

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:	2024/62/92620/E
Site Address:	3, Woodhall Drive, Healey, Batley, WF17 7SW
Description:	Demolition of existing garage and erection of two storey side extension with front porch and external alterations
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 07-Nov-2024

OFFICER REPORT

Site Description

3, Woodhall Drive, Healey, Batley, WF17 7SW is a two storey semi-detached dwelling which is set back from the street scene by a driveway and front garden.

The site benefits from front, rear and side areas of amenity space with a detached garage to the southern elevation and a large rear garden.

The immediate vicinity of the site is not uniform in design in terms of scale or design and several properties benefit from extensions and have had alterations to their materials

The site is within a low risk coal area.

Description of Proposal

Demolition of existing garage and erection of two storey side extension with front porch and external alterations

The proposal would see the creation of an area of parking to the front amenity space, which is currently garden space. This is shown as being a tarmac driveway.

Two storey side extension:

The proposed side extension would have a width of 3m, a depth of 7.1m, a maximum height of 7.6m and an eaves height of 5.4m (matching the existing dwelling). The proposal would not be set down and set back from the host dwelling.

Porch:

The porch, 1.5m beyond the front elevation of the dwelling with width of 2m, a maximum height of 3.9m and an eaves height of 3.1m.

The proposal would be constructed with all materials matching the host dwelling

Relevant Planning History

None

Representations

The application was initially advertised by neighbour notification letters, which expired on 29/10/2024. No representations have been received.

Consultation Responses

No formal consultations deemed necessary

Negotiations

N/A

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 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
- **LP22** – Parking
- **LP24** – Design
- **LP22** – Parking
- **LP53** – Contaminated and unstable 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.

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) Negotiations
- 8) Conclusion

1 – 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.

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 chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In terms of extending and making alterations to a 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.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 –Impact on visual amenity:

It is considered that the House Extension and Alterations SPD is relevant in this instance as the proposal would be an extension within a residential curtilage.

Key Design Principle 1 of the House Extension & Alterations SPD states 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 Extension & 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.

Two storey side extension:

Section 5.22 of the House extensions and alterations spd refers to two storey side and first floor side extensions and states extensions should:

- Not take up all or most of the space to the side of a house;
- maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property
- be set back at least 500mm from the front wall of the house.

Officers acknowledge that, the proposed extension would not be set down and back from the host dwelling. However, when viewing the immediate vicinity of the site, several of the properties have extensions of a similar scale which are also not set down and set back from the front elevation of the dwelling. Therefore, the proposal would have an acceptable impact on the host dwelling and the prevailing character of the area.

In particular, in this case, the dwelling to which the host property is adjoined as one of the pair of semi detached dwellings is noted to have been developed with an extension of a similar style and design to that proposed as part of this application. As such it is considered that there would be little design benefit in the setting down / back of the two storey extension to side.

Single storey front extension:

Section 5.2 of the HEASPD refers to front extensions and states that they should be:

- set back from the pavement
- subservient to the original building
- matching materials
- not impact neighbouring dwellings

As previously highlighted, there are several dwellings within the vicinity which have a single storey front extension of similar scale and design. Whilst the scale of the front extension is large for the property in terms of size and scale

in relation to the existing dwelling it is noted it would be in proportion / scale as that of the attached dwelling. As such it is considered that when viewed in the context of the attached dwelling the visual impact of the front extension would be acceptable.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

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 proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & 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.

1 Woodhall Drive: attached to the application property as a semi-detached pair.

Overlooking: The proposal would not feature any side facing windows

Overshadowing/loss of light: The two storey extension would be screened by the host dwelling and set a sufficient distance away from no.1 to not raise any concerns regarding overshadowing/loss of light. The single storey extension would not project a significant enough distance to raise any significant concerns regarding overshadowing.

Oppressiveness / Overbearing impact: the scale of the development, and siting in relation to this dwelling is such that it is considered there would not be a significant overbearing / oppressive impact as a result of the development.

5 & 7 Woodhall Drive: adjoins the application site to the south.

Overlooking: The proposal would not feature any side facing windows and would not extend beyond the rear elevation of the host dwelling. As such it is considered the impact of the development as a result of overlooking would not be significant.

Overshadowing/loss of light & Oppressiveness / Overbearing impact:

The host property is at an oblique angle to both no 5 and 7, the design of the development would see the rear corner of the two storey side extension protrude beyond the site to the boundary. This is the part closest to nos. 5 and 7. The side elevation would be at an oblique angle away from these dwellings.

Both nos 5 and 7 are at a higher land level than the host property, the distance of the rear of these dwellings (when measured along the shared

boundary, to the boundary of the site with the host property) is 7.4m. It is acknowledged this is a close relationship however a number of factors are present in this case. The fact the oblique siting of the dwelling in relation to nos 5 and 7 is a key factor insofar as it means the two storey extension is at a gradually greater distance from the rear of these properties from the nearest rear corner. In addition 5 and 7 are sited on a higher land level.

Nos 5 and 7 are south of the host property, the construction of the two storey extension would not lead to direct overshadowing occurring given the orientation of the site and whilst the development would impact upon the provision of light it is not considered this would be to such a significant degree as to warrant refusal in this case, taking account of the factors set out above.

Whilst there would be an impact as a result of the additional built form, and this would be closer to these dwellings, weight is afforded the orientation of the site, siting of the dwellings in relation to one another (insofar as they host property is at an oblique angle) distances between the two storey side extension and 5 and 7 and the fact the distance of the extension and these properties gradually increases from its closest point. In addition regard is given to the land levels in relation to these dwellings.

Overall, on balance, it is concluded that the impact of the two storey side extension of the development is such that it is concluded a reason for refusal on grounds of oppressiveness / overshadowing could not be substantiated. The overall impact to the outlook from these dwellings is not considered to be significantly affected and it is concluded the development would be acceptable in regard to the two storey side extension.

The single storey front extension is considered to be of a size, scale and distance from these dwellings such that it would not have a significant impact in terms of overlooking, overshadowing or oppressiveness / overbearing impact. This element of the development is therefore concluded acceptable in regard to 5 and 7.

9 Woodhall Drive: The proposal would not extend to the rear of the dwelling and would therefore continue the existing relationship between the properties. It is considered the development would not lead to a significant impact in terms of overlooking, overshadowing or oppressiveness / overbearing impact to this dwelling.

It is considered that the proposal would have an acceptable relationship with the neighbouring properties and their residents thus according with LP 24 of the Kirklees Local Plan, Key Design Principles 3, 5 and 6 of the Kirklees House Extensions and Alterations SPD and guidance contained within Chapter 12 of National Planning Policy Framework

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this

application. The Council's adopted Highway Design Guide and Key Design Principles 15 and 16 of the adopted House Extensions & Alterations SPD seek to ensure that acceptable levels of off street parking / waste storage areas are retained and are also considered to be relevant.

Parking provision has been provided on site; this shows two additional spaces would be created on site to the principal elevation. Neighbouring properties have a similar format in that their amenity space has been replaced with hard surfacing for parking. It is noted pd rights allow for such an alteration, subject to being permeable surfacing or draining to a permeable part of the site. Given the extent of additional accommodation and the loss of parking areas, it is considered the beneficial impact of additional parking outweighs the visual impact in this case, particularly taking account of the nature of the street scene in terms of vehicular parking pressures and the extent of additional accommodation provided as part of the proposal. A condition to secure this would be appended to any grant of permission.

There are no parking restrictions in the vicinity of the site.

The proposal would allow for bin storage within the curtilage of the dwelling.

Alterations are required to create a dropped kerb and a note will be added to the decision notice advising the applicants of the process for making alterations to the highway. In addition, whilst it is noted the plans are annotated to state tarmac surfacing, it is considered necessary to include a condition which requires either porous surfacing or the direction of surface water run off to a permeable part of the site. This condition is required to prevent surface water run off having a detrimental impact to the operation of the highway.

Subject to informative and condition it is considered the proposal would be acceptable given the fact 3 spaces are demonstrated as forming part of the development / achievable and taking account of the additional accommodation on site.

The proposal would therefore comply 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 an extension 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:

N/A

7 – Negotiations:

No revised plans have been requested during the application process

8 – 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.

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: 2024/92620

Officer Recommendation: Approve

Conditions and Reasons

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 Policies LP1, LP2, LP3, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and LP52 and Chapters 2, 4, 7, 8, 9, 12, and 14 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the plans submitted the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; provided prior to the development being brought into use and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety to accord with Policies LP21 & LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	SK01		27/08/2024
Proposed plans and elevations	S02RevG		27/08/2024
Existing Elevations	S01		27/08/2024
Climate change			27/08/2024

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 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. No revised plans have been requested during the application process.