

**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:	2024/62/91170/E
Site Address:	17, Woodhall Drive, Healey, Batley, WF17 7SW
Description:	Erection of two storey side and rear extensions and single storey front extension
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: 23-Jul-2024

OFFICER REPORT

Site Description

17, Woodhall Drive, Healey, Batley, WF17 7SW is a three-storey detached dwelling constructed from brick. The property benefits from parking to the side of the dwelling, with a small area of amenity space to the front, along with a larger area of amenity space located to the rear.

The dwelling is located at the end of a row of similar properties. The area is predominantly residential with places of worship, parks and a community centre in close proximity.

Description of Proposal

This application has been received for the erection of a two-storey side and rear extension along with a single storey front extension. The rear extension would project approximately 4m from the rear wall of the existing dwelling, with an approximate width of 8.3m. This width would mean that the proposal would project 2.8m from the side elevation also and run the length of the dwelling at approximately 13.5m. This element of the proposal would feature a lean-to roof with an approximate height of 6.3m and an approximate eaves height of 5.5m. The proposal to the front of the property would see an approximate projection of 2m with a width of 8.3m. This element of the proposal would also feature a lean-to roof with an approximate height of 4m and approximate eaves height of 3m. A pitched roof element shall feature over the doorway and would have a height of 3.7m.

The proposal shall be constructed of materials which match that of the existing dwellinghouse.

Relevant Planning History

No relevant planning history.

Representation

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 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 July 2021, 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 single storey extension would be visible from the street scene as it relates to the front (south) of the applicant dwelling. The two-storey side elevation would also be visible from the street scene due to its proximity to the front of the dwelling. However, any impact on this would be mitigated by the dwelling being set back from the street scene, along with the proposal being constructed of material matching that of the existing dwelling. The design of the proposal also mimics that of other dwellings who have received similar works.

Taking the above into account, the proposed extension 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 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 to the front and rear of the applicant dwelling. 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 15, Woodhall Drive, Healey, Batley, WF17 7SW

There is approximately 10m between the side elevation of each dwelling. It is noted that there are works being undertaken at no.15 (application ref: 2021/92167) which shall reduce this separation distance between the two dwellings due to no.15 being extended. Due to the level change in the land, no.15 sits lower than the applicant property, there is therefore, some risk that some overshadowing of the garden of no.15 could occur in the late afternoon. However, this is mitigated by the proposal being set in from the boundary, along with the splayed boundary which would increase the separation distance. In addition, no habitable room windows are to be located within the facing side elevation of No.15 as extended, further mitigating this impact.

Impact on 19, Woodhall Drive, Healey, Batley, WF17 7SW

There is approximately 3.9m between the side elevation of each dwelling. All components of the proposal would be visible to no.19, especially that of the side extension which would be constructed up to the boundary lines of the dwelling. A similar rear extension has been constructed at no.19. The applicant dwelling and the proposal is located to the east of no.19 and as such, there would be no significant issues of overlooking, overshadowing/loss of light or overbearing impact.

No.19 is located to the east of the applicant property while the proposals would be sited to the west, again mitigating the impact, the concern of overshadowing as mentioned above, is mainly caused by the rear extension. It is also noted that the proposal would be somewhat screened by an established boundary hedge separating the dwellings.

As such, no significant issues would arise from overlooking and overbearing impacts. However, some issues could arise from overshadowing/loss of light. Steps to mitigate this have been proposed and acknowledged.

Impact on 44, Woodhall Drive, Healey, Batley, WF17 7SW

There is approximately 24.1m between the front elevation of each dwelling. The main element of the proposal visible to no.44 would be the single storey extension to the front of the applicant property. This would be constructed of materials matching that of the existing dwelling and is similar in scale and appearance to other dwellings in the street scene which have received similar works. Due to the offset relationship between the dwellings, it is unlikely that the side extension would be visible from no.44 and the rear extension is located to the rear (north) of the applicant property, while no.44 is located to the front (south).

As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 46, Woodhall Drive, Healey, Batley, WF17 7SW

There is approximately 23m between the front elevation of each dwelling. The main elements visible from no.46 would be the front extension which shall be single storey in scale, constructed of materials matching that of the existing dwelling and shall be similar in design to other works received to other dwellings in the street scene. The side extension would also be visible; however, this is set back from the street scene, therefore mitigating any impact it may have. The rear extension is located to the rear (north) while no.46 is located to the south and therefore would not be visible. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 48, Woodhall Drive, Healey, Batley, WF17 7SW

There is approximately 24.4m 23m between the front elevation of each dwelling. The main elements visible from no.48 would be the front extension which shall be single storey in scale, constructed of materials matching that of the existing dwelling and shall be similar in design to other works received to other dwellings in the street scene. The side extension would also be visible; however, this is set back from the street scene, therefore mitigating any impact it may have. The rear extension is located to the rear (north) while no.48 is located to the south and therefore would not be visible. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 16, Throstle Nest, Healey, Batley, WF17 7SN

There is approximately 24.6m between the rear elevations of each dwelling. The rear extension would be the most visible component of the proposal to no.16, however, any impact of this is mitigated by the design of the proposal, the significant separation distance and the stepped nature of the land would help in preventing overshadowing as the applicant property resides higher than no.16. It is also noted that there are other dwellings which have received similar works. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 18, Throstle Nest, Healey, Batley, WF17 7SN

There is approximately 26.7m between the rear elevations of each dwelling. The rear extension would be the most visible component of the proposal to no.18, however, any impact of this is mitigated by the design of the proposal, the significant separation distance and the stepped nature of the land would help in preventing overshadowing as the applicant property resides higher than no.18. It is also noted that there are other dwellings which have received similar works. 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. The proposal sees the addition of a fourth bedroom, along with the loss of up to two off-street parking spaces.

The agent has provided a site plan indicating that the front amenity space could be turned into an area for off-street parking with the required number of off-street parking spaces.

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 received.

7 – Negotiations:

It has been requested that the applicant provides a site plan indicating that sufficient parking provision could be provided on the site. The agent has provided the plans which have been deemed satisfactory.

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 two-storey side and rear extension along with a single storey front extension to 17, Woodhall Drive, Healey, Batley, WF17 7SW 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: 2024/91170

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: -

Plan Type	Reference	Version	Date Received
Location Plan	2024 – 17 WD - 01	1040169	09.05.2024
Grouped Plans and Elevations – PLANS	2024 – 17 WD – 02-A PLANS	1040170	22.07.2024
Grouped Plans and Elevations - ELEVATIONS	2024 – 17 WD – 03 ELEVATIONS	1040172	09.05.2024

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.

It has been requested that the applicant provide a site plan indicating the sufficient parking provision could be provided, these alterations have been made and the updated site plan has been deemed satisfactory. No other alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 22.07.2024