

**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>2024/62/91151/E</b>
Site Address:	7, Shibden Drive, Carlinghow, Batley, WF17 8QB
Description:	Erection of single storey rear extension and raised decking
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: 02-Jul-2024**

## OFFICER REPORT

### Site Description

7, Shibden Drive, Carlinghow, Batley, WF17 8QB is a single storey detached dwelling constructed from stone. The property benefits from a driveway to the side with a single garage to the rear, along with a smaller area of amenity space to the front and a larger amenity space to the rear.

The dwellings that form the street scene are uniform in scale, appearance and material palette. The area is predominantly residential with local amenities such as a school and corner shops in close proximity.

### Description of Proposal

This application has been received for the erection of a single storey rear extension and raised decking. The proposed extension would project 3m from the rear of the existing dwelling with a width of 3.5m. A pitched roof is proposed for the extension with a ridge height of 4.6m and an eaves height of 3.4m. Glazed double doors would be placed in the rear elevation of the proposed extension with a large window located to the side (north-east) elevation. It is proposed that the extension would be constructed of materials matching that of the existing dwellinghouse.

The property already benefits from existing decking, which shall be removed in order to allow for the construction of the rear extension. The proposed decking shall be constructed of timber to match that of the existing decking and shall project 2.5m from the rear of the new extension and have a width of 3.5m. Three steps shall then provide access to the lower level of amenity space and span a further 0.85m from the proposed decking. The decking shall be raised 0.6m from ground level to the underside of the deck, reaching to 0.9m. A balustrade shall also feature with a height of 0.95m.

### Relevant Planning History

No relevant planning history.

### Representations

The application was advertised by neighbour notification letters, which expired on 21.06.2024.

No representations have been 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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

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 20<sup>th</sup> July 2021, 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

## 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 proposal would not be visible from the street scene due to being located to the rear (east) of the applicant property but would be visible to some neighbouring properties, however, this is mitigated by the single storey scale of the proposal and its proposed materials matching that of the existing dwellinghouse.

Taking the above into account, the proposed extension and decking 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 dwelling.

### 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 Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

The proposal would take up a small portion of the amenity space located to the rear of the applicant property. It is considered that; the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the application was to receive approval. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers of the dwelling.

#### Impact on 5, Shibden Drive, Carlinghow, Batley, WF17 8QB

There is approximately 2.5m between the side elevation of each dwelling. The proposal shall be single storey in scale and constructed of materials matching that of the existing dwelling. The proposal would be somewhat screened by the boundary treatment separating the two dwellings. The proposal shall also be located to the east of the applicant property while no.5 is located to the north, it is also noted that the ground level drops slightly, meaning no.5 sits lower than the applicant dwelling. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 8, Shibden Drive, Carlinghow, Batley, WF17 8QB

There is approximately 23.4m between the front elevation of each dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. No.8 is located to the west, while the proposal shall be located to the east of the applicant property. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 9, Shibden Drive, Carlinghow, Batley, WF17 8QB

There is approximately 6m between the side elevation of each dwelling. The proposal shall be single storey in scale and constructed of materials matching that of the existing dwelling. As the land steps to accommodate the site slope, no.9 sits slightly higher than the applicant dwelling and also has a splayed relationship. No.9 is located to the south of the applicant property while the proposal shall be located to the east. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 10, Shibden Drive, Carlinghow, Batley, WF17 8QB

There is approximately 23.3m between the front elevation of each dwelling. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwelling. No.8 is located to the west, while the proposal shall be located to the east of the applicant property. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 18, Oakwell Avenue, Carlinghow, Batley, WF17 8QA

There is approximately 18.8m between the rear elevation of each dwelling. The proposal shall be single storey in scale, would be constructed of materials

matching that of the existing dwelling and the proposal would be somewhat screened by the boundary treatment between the dwellings. Due to these factors plus the satisfactory separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 20, Oakwell Avenue, Carlinghow, Batley, WF17 8QA

There is approximately 19m between the rear elevation of each dwelling. The proposal shall be single storey in scale, would be constructed of materials matching that of the existing dwelling and the proposal would be somewhat screened by the boundary treatment between the dwellings. Due to these factors plus the satisfactory separation distance, 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 does not include the addition of a bedroom, nor does it see the loss of any 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 have been made as a result of site publicity.

7 – Negotiations:

No alterations were requested during the course of the application.

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 rear extension and raised decking at 7, Shibden Drive, Carlinghow, Batley, WF17 8QB 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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **Recommendation Approve**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/91151

**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 13.00hours, 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>Version</b>	<b>Date Received</b>
Location Plan	1039041		30.04.2024
Proposed Site Plan / Block Layout	1039044		30.04.2024
Grouped Plans and Elevations – Existing	1039040		30.04.2024
Grouped Plans and Elevations – Proposed	1039043		30.04.2024

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.

No alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 02.07.2024