

**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:	2024/62/90851/E
Site Address:	216, Woodlands Road, Batley, WF17 0QS
Description:	Erection of two storey front and rear extensions and single storey side extension with associated alterations
Recommending Officer:	Jennifer Booth

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: 16-May-2024

OFFICER REPORT

Site Description

216 Woodlands Road is a detached, brick built dwelling with a single storey garage attached to the side. The property has a drive to the south east side, gardens to the front and north west side and a small tiered area to the rear.

The property is located on a residential street with properties of a similar age and palette although there are some variances in terms of design.

Description of Proposal

The application is seeking planning permission for extensions and alterations.

The two storey side extension for the south-east side would replace the garage and porch with a projection of 7.5m, set back 2.5m from the front wall and lying flush with the rear wall. The roof form would be hipped.

The plans show a single storey side extension on the north-west side which would be set back 5.2m from the front, projecting 1.8m with a depth of 6.3m. The roof form would be a lean to glazed roof.

The single storey rear extension would project 5.3m from the rear of the proposed side extension with a width of 7.8m. The roof form would be flat.

The walls of the two storey side and single storey rear extensions would be constructed using brick for the most part with render detailing. The walls of the single storey side extension would be render with glazing and the roof covering would be tiles.

Relevant Planning History

2023/93556 - Erection of extensions and alterations – Refused

Post refusal correspondence did take place with the agent to discuss what may be acceptable, without prejudice to any future determination, prior to resubmission.

Also of relevance:

210 Woodlands Road – 2007/94189 – Two storey extension with conservatory - Approved

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. Although there were no significant concerns with the scale and design of the scheme, the agent was asked to provide corrected plans as the initially submitted plans had mismatched roof design for the two storey side extension. The requested corrections were received.

Representations

The application was advertised by neighbour letters, which expired on 13/05/2024

As a result of the above publicity, nine representations have been received. The material planning matters raised are summarised as follows:-

- Imposing impact on neighbouring property.
- Noise and disruption.
- Parking.
- Proposals are unsightly and not in keeping.
- Loss of privacy.

The following non-material planning matters are summarised as follows:

- Loss of view
- Issues with rainwater run-off
- Proximity to rear boundary
- Land stability

Consultation Responses

None considered 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
- **LP 30** – Biodiversity

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 15 – Conserving and enhancing the natural 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. 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.

Planning permission was refused earlier this year for a larger proposal. The current scheme has reduced the level of extension and shall be fully assessed below.

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.

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.

It is noted that the side extension would not result in a significant gap between the host property and the adjacent dwelling. However, this relationship is as existing with limited spacing at present, albeit at ground floor level. The extension is set back from the front by 2.5m and with the use of a hipped roof form, would form a subordinate addition to the property. The area does have properties which are similar in terms of age although there is a diversity in terms of design for the dwellings and as such, the side extension would not be out of character with the wider area. Furthermore, there are similar extensions in the area including at the neighbouring 210 Woodlands Road. The materials proposed include the use of brick for the walling with render detailing which would match the main house. The side extension is therefore considered to be acceptable in terms of visual amenity.

Single 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 property's main amenity space appears to be to the side of the dwelling and therefore the rear extension proposed would not substantially reduce the

amenity space. The scale is larger than would normally be supported. However, the host property is set in sizeable gardens. The material proposed for the walling would be brick which would match the main house. Although flat roof forms are not generally considered to represent good design, this is a modern addition to the rear of the property with limited views in the wider area and is considered to form an appropriate relationship with the main house. The single storey rear extension is therefore considered to be acceptable in terms of visual amenity.

Single storey side extension

Paragraphs 5.15 & 5.16 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.

The single storey side extension into the garden would be glazed on the side elevation with a glass roof. The scale is limited and would retain the majority of the side amenity space. The walls would be rendered. However, this is considered to tie in with the render detailing on the main house. The single storey side extension is therefore considered to be acceptable in terms of visual amenity.

Summary of cumulative effect

The proposals consist of three distinct elements, which have been assessed individually above. Cumulatively the elements of the proposals, whilst substantial, are considered to be justifiable given the size of the plot, the idiosyncrasies of the surrounding area and the planning history of neighbouring developments.

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 214 Woodlands Road

The adjacent neighbour to the south east has extended above their garage and the newer gable is blank. The original side wall of the neighbouring property has a full height window which would appear to serve the hall, stairs and landing which is set back from the boundary with the host property. Given this relationship, the two storey side extension proposed would not result in any significant impact on the adjacent neighbour in terms of overbearing, overshadowing or overlooking.

The single storey side extension proposed would be situated on the opposite side of the host property to this adjacent neighbour and as such, there would be no overshadowing, overbearing or overlooking.

The 5m rear extension would be close to the shared boundary. However, the land to the rear of the neighbouring property is tiered which would reduce the impact on the neighbour's amenity space. Furthermore, the windows in the rear of the neighbouring property are set back from the shared boundary and the rear extension is proposed to be single storey. As such, the proposed rear extension would result in no significant overbearing, overlooking or overshadowing.

With regards to the impact on the adjacent 214 Woodlands 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 218 Woodlands Road

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

The single storey extension proposed is limited in terms of its size and would be set well back given the applicants garden is mainly located to the side of the property between the two dwellings. As such, there would be no overlooking, overbearing or overshadowing.

The rear extension would be set in from the side wall with a substantial separation of 16m to the shared boundary. As such, there would be no overbearing or overshadowing and any overlooking would be limited.

With regards to the impact on the 218 Woodlands 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 135 Upper Batley Lane

There is a close relationship with the neighbouring property to the rear, although this is off set to a degree by virtue of the land levels. The rear extension would be sited at the rear of the proposed side extension which does not fully align with the dwelling to the rear and as a single storey addition, would result in no overshadowing, overbearing or overlooking.

The first floor of the side extension would increase the width of the dwelling. However, the area does not directly align with the neighbour to the rear. The spatial relationship between the properties limits the potential for any overshadowing or overbearing. There are windows proposed in the rear elevation. However, these serve a bathroom and landing area which are not considered to be habitable. That being said, a condition requiring obscure glazing would further ensure that these windows would not result in any loss of privacy.

With regards to the impact on the neighbouring 135 Upper Batley Lane, 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 221 Woodlands Road

The property on the opposite side of the road occupies a position some 25m from the host property. Given the substantial separation, the proposals would result in no overlooking, overshadowing or overbearing.

With regards to the impact on the 221 Woodlands Road, 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 and the loss of the existing garage and a parking space. That being said, there is potential for parking for up to 3 vehicles to the front. As such, there is insufficient justification to refuse the proposals on highways grounds. Bin storage for the dwelling would also need to be re-sited. However, this could be achieved within the plot. 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:

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, 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.

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:

Nine representations have been received. The material planning matters raised are summarised as follows:-

- Imposing impact on neighbouring property – **Response:** *The impact on each of the neighbouring properties has been fully considered under the ‘Residential Amenity’ section above, and given the relative spatial relationships, there would be no significant overbearing impact on any of the neighbouring properties.*
- Noise and disruption - **Response:** *Although this is a material consideration relating to residential amenity, there is an expectation that there will be such effects as part of the activities associated with construction and such effects would be transient. This would not therefore form a reason for refusal. In the event that planning permission be approved, a note would be added to any subsequent approval reminding the applicant of the appropriate hours of work in line with Environmental Legislation.*
- Parking – **Response:** *As outlined under the ‘Highway Safety’ section of this report, the property has space on the drive for at least three*

vehicles which is in line with the suggested parking for a 4 bedroom property.

- *Proposals are unsightly and not in keeping – **Response:** As outlined under the ‘Visual Amenity’ section above, the area does have properties which are similar in terms of age although there is a diversity in terms of design for the dwellings. As such, the side extension would not be out of character with the wider area. Furthermore, there are similar extensions in the area including at the neighbouring 210 Woodlands Road.*
- *Loss of privacy – **Response:** The impacts on each of the neighbouring properties has been fully considered under the ‘Residential Amenity’ section of this report. The window placement together with the spatial relationship between the host property and each of the neighbouring properties is considered to maintain privacy.*

Although other points have been raised, such as loss of view, issues with rainwater run-off, proximity to rear boundary, land stability, these are non-material planning matters.

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.

It is considered to be reasonable and necessary to condition the first floor windows in the rear of the two storey side extension are obscure glazed to ensure privacy.

Conclusion:

This application for extensions and alterations to 216 Woodlands Road 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: 2024/90851

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.

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 with or without modification) the first floor windows on the rear elevation (north-east) of the two storey side extension hereby approved shall be obscure glazing to a minimum privacy level 4 or equivalent and shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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	Web ID	Date Received
Location plan	PL01	1035186	22/03/2024
Existing and proposed plans	PL02 B	1041008	15/05/2024
Proposed elevations	PL03 B	1041007	15/05/2024
Climate change statement	-	1035185	22/03/2024

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.

Although there were no significant concerns with the scale and design of the scheme, the agent was asked to provide corrected plans as the initially submitted plans had mismatched roof design for the two storey side extension. The requested corrections were received.

Report Dated 15/05/2024

