

**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>2024/62/92465/E</b>
Site Address:	9, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ
Description:	Erection of extensions and alterations
Recommending Officer:	Jennifer Booth

**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: 07-Nov-2024**

## **OFFICER REPORT**

### **Site Description**

9 Hollybank Avenue is a detached, chalet style bungalow of brick construction with stone detailing. The property has a garden to the front and drive to the side with a car port and garage attached to the side. The property has an enclosed garden to the rear.

The property is located on a residential cul de sac with properties of a similar age although there are variances in terms of size and design.

### **Description of Proposal**

The application is seeking planning permission for extensions and alterations to the property.

The garage and car port to the side would be replaced with a storey and a half extension with car port. The car port would be set back 1.5m from the front elevation, with the ground floor element set back a further 5.6m. The first-floor element would be set back 10.6m from the front wall with a depth of 7.3m. The roof form would be a pitch, perpendicular to the main roof with dormers in the front and rear.

The plans show a second dormer in the opposite side elevation which has been amended to serve a bathroom.

A rear extension is also proposed which would project 4m from the original rear wall and would extend across the width of the dwelling, continuing the existing pitched roof form.

The walls would be constructed using brick with tiles for the roof covering.

### **Relevant Planning History**

2001/92848 - Erection of two storey extension and dormers - approved

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The initially submitted plans raised concerns in terms of privacy with respect to the new dormer window which would have served bedroom 1 and the proposed parking. Amended plans have been received which amended the upstairs layout so the new dormer would serve a bathroom and bedroom 1 has been moved to the opposite side of the property along with a

revised parking layout. The proposals have not increased the level of development and as such, the amended plans have not been advertised.

## **Representations**

The application was advertised by neighbour letters, which expired on 18/10/2024

As a result of the above publicity, six representations have been received including a petition with 6 signatures. The material planning matters raised are summarised as follows:-

- Extensions not in keeping with the street.
- Extensions would be disproportionate to the main house.
- Lack of subservience.
- Insufficient amenity space retained to rear.
- Negative impact on the Conservation Area.
- Overshadowing.
- Overbearing.
- Loss of privacy.
- Parking.

Although other matters may have been raised such as the applicant lacking long term commitment to the area and the applicant's objections to previous applications, only material planning matters can be considered.

## **Consultation Responses**

None

## **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. Although it is noted that the property backs onto to the Upper Batley Conservation Area, the area to the rear is an open field and the host property is part of a modern development with very limited potential to impact the Conservation Area, the proposals would not be advertised as affecting the Conservation Area.

On 12<sup>th</sup> 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
- **LP 30** – Biodiversity
- **LP 35** - Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> 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 6<sup>th</sup> 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
- 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

### **Assessment**

#### 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 a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions & 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 material planning considerations, including visual and residential amenity, as well as highway safety.

It is noted that the property backs onto the boundary with the Conservation Area. However, the land to the rear is an open field. Furthermore, the property is located on a residential street with properties of a similar age and style. Therefore, the works proposed would not be viewed in terms of the Conservation Area and the scheme is considered to comply with Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

#### Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to 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 proposal under consideration consists of four distinct elements which shall be addressed below.

#### *Side extension*

Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.

The existing garage and car port would be replaced with a setback, storey and a half extension with a new car port. The design would allow the front elevation to be the main feature of the site and would be in keeping with the main house. The scale is not considered to be excessive. The materials proposed would match the main house with the use of brick for the walling with tiles for the roof covering. The side extension is therefore considered to be acceptable in terms of visual amenity.

#### *Rear extension*

Paragraphs 5.1 and 5.2 of the House Extensions & Alterations SPD go into further specific detail regarding rear extensions requiring development to

maintain the quality of the residential environment, respect the original house and use appropriate materials.

The rear extension would cover part of the rear amenity space. However, a modest space would be retained to the rear which together with the front garden is considered to be sufficient. The scale of the rear extension is therefore considered to be acceptable. The materials proposed would include the use of brick for the walls with tiles for the roof covering. The design of the rear extension would be similar to the appearance of the main house. The rear extension is therefore considered to be acceptable in terms of visual amenity.

### *Side dormer*

Paragraph 5.24 recognises that roofs are a prominent and visible element of the street scene and paragraph 5.25 states that the design of dormer windows and roof extensions should reflect the age, appearance and materials of the existing house.

The side dormer proposed would sit to the rear of the existing side dormer facing towards the adjacent neighbour, 7 Hollybank Avenue. The design is similar, the scale is modest and the materials proposed would be appropriate. The side dormer is therefore considered to be acceptable.

### *Parking*

Paragraph 4.43 of the House Extension & Alterations SPD requires consideration when providing parking to the front of a dwelling in terms of the appearance. These should retain as much of the garden and soft landscaping as possible to ensure that the street scene does not be dominated by hard surfacing.

The property has a modest drive at present. The proposals are to widen the parking area to ensure an adequate parking provision whilst retaining the majority of the garden area. The layout appears to be in line with the SPD.

### *Summary*

It is noted that the properties on this cul de sac are similar in terms of age with two design types, including the chalet bungalow style of the host property. The extensions proposed would not significantly alter the character of the host property.

Having taken the above into account, the proposals 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, KDP 1 & 2 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

### 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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

There are no properties to the rear which could be affected by the works proposed. The properties on the opposite side of the cul de sac are situated some 38m from the host property.

### *Impact on 7 Hollybank Avenue*

The adjacent neighbour to the south occupies a position which is closer to the road. As such, the host property aligns with the rear garden of the neighbouring property at a higher level. The position of the dwelling prevents any overshadowing. The new dormer would include a new window facing into the neighbour's garden. However, this would serve a bathroom and as such is not considered to result in any loss of privacy. The additional projection proposed to the rear of the host property would align with the rear most extent of the neighbour's garden and would not result in a significant increase in overbearing over and above the existing arrangements on site. As such, there are no significant concerns in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjacent 7 Hollybank Avenue, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

### *Impact on 11 Hollybank Avenue*

The adjacent neighbour to the north occupies an elevated position which is further from the road than the host property. As such, the neighbour occupies a position parallel to the rear garden of the host property with limited potential for overshadowing. There are limited openings on the side of the adjacent dwelling which is undergoing a garage conversion. The nearest window serves the newly converted area. However, the relationship is such that the side and rear extensions would have limited impact on any habitable spaces of the adjacent property. Whilst the existing dormer would serve the new bedroom 1, this looks over the drive with limited potential to overlook the new window in the recently converted garage, which is currently viewed from the

road at the front of the property. As such, there are no significant concerns in terms of overbearing, overshadowing or overlooking.

With regards to the impact on the adjacent 11 Hollybank Avenue, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact of the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 135 of the NPPF and the proposals are considered to be acceptable.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

#### Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the submitted plans show parking to the front and under the car port for at least three vehicles which is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such the scheme 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 & Alterations SPD.

#### Other matters:

##### *Biodiversity*

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

##### *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.

There are no other matters for consideration.

#### Representations:

Six representations have been received including a petition with 6 signatures. The material planning matters raised are summarised as follows:-

- Extensions not in keeping with the street  
**Officer Response:** *The appearance of the extensions and alterations has been fully addressed under the 'Visual Amenity' section of this report. In summary, the design is considered to be in keeping with the style of the host property. The set back for the side extension allows the front elevation to be read as the main feature and the rear extension and dormer are similar in appearance to the main house.*
- Extensions would be disproportionate to the main house  
**Officer Response:** *The scale and massing of the extensions and alterations has been fully addressed under the 'Visual Amenity' section of this report. In summary, the level of extension proposed is not considered to overwhelm the main house and would be in keeping with the style of the host property.*
- Lack of subservience  
**Officer Response:** *This matter has been fully addressed under the 'Visual Amenity' section of this report. In summary, the extensions and alterations allow the original house to remain the dominant feature of the site and will be subservient.*
- Insufficient amenity space retained to rear  
**Officer Response:** *Although the rear amenity space would be reduced, the property would retain adequate outdoor space to the rear of the dwelling. The plot does also benefit from a large area to the front.*
- Negative impact on the Conservation Area  
**Officer Response:** *Although it is noted that the property backs onto to the Upper Batley Conservation Area, the area to the rear is an open field and the host property is part of a modern development with very limited potential to impact the Conservation Area.*
- Overshadowing  
**Officer Response:** *The potential impact in terms of overshadowing on the adjacent neighbours has been fully addressed within the 'Residential Amenity' section of this report.*
- Overbearing  
**Officer Response:** *The potential impact in terms of overbearing on the adjacent neighbours has been fully addressed within the 'Residential Amenity' section of this report.*
- Loss of privacy  
**Officer Response:** *The potential impact in terms of overlooking on the adjacent neighbours has been fully addressed within the 'Residential Amenity' section of this report.*
- Parking  
**Officer Response:** *An amended plan has been provided which demonstrates parking for 3-4 vehicles which is in compliance with the requirements set out in the House Extension & Alterations SPD.*

Although other matters may have been raised such as the applicant lacking long term commitment to the area and the applicant's objections to previous applications, only material planning matters can be considered.

Negotiations:

None

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 to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

Conclusion:

This application to erect a side extension, rear extension, new dormer in the side and enlargement of parking at 9 Hollybank Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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 constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2024/92465

**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 & Alterations SPD and the aims 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 to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing plans	01	1056920	02/09/2024
Proposed plans	02	1064862	05/11/2024
Climate change statement	-	1056908	02/09/2024

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.

The initially submitted plans raised concerns in terms of privacy with respect to the new dormer window which would have served bedroom 1 and the proposed parking. Amended plans have been received which amended the upstairs layout so the new dormer would serve a bathroom and bedroom 1 has been moved to the opposite side of the property along with showing a revised parking layout. The proposals have not increased the level of development and as such, the amended plans have not been advertised.

**Report Dated**

06/11/2024

