

**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:	2024/62/91592/E
Site Address:	Madressah Muhammadia Ghausia, 111, Dark Lane, Batley, WF17 7PW
Description:	Erection of extension and alterations
Recommending Officer:	Edward Cheseldine

DECISION - REFUSE

I hereby authorise the refusal 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: 10 December 2024

Officer Report

2024/91592 - Madressah Muhammadiyah Ghausia, 111, Dark Lane, Batley, WF17 7PW

Site Description

111 Dark Lane is a detached, 2.5 storey, detached building in Batley. The property is formed with coursed natural stone exterior walls and a cross-hipped roof clad in stone roof slates. It sits on a cornerplot position between Dark Lane and Purlwell Lane. In terms of features, it includes sash type openings, stone corbels and simplistic fenestration. The building has previously benefitted from a front and rear extension which are modest in scale. To the rear of the property is a car park. The gradient of Purlwell Lane rises gently from east to west, revealing a basement floor on the rear elevation of the building.

111 Dark Lane sits ~23.50m from Purlwell School which is a grade II listed building. The sites are separated by Markham Street, a narrow lane. In terms of the relationship with the school, the application building sits forward of it by ~12.00m.

Listing description:

Former board school now day school. Circa 1870. Probably by Walter Hanstock. Pitch faced stone with ashlar dressings. Very steeply pitched slate roof with chamfered gable copings. Single storey. Gabled cross wing to each end. Central gabled portion breaks forward and has 3 lancet lights, and adjoining square tower with louvred bell chamber. Further to right is similar gable with adjoining square tower with slender pyramidal roof. Two small gables over cross windows with oculus under relieving arch. Entrance porches to left and right are also gabled, and have inscriptions: BOYS & INFANTS. Central porch has inscription GIRLS. Projecting wings to rear of deeper coursed stone. Some modern additions.

The front boundary wall and gates of the school are also grade II listed.

Proposal Description

The applicant is seeking planning permission for a two-storey extension formed over the car park of the rear site.

The extension will project ~13.40m from the existing rear elevation with a width of 11.00m, the eaves height will be ~9.00m with a ridgeline height of ~10.00m. The extension will be constructed in sandstone exterior walls and slates to match the existing building.

The extension would cover the entire rear outdoor plot.

Amendments/Negotiations

Officers requested the following information:

- Car Park Plan, indicating number of spaces, access
- Total site occupancy
- Existing occupancy / increase in occupancy
- Block plan indicating the openings at 109 Dark Lane, 45oC angle of outlooks indicated if these can be achieved.

No further information was received in relation to the details.

Relevant Planning History

99/90474 – Erection of extension – Full permission granted.

Consultation Responses

KC Conservation & Design – Information consultation, objection to the proposal.

KC Highways – Formal consultation, objection to the proposal.

KC Environmental Health – Recommended conditions in relation to construction times.

Public Representations

The application was advertised by neighbour notification letters, a site notice and a press notice.

Neighbourhood notification expiry: 06 December 2024

Site notice expiry: 06 December 2024

Press advertisement expiry: 28 November 2024

As a result of the publicity, there were no representations received.

Policy & Legislation

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 the 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 21 – Parking
- LP 22 – Highway Safety
- LP 24 – Design
- LP 35 – Historic environment
- LP 48 - Community facilities and services
- LP 49 - Educational and health care needs
- LP 52 - Protection and improvement of environmental quality

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 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of Development
 - a) Community Facility
 - b) Historic Environment
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development:

Community Facility

The site is a Madressah facility which has community and educational benefits. Policy LP48 outlines that proposals will be supported for development that protects, retains or enhances provision of existing community spaces. The benefits of an extension to an existing are weighed against the other national and local policies that reflect the presumption in favour of sustainable development contained in the NPPF.

The applicant has not submitted a supporting statement that outline specific reasons for the extension or the benefits of the increase additional internal floorspace in terms of need requirements. The internal floorplans indicate the building extensions would serve as additional prayer space, the benefits of

which will be assessed against national and local policies, including impact on the historic environment, visual and residential amenity, impact to highways and environmental matters.

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The grade II listed, Purlwell School has a long, linear form with a steep pitched roof. Each end of the building has a gable-wing. The original period features have been well maintained over the building's life span. Part of its distinctiveness lies within its sense of height, from the tower, gable wings and steep roof pitch. The building is set back from the roadside, allowing for a wide-angle view of the impressive building along its frontal aspect.

Purlwell School sits within a densely populated area of Batley. The surrounding streets maintain a linear aspect formed of terrace rows, however there are dwellings constructed in the inter-war period to the south of Purlwell Lane.

In terms of its contribution to the surrounding area, the listed building manifests an important position in a predominately residential area. As the building is set back and due to its grandeur, it provides important visual benefits to the wider area for the benefit of the public, creating what is a centrepiece within a relatively undistinguished area of Batley.

In terms of the impact of the proposed development, due to the scale, massing and ridgeline height, the extension would obstruct visibility of a significant proportion of the listed building when viewed from Dark Lane and the western aspect of Purlwell Lane. Due to the setback approach of the listed building, the perspectives at these points cut across the existing car park. This will obscure and compete with the main architectural features which provide the setting and enjoyment of the listed building for the public.

In addition, the listed building is a public school. The extension will be visible for school and associated members when they are within the curtilage of the listed building. In terms of the impact to its setting, the rear elevation of the extension will be ~4.90m from the listed building's curtilage at a height of ~9.00m. Due to the gradient of the land, the structure will appear stark, enclosing the curtilage of the building which will have a detrimental impact to its setting.

Paragraph 205 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Due to the significance of the listed building, the extension would present substantial harm to the setting of the designated heritage asset.

Paragraph 207 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In terms of paragraph 207, both the application site and the listed building are currently in use. The applicant has not submitted a Design and Access Statement or a Heritage Impact Assessment. When considering the benefits of the proposal, the extension would provide an increase in floor space for a community asset. However, further evidence or use of the building has not been submitted to justify such a harm. Given the impact, the increase in floor space to community asset would not be materially greater than the harm from the development. The applicant has not provided any evidence that the scale of the extension is reasonable or necessary, however it is not considered that the harm to the heritage asset could be overcome from such information.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

“b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances.”

“c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.”

In respect of the development, notwithstanding the issues relating to the historic environment, the extension fails to accord with Policy LP24.

The extension would sit adjacent to Markham Street, plans indicate it would be set back from the boundary by 0.80m. Given the height of the structure, the sense of openness on Markham Street would be dramatically reduced at this point and when approaching the building. Although a back street, it provides a low traffic route to Purlwell School. Buildings adjacent to the road are typically single-storey structures. The application building is an end-terrace property, the rear extension would effectively close off the street.

There is a sense of openness at the junction between Purlwell Lane and Dark Lane. The application building is set away from the highway, it encompasses approximately 50% of the depth of the plot. As such, this section of the streetscene appears relatively open on the category C road. Purlwell Lane is a busy road connecting the Mount Pleasant suburb with Batley Carr. It has a high volume of traffic, as such a sense of openness should be retained at the point of the important intersection.

In terms of the appearance of the extension, it rests on a corner position and would be visible from Dark Lane and Purlwell Lane. In terms of Policy LP24a, the side elevation of the building should respect its prominent positioning within the townscape. When considering this elevation, it would appear as a stark structure due to its height and width. Corner plot properties should create a pleasant streetscape, not just through architectural features but

through congruent design. Notwithstanding the listed building, the massing and scale of the extension would introduce an overly large structure to an otherwise residential street with features that do not respect the area.

When considering, No. 85 Purlwell Lane, the structure would appear as a three-storey building with a much larger footprint. Due to its form and the gradient of the land, the application building would tower above residential buildings, in particular No 85. Such a development therefore fails to accord with Policy LP24, it would have a detrimental impact on the streetscene in terms of scale, materials and design.

The application building is currently a 2.5 storey structure with a rear outdoor parking facility. In terms of scale, the extension would effectively double the size of the structure. It would have a block form with no features present that would provide a visual break or a perception of subservience to the host dwelling. LP24c states, '*extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details*'. The design fails to respect the host building, in terms of scale and detailing. Given the size of the plot, the extension would represent overdevelopment in a cramped plot. Whilst there is parking provision on the ground-floor level, there is significant vertical massing. The appearance of the building therefore does not respect the host dwelling or size of the plot.

The proposal therefore fails to accord with Policy LP24c due to the scale and details of the extension in comparison to the host building and its plot.

Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Impact to 109 Dark Lane

109 Dark Lane is the adjacent residential property within the terrace row. In terms of privacy, there are no windows that will face towards the property. The extension will be formed along the shared property boundary. There is a separation distance of 1.50m between the buildings. When considering the three-storey extension to the rear of the property, there would be a loss of

light and outlook from primary habitable windows. 109 sits to the north of the application building. Due to the height and projection of the extension, the windows would lose light from after the early morning creating an overshadowing impact. In addition, the entirety of the residential garden would be overshadowed. Such a structure would create an overbearing impact for the current and future occupants of the dwelling. The application would therefore have a detrimental impact on the amenity of the occupants of 109 Dark Lane, contrary to Policy LP24 of the KLP.

The applicant was asked to supply a plan indicating a 45oC angle of outlook was maintained, however no information was submitted.

Impact to 107 Dark Lane

107 Dark is the adjoining property to 109 Dark Lane. Given the height and projection of the building, there would be an overshadowing impact on the entirety of the rear outdoor area from the early afternoon which would be contrary to Policy LP24 of the KLP.

Impact on Purlwell School

Purlwell School sits to the east of the application site. There are a number of first and second floor windows on the extension that look out towards the area in front of the school. Whilst the relationship is close, the front area is not considered to be private or for the use of school related activities. The front boundary of the school is formed of open slat metal fencing. It is therefore not considered that the extension would lead to a detrimental impact to privacy. There is, however, the ability for classrooms to be viewed at oblique angles. The relationship is therefore not respectful of the surrounding environment.

The extension is separated by ~5.80m from the boundary of the school. Beyond which is an access drive for cars to park. Considering the use of this area and the distance, the extension will not lead to an overbearing impact. There would however be a loss of sunlight and an overshadowing impact on the school, including classroom windows especially during the winter months which is not acceptable.

Due to distance, there are no further properties to assess.

Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

LP21a states, all proposals shall, '*ensure the safe and efficient flow of traffic within the development and on the surrounding highway network*'.

LP21e states, all proposals shall, '*take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely*'.

An access is formed onto Markham Street which leads onto Purlwell Lane, a busy category C road; the road is particularly busy during school drop off and pick up times.

The applicant was asked to supply the following information:

- Car Park Plan, indicating number of spaces, access
- Total site occupancy
- Existing occupancy / increase in occupancy

No information was provided.

KC Highways were consulted as part of the application process:

The proposed extension will more than double the size of the two Prayer Halls at the ground and first floor level. This will significantly increase the capacity of the two Prayer Halls increasing the number of potential worshippers and therefore increasing the potential for traffic generation and on-street parking demand.

Undercroft off-street parking is shown to the lower ground floor level with access presumably from Markham Street which runs to the rear of the site. No details of the existing or proposed parking layouts are provided, however it is considered that the proposed 10 pillars required to support the extended building would reduce the capacity of the car park compared to the existing arrangements.

Any additional on-street parking at the busy Purlwell Lane and Dark Lane junction because of the increase in the capacity of the Prayer Halls or because of displaced parking due to the potential reduction in existing off-street parking spaces would not be in the best interests of highway safety.

Given that the application site is located at the busy Purlwell Lane and Dark Lane junction next to the Purlwell Infant and Nursey School and the proposals increase the prayer hall capacity whilst potentially reducing the numbers of off-street parking spaces Highways Development Management would recommend refusal of these proposals on highway safety grounds.

There is a clear increase in the capacity of the building, which has limited parking facilities. The area is highly constrained in terms of on-street parking, which the site would restrict further. Considering the proximity of the school, which already poses of highway safety risk, the application would be contrary to the thrust of LP21 & LP22 and should be refused when considering NPPF paragraph 115.

Environmental Matters

Ecology

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has stated within the application form that the proposal would not lead to any onsite removal of habitats and would therefore fall under the De Minimis exemption category. Following a site visit, Officers noted the rear outdoor area was currently surfaced in concrete, therefore there is no reason to dispute the exemption.

The application rests in a bat alert layer as indicated on the Council's GIS systems. The application is for an extension which would affect the eaves of an existing property. Officers noted the eaves of the building were not in a state of disrepair, therefore a bat survey was not requested considering the application was set for a refusal.

Nevertheless, if the application was minded being approved, an informative would be attached to the application that bats are protected under the European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

Carbon Budget

The proposal is a small-scale development to an existing building. 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.

Construction Site Working Times

KC Environmental Health recommended a condition relating to building working times for construction if the application was minded being approved. These restrictions are covered by Environmental regulations. It would not be necessary to impose a secondary planning condition as such.

Conclusion

The application to for an extension at 111 Dark Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations.

The development would be contrary to policy set out in the NPPF and the Kirklees Local Plan, it would cause harm to the setting of the grade II listed Purlwell School, whilst have a detrimental impact to the visual amenity of the street scene of Purlwell Lane and Dark Lane, in addition it would lead to a poor standard of amenity for the occupants of 107 & 109 Dark Lane and be detrimental to the highway safety of the surrounding area.

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 not constitute sustainable development and is recommended for refusal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed extension would result in substantial harm to the setting of the designated heritage asset (Purlwell School), which provides important visual and social benefits to the wider area, with no public benefits to outweigh such harm. It would obstruct important vistas from Dark Lane and Purlwell Lane, whilst enclosing the listed building's surrounding due to its height and proximity. The extension competes with the grade II listed building's vertical architectural features diminishing its importance within the streetscene. To permit the extension would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and , Chapter 16 of the National Planning Policy Framework.
1. The proposed extension, by reason of its scale, design and close proximity to the property boundary, would appear cramped within the plot, eroding a sense of space on Purlwell Lane & Markham Street and appear as an incongruous addition within the street scene. This would be detrimental to visual amenity and contrary to Policy LP24 a, b & c of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. Due to the scale and proximity to the shared boundary the proposed extension would lead to a loss of light and be overbearing, in consideration of the occupants of 109 Dark Lane. The extension would also lead to a loss of light for the sole private outdoor amenity space of 107 & 109 Dark Lane, in addition to resulting in overshadowing to classroom windows of Purlwell School. This would be contrary to Policy LP24 b & c of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. The proposal would have a detrimental impact upon the highway safety of Purlwell Lane and the surrounding streets. It would reduce the number of parking spaces whilst increasing the capacity of the site therefore resulting in additional on-street parking within a highly constrained area. The proposal would be contrary to Policies LP 21 & 22 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
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Grouped plans, location / site plans	-	-	30 September 2024
Existing floor plans	-	-	30 September 2024
Existing/proposed floor plans	-	-	30 September 2024
Existing and proposed elevations	-	-	30 September 2024
Proposed elevations	-	-	30 September 2024
Climate change statement	-	-	30 September 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 has, 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.

Officers requested the following information:

- Car Park Plan, indicating number of spaces, access
- Total site occupancy
- Existing occupancy / increase in occupancy
- Block plan indicating the openings at 109 Dark Lane, 45oC angle of outlooks indicated if these can be achieved.

No further information was received in relation to these details.

