

**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>2024/62/92076/E</b>
Site Address:	9, Pavilion Close, Soothill, Batley, WF17 6PW
Description:	Erection of dormer extension
Recommending Officer:	Morgan Braithwaite

**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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 29-Oct-2024**

## OFFICER REPORT

### Site Description

9, Pavilion Close, Soothill, Batley is a two-storey, semi-detached dwelling faced in artificial stone. The property benefits from parking provision to the front of the dwelling, with an area of amenity space to the rear. The dwellings that form the street scene are similar in scale, design and material palette.

The area is predominantly residential with access to places of worship, local shops and recreation areas in close proximity to the applicant property.

### Description of Proposal

This application seeks planning permission for the erection of a dormer extension to the side elevation of the applicant dwelling. The proposed dormer would span 6.5m along the side elevation, with a height of 2.4m and a projection of 2.7m. Windows would also be installed to the front and rear elevations of the existing dwelling at second floor level.

The proposed dormer would feature a flat GRP roof, three white uPVC windows and clad in grey uPVC cladding.

### Relevant Planning History

No relevant planning history.

### History of Negotiations

No alterations were requested during the course of the application.

### Representations

The application was advertised by neighbour notification letters which expired on 05.09.2024.

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
- **LP2** – 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 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) 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 applicant property is part of a recently constructed development and there are no examples of dormers on neighbouring dwelling. As such, the proposal would not be in keeping with the appearance, scale, design or local character of the area and street scene. However, it is considered that in this instance the proposal would not dominate or be larger than the original dwellinghouse and would be in keeping with the existing dwelling in terms of scale and materials. The dormer will be located to the side of the property which is relatively secluded from the wider street. As such, it will not be highly visible and will be located in a position that will negate any significant harm.

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

#### Impact on 7, Pavilion Close, Soothill, Batley, WF17 6PW

There is approximately 17.1m between the principal (east) elevation of the applicant dwelling and the side (west) elevation of the applicant dwelling. It is noted that no.7 is off-set and set forward from the applicant dwelling. The proposed dormer would be located to the north side of the applicant dwelling, as well as being set back from the roof edge. Due to the relationship between the two dwellings, the orientation and location of the dormer, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

#### Impact on 11, Pavilion Close, Soothill, Batley, WF17 6PW

No.11 is the adjoining dwelling to the south of the applicant dwelling; the proposed dormer would be located to the north. The proposed dormer would not exceed the height of the original dwellings ridge, nor would any of the proposed windows overlook the neighbouring dwelling. 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 would result in some intensification of the domestic use of the property. The proposal would see the addition of two bedrooms, creating a five-bed dwelling, as such, the property would be required to provide three off-street parking spaces. Currently, the property only possesses parking for two vehicles, however, the property holds sufficient land to develop additional parking where needed.

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

The application was advertised by neighbour notification letters which expired on 05.09.2024.

No representations have been received as a result of site publicity.

### 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 application to erect a dormer extension to 9, Pavilion Close, Soothill, Batley, WF17 6PW 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:** 2024/92076

**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 accord 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		1051832	24.07.2024
Grouped Plans and Elevations	2347-01-Existing	1051830	24.07.2024
Grouped Plans and Elevations	2347-02-Proposed	1051831	24.07.2024

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.

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

Report Dated: 23.10.2024