

**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:	2024/62/91981/E
Site Address:	14, Mill Street, Birstall, Batley, WF17 9AX
Description:	Erection of ground floor extension with balcony above
Recommending Officer:	Faiza Bano

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.

Emma Thompson

AUTHORISED OFFICER

Date: 13-Sep-2024

HOUSEHOLDER DELEGATED REPORT

Application Number	2024/91981
Location	14, Mill Street, Birstall, Batley, WF17 9AX
Proposal	Erection of ground floor extension with balcony above
Publicity end date	30 th August 2024
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	Unallocated, LB Airport Consult 1, High Risk Coal Referral Area
Extension to Time (EoT)	No
Recommendation	Conditional Full Permission

	NO	YES
Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)	✓	
Contrary to previous decision	✓	
Called in by Ward Member	✓	
Significant number of representations received	✓	

If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

Policy

National

National Planning Policy Framework (NPPF) December 2023
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed and beautiful places

- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	YES / NO	SUMMARY
Negotiations/Amendments during course of application	No	N/A
Parish/Town Council comments sought (Kirkburton)	No	N/A
Planning History	Yes	Planning Ref: 2021/91735*

		<p>Location: 14, Mill Street, Birstall, Batley, WF17 9AX</p> <p>Proposal: Erection of single storey extension</p> <p>Decision: FC - CONDITIONAL FULL PERMISSION</p> <p>Decision Date: 2021-10-19</p> <p>Planning Ref: 93/04598</p> <p>Location: 14, MILL STREET, BIRSTALL, BATLEY.</p> <p>Proposal: ERECTION OF 2 STOREY EXTENSION</p> <p>Decision: FC - CONDITIONAL FULL PERMISSION</p> <p>Decision Date: 1993-11-10</p> <p>*Although permission was granted it appears the proposed development for planning reference 2021/91735 was not built.</p>
Consultations required	No	N/A

Assessment

The Kirklees SPD sets out that single storey rear extensions should comply with certain parameters set out at paragraph 5.2 on page 23 (and listed below) and if they do not, they need to be justified:

Rear Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
respect the original house and garden in terms of its size and scale	Yes - the extension does not cover more than half of the total area around the original house. The proposed rear extension would; project approximately 1.3 metres from the rear of the original dwellinghouse to be in line with the rear elevation; would have an eaves height of 2.7 metres, which is considered acceptable due to the sloped nature of	

	the site; the overall height of the proposed development would be approximately 3.8 metres; and an additional width of 0.5 metres.	
use appropriate materials which match or are similar in appearance to the original house; and	Yes – materials to match existing.	
not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties.	Yes – due to the single storey nature of the proposed development, it will not overshadow neighbouring properties. The proposed extension is of a modest scale and there will be no impact on the loss of outlook of neighbouring properties. The extension is residential and will not be disproportionate to the site and neighbouring areas. The extension appears to replace an existing dining room.	

Balconies and roof terraces should be:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.		No – the proposed balcony is not screened; however, this seems acceptable due to the topography of the site. There is an approximate gap of 13m between the proposed balcony and neighbouring property, 12A Mill Street, and, again, due to the topography of the site the proposed balcony will not raise any concerns for privacy and overlook neighbouring homes. 14 Mill Street is well screened along the boundary shared with 15 bridge street and along with the position of

		the balcony, there are no concerns regarding privacy and overlooking. Balconies can be seen as a feature of the locality and therefore this would not significantly affect the local character of the area.
Sited away from locations that are sensitive to additional noise levels or disruption.	Yes – the extension is residential and will not be disproportionate to the site and neighbouring areas and is sited away from areas that are sensitive to additional noise levels or disruption. The balcony is located to the rear of the property on a slight slope overlooking the rear garden	

Design and Visual Amenity: Are the considerations in the following table acceptable?

Summary of local street scene/character:

The site to which the application site relates to is number 14 Mill Street. The property is a two-storey semi-detached dwelling constructed from brick and roofed with grey concrete tiles. The property benefits from a stepped down garden to the front, and a garden to the rear. The property is situated within a residential area and the street scene encompasses of several dwellings of a similar and mixed character appearance and scale.

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on the Local character and street scene	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The extension is generally modest in scale and due to neighbouring properties being on various topography levels, the proposed development	✓

		would not appear overly prominent. The proposed development would be located to the rear of the property and would have a low level of impact the character or street scene.	
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The original property would remain the dominant feature. Due to the small scale of the balcony, it would be subservient to the original house. The additional opening to the rear is also not considered to have any significant negative impact to the original house due to there being existing glazing on this elevation which the additional opening will replace.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	As above. The extension would project across the rear of the property and the scale and massing is limited due to the relatively small additional 0.5m width and 1.3m projection in relation to the dwelling. In addition, the balcony's lightweight appearance will reduce its impact and will project 4.4m with a width of 2.9m across the first floor level.	✓
Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Facing materials to match existing.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD 	Modest size windows in rear extension, which	✓

	<ul style="list-style-type: none"> • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	would be in-keeping with existing building.	
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • Chapter 12 of the NPPF 	Private domestic extension which would provide easy access into the main house.	✓

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Residential Amenity:

The main properties affected are:

- 12A Mill Street – there is a 13m distance between the proposed balcony and the boundary line of 12A Mill Street. This property is located upon a higher topography level and therefore there will be no/limited impact to number 12A. As such no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.
- 16 Mill Street – due to the location of the proposed extension and balcony, this property will not be impacted as the extension will not directly impact the property including access to the rear.
- 15 Bridge Street – located to the rear of the applicant site and shall see an addition of a projection and balcony to the rear elevation. However, the boundary between number 15 Bridge Street and the applicant site is screened by trees and hedges, as such no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.
- There are properties immediately to the front. However, the proposed extension is to the rear and due to the set back from the frontage of the applicant site, it will not impact the properties opposite.

In summary, the proposal will not have any adverse impact upon the residential amenity of neighbouring properties and would accord with Policy LP24 of the KLP and the Key Design Principals of the House Extensions and Alterations SPD.

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • Chapter 12 of the NPPF 	As above.	✓

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Highways and Parking: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Parking is predominantly provided on-street, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The proposed extension will have no impact on any parking provisions.	✓

Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Maintains appropriate access and off-street in-curtilage parking.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	None shown on plans however, there is sufficient space within the red line boundary to allow for storage on site. Condition not considered necessary.	✓

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

Other matters: Are the following acceptable?

	Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF	Further comments	✓ / X / N/A
Impact on trees	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	N/A	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • Chapter 14 of the NPPF 	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions. A Climate Change	✓

		Statement has been submitted with this application.	
Drainage and Flood Risk	<ul style="list-style-type: none"> • KDP 14 of the SPD • Policy LP24 (d) (vii), LP27 and LP34 of the KLP 	The rear garden and landscaping would be retained to allow for run-off. The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

Representations, including Parish/Town Council comments:

No representation received.

Conclusion:

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.

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: **CONDITIONAL FULL PERMISSION**

Decision Authorisation - Delegated Powers

Application Number:

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 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 in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	P01		22-Jul-2024
Grouped Plans and Elevations	P02 - Existing and Proposed Location and Site Plans		22-Jul-2024
General	CSS		22-Jul-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 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 was not considered necessary to seek any amendments/further information during the course of this application.

Report Dated: 12/09/2024

