# 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: | **2024/62/92815/E** |
| Site Address: | 6, Lower North Street, Batley, WF17 7PH |
| Description: | Erection of single storey rear extension |
| 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 26-Nov-2024**

**HOUSEHOLDER DELEGATED REPORT**

| | |
|---|---|
| **Application Number** | 2024/92815 |
| **Location** | 6, Lower North Street, Batley, WF17 7PH |
| **Proposal** | Erection of single storey rear extension |
| **Publicity end date** | 11th November 2024 |
| **Number of representations received** | None. |
| **Kirklees Local Plan Allocation/Designation** | Low Risk Coal Area, LB Airport Consult 1 |
| **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 | Na |
| Parish/Town Council comments sought<br><br>(Kirkburton) | No | N/A |
| Planning History | Yes | **Planning Ref:** 2021/93596 |

| | | |
|---|---|---|
| | | **Location:** 8, Lower North Street, Batley, WF17 7PH<br>**Proposal:** Erection of single storey rear extension<br>**Decision code:** FC<br>**Decision:** FC - CONDITIONAL FULL PERMISSION<br>**Decision Date:** 2021-11-15 |
| 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:** | **Yes - COMPLY** | **No - JUSTIFY** |
|---|---|---|
| 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. | |
| use appropriate materials which match or are similar in appearance to the original house; and | Yes – to match existing | |
| not have an adverse impact by way of overshadowing or loss of outlook of neighbouring properties. | Due to the orientation of the dwelling, the proposed extension will not overshadow neighbouring properties. Due to the modest scale of the proposed extension, there will be no impact on the loss of outlook of neighbouring properties. Similar extension at number 8. | |

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

*Summary of local street scene/character:*

The site to which this application relates is number 6 Lower North Street; a two-storey, mid-terraced, dwelling faced with stone to the front elevation, render to the rear elevation and the roof is finished with concrete tiles. The property benefits from a back garden and has an access road that runs along the rear of the property.

The site and its surrounding area are wholly residential characterised by two storey properties finished with similar materials and with various forms of rear extensions.

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 | • KDP1 of the SPD<br>• Policy LP24 Design (a) and (c) of the KLP<br>• Chapter 12 NPPF | The extension is generally modest in scale and due to the neighbouring property (number 8) having a larger extension, the proposed development would not appear overly prominent. The proposed development would be located to the rear of the property and will not impact the character or street scene across the frontage of the property. | ✓ |
| Impact on original house | • KDP2 of the SPD<br>• Policy LP24 Design (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | The original property would remain the dominant feature. | ✓ |
| Height, scale and massing | • KDP 1 and 2 of the SPD | As above. The extension would project across the | ✓ |

| | | | |
|---|---|---|---|
| | • Policy LP24 Design (a), (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | rear of the property and is single storey. | |
| Facing materials and detailing | • KDP 9 of the SPD<br>• Policy LP24 Design (d) (iii) of the KLP<br>• Chapter 12 of the NPPF | Facing materials to match exiting. | ✓ |
| Roof style | • KDP 1 and 2 of the SPD<br>• Policy LP24 Design (a), (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | Lean-to roof style – acceptable as it is in-keeping with the original roof style of the host property. | ✓ |
| Window proportions | • KDP 1 and 2 of the SPD<br>• Policy LP24 Design (a), (c) and (d) of the KLP<br>• Chapter 12 of the NPPF | Modest size windows in rear extension, which would be in-keeping with existing building. | ✓ |
| Accessibility for all users | • KDP 17of the SPD<br>• Policy LP24 Design (f)<br>• 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**: Are the considerations in the following table acceptable?

*The main properties affected are:*

- Number 4 Lower North Street – the single storey rear extension will not overshadow this property or its garden space. Due to the height/scale, there will be no impact on the first floor. No/limited impact to number 6, extension is designed to ensure privacy to neighbours and will not produce conflict relating to light and outlook due to the orientation of

the row of terraces.

- Number 8 Lower North Street – As above. Number 8 has a larger rear extension to that proposed.

- 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.

- Due to the position of the extension, there would be no impact to the properties located to the rear.

| | **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) | • KDP 3 & 4 of the SPD<br>• Policy LP24 Design (d) (iv)<br>• Chapter 12 of the NPPF | Acceptable for the reasons set out above. | ✓ |
| Impact on light and outlook of neighbours (to sides, rear and front) | • KDP 4, 5, 6 of the SPD<br>• Policy LP24 Design (b)<br>• Chapter 12 of the NPPF | As above. | ✓ |
| Remaining garden space of application property | • KDP 7 of the SPD<br>• Policy LP24 Design (b) and (c)<br>• 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** |
|---|---|---|---|

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|---|---|---|---|
| Impact on highway safety | • KDP 15 of the SPD<br>• Policy LP22 Parking (f) of the KLP<br>• 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. | ✓ |
| Parking provision | • KDP 15 of the SPD<br>• Policy LP22 Parking (f) of the KLP<br>• Chapter 12 of the NPPF | Maintains appropriate access and on street parking. | ✓ |
| Provision for waste storage | • KDP 16 of the SPD<br>• Policy LP24 Design (d) (iv)<br>• 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 | • KDP 13 of the SPD<br>• Policy LP24 Design (d) (i) (iv) Policy LP33 Trees<br>• Chapter 12 of the NPPF | N/A | ✓ |
| Impact on ecology | • KDP 12 of the SPD<br>• Policy LP30<br>• Chapter 15 of the NPPF | N/A | ✓ |

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|---|---|---|---|
| Carbon Budget / Climate change statement | • KDP 8, 9, 10 & 11 of the SPD<br>• Policy LP51<br>• 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 | • KDP 14 of the SPD<br>• 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 representations 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.

**Note:** Construction related noise shall be sensitively managed and not be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Location Plan | Location Plan | | 02-Oct-2024 |

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Grouped Plans and Elevations | Existing Plans and Elevations | | 02-Oct-2024 |
| Grouped Plans and Elevations | Proposed Plans and Elevations | | 02-Oct-2024 |
| General | Climate Change Statement | | 02-Oct-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:** 25/11/2024