alterations 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 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. The proposal is considered acceptable and approval is recommended.

Recommendation
Permission

Conditional Full

Decision Authorisation - Delegated Powers

Application Number: 2024/62/90649

Officer Recommendation: Conditional Full Permission

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 walls facing materials of the two storey side and two storey rear 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 13.00hours, 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: -

Plan Type	Reference	Date Received
Location Plan		8/03/2023
Existing Plans	2244 A(00)-01	8/03/2024
Proposed Plans	2244 A(10)-03	8/03/2024
Design and access statement		
Climate Change Statement		8/03/2024

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.

No further alterations were requested.

