

**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:	2024/62/91900/E
Site Address:	1, Hyrst Garth, Batley, WF17 7AD
Description:	Erection of single storey side and rear extensions and loft conversion with rear dormer
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-Oct-2024

OFFICER REPORT

Site Description

1, Hyrst Garth, Batley, WF17 7AD is a semi-detached bungalow faced in red brick. The property benefits from parking to the front of the dwelling, with a large area of amenity space to the front and rear of the property.

The dwellings that form the street scene are uniform in scale, appearance and material palette. The area is predominantly residential, with a hospital, recreation grounds, places of worship and schools in close proximity.

Description of Proposal

The application seeks permission for the erection of a single storey side and rear extensions and loft conversions with a rear dormer.

The proposed extension would project 7.2m from the side (west) of the host property with a length of 8.35m and be set back from the principal elevation by 0.5m. The proposed rear extension would project 3.5m from the rear of the existing dwelling with a width of 7.2m. The proposal would feature a pitched roof with a maximum height of 3.7m and an approximate eaves height of 2.5m. The proposed rear dormer would have a height of 1.6m, would project from the existing roof plane by 2.6m and would span the roof by 11.8m.

All elements of the proposal would be constructed of materials matching that of the existing dwelling.

Relevant Planning History

2009/91169: Erection of single storey extension. Withdrawn.

History of Negotiations

The agent was contacted and it was requested that the width of the proposal was reduced. This was due to the potential for the proposed works to appear as an additional dwelling rather than a subservient addition to an existing dwelling.

Amended plans have been submitted seeing a reduction in the width of the proposal by 1m. This amendment has been deemed acceptable, on balance.

Representations

Two comments have been received as a result of site publicity, both of which express concern towards how the proposal shall impact the appearance of the street scene, impact on the neighbour with regards to the party wall, associated noise pollution as well as the aesthetics of the proposal. It is felt that the proposal would be 'incongruous' within the street scene which comprises semi-detached bungalows.

Concern is also expressed towards the loss of a two-bed bungalow, a dwelling type which is becoming difficult to acquire for the older demographic which are downsizing from family homes and require single storey living accommodation.

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
- **LP2** – Place shaping
- **LP 22** Parking
- **LP 24** – Design
- **LP 53** – Contaminated Land

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

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) Conditions
 - 7) Conclusion

1) Principle of development

The site is without notation of 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 and Alterations supplementary planning document (SPD) state that extensions 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 dwellinghouse and should be in keeping with the existing building in terms of scale, materials, and details.

The proposal would be visible from the front (north), side (west) and rear (south) due to the property's location on a corner plot along the roadside. While the proposal sees no increase in height, the proposal is a large addition to the house, seeing an increase in floor area (at ground floor level) from 56.5m² to 84.9m². The proposed loft space would contribute further to the overall floor area of the dwelling, therefore the proposals would result in a significant enlargement of the dwelling. Notwithstanding this, as amended, the proposed side extension would be set down from the ridgeline and back from the front

elevation of the host property, thereby resulting in a clear break between the host property and extension, and the ridge line of the rear element would be set down further. For these reasons, the proposals would not dominate the original dwellinghouse.

The proposal shall be constructed of materials matching that of the existing dwelling.

Having taken the above into account, the amended proposals would not cause significant harm to the visual amenity of either the host dwelling and the wider street scene, therefore 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 host 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 of Key Design Principle 3 on privacy, Key Design Principle 5 of overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Design Principle 7 for outdoor space.

Impact on 2-4, Track Mount, Batley, WF17 7AF

There is approximately 22.1m between the side elevation of each dwelling. The proposal is to be single storey in scale and constructed of materials which match that of the existing dwellinghouse. The proposed works are to the side (west) elevation of the applicant dwelling; no.2-4 are also located to the west of the applicant dwelling. However, due to the single storey scale of the proposal along with the satisfactory separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 8, Track Road, Batley, WF17 7AD

There is approximately 14.1m between the rear (south) of the applicant dwelling and the side (north) elevation of no.8. The proposal is to be single storey in scale and constructed of materials matching that of the existing dwellinghouse. Due to these factors along with the satisfactory separation distance, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 13, Track Road, Batley, WF17 7AE

There is approximately 23.6m between the side elevation of each property. No.13 is located to the south-west of the applicant dwelling; the proposed works are to take place to the western elevation of the applicant dwelling. The proposal is single storey in scale, is to be constructed of materials matching that of the existing dwellinghouse and located an adequate distance away from No.13. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 17, Track Road, Batley, WF17 7AE

There is approximately 24.6m between the side elevation of each dwelling. No.17 is located to the north of the applicant site, with the relationship between the two dwelling being splayed. The proposal is to be single storey in scale, constructed of materials matching that of the existing dwelling, and would be somewhat enclosed by the boundary treatment which separates the property

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

Impact on 2, Hyrst Garth, Batley, WF17 7AD

There is approximately 22.8m between the principal elevation of each dwelling. No.2 is located to the north of the applicant dwelling. No.2 has received several extensions; however, the current dwelling consists of two dwellings (no.2 and no.4).

The proposal sees the addition of both side and rear extensions along with a loft conversion with rear facing dormer. Due to the separation distance, single storey nature of the side and rear projections, along with the loft conversion seeing no additional height added to the dwelling, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 3, Hyrst Garth, Batley, WF17 7AD

No.3 is the adjoining dwelling to the applicant property and is located to the east, while the proposed works are to take place to the west. While the proposal is single storey in scale, the scale of the proposal is large in comparison to the existing properties and would not integrate well in the street scene. However, the proposal is single storey in scale, to be constructed of materials matching that of the existing and located an adequate distance from the shared boundary. 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 Principles of the House Extensions and Alterations SPD.

4) Impact on highway safety

The proposal sees the intensification of the domestic use of the dwelling, with the addition of a first-floor level, along with a significant extension to the side and rear of the existing property. The proposal shall see the addition of a further two bedrooms, requiring the provision of up to three off-street parking spaces. Due to the large area to the front and side of the dwelling, there shall be sufficient space to accommodate the required level of parking.

Therefore, the proposal 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 and Alterations SPD.

5) Other matters

Carbon Budget

The proposal is a small-scale 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

Two representations have been received as a result of site publicity, both of which express concern towards the scale of the proposal and how this shall impact the residential and visual amenity of neighbouring dwellings and the wider street scene.

Officer Response: The impact of the development on visual and residential amenity has been assessed above and amended plans were requested through the course of the application. The representations were received in relation to the original proposals. It was not considered necessary to re-advertise the amended plans as the proposals were reduced in scale.

7) 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 erection of single storey side and rear extensions along with a loft conversion with rear dormer at 1, Hyrst Garth, Batley, WF17 7AD 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 refusal.

Recommendation APPROVE

Decision Authorisation – Delegated Powers

Application Number: 2024/91900

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.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National

Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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	1 HYRST GARTH BATLEY LOCATION PLAN 1-1250	1048868	10.07.2024
Grouped Plans and Elevations	1 HYRST GARTH BATLEY EXISTING DETAILS HBG-101	1048866	10.07.2024
Proposed Floor Plans	1 HYRST GARTH PR GF PLAN HGB-102 REV A	1061120	10.07.2024
Plan General	1 HYRST GARTH BATLEY PR LOFT PLAN HGB-103 REV A	1061118	04.10.2024
Plan General	1 HYRST GARTH BATLEY PR ROOF PLAN HGB-104 REV A	1048865	04.10.2024
Proposed Elevations	1 HYRST GARTH BATLEY PR ELEVATIONS HGB- 105 REV A	1061117	04.10.2024
General	Climate Change Statement	1048869	10.07.2024

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.

Alterations to the submitted plans were sought in order to see a reduction in the width of the proposal. This was due to concerns over the visual impact of the side extension. Amended plans have been submitted showing a 1m reduction in the width of the side extension. These plans have been deemed acceptable.

Report Dated: 24.09.2024