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:	**2024/62/92859/E**
Site Address:	40, Highfield Drive, Birstall, Batley, WF17 9BG
Description:	Removal of existing conservatory and erection of single storey rear extension, first floor side extension with carport underneath and detached garage with garden room, raised decking and external rendering to existing dwelling
Recommending Officer:	Faiza Bano

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.

Emma Thompson

AUTHORISED OFFICER

Date: 03-Dec-2024

Officer Report

Site Description

The application site relates to 40 Highfield Drive; a two-storey semi-detached dwelling, constructed from red brick and roofed with concrete tiles. The property benefits from a garden to the front and rear with a driveway to the side – with parking available on street and 'in-curtilage'.

The property is set back from the road and the street scene is made up of residential properties of similar and mixed character and materials.

Description of Proposal

The applicant is seeking permission for the erection of a single storey rear extension, a two-storey side extension and an outbuilding. The existing house and proposed extensions are to be rendered in white K-render – this would match the neighbouring semi – with tiles for the roof form to match the existing dwelling.

The single storey rear extension would replace the existing conservatory and would project out by approximately three metres. The proposed extension would span across the width of the house and would project out to the side of the dwelling by approximately one metre. The single storey rear extension would feature a lean-to roof with roof lights.

The two-storey side extension would be set back approximately two metres from the original building line of the house, would project out by approximately 3.6 metres towards the front of the house and approximately 5.2 metres from the proposed single storey rear extension, forming an irregular polygonal shape. The proposed two-storey side extension would provide a carport at ground level, allowing vehicular access to the proposed garage (outbuilding), as well as an additional parking space. The side extension would feature a cross gabled roof.

The proposed outbuilding would combine a garage and garden room. The outbuilding would be approximately 5.5 metres in width, 12.1 metres in length, have an eaves height of 2.2 metres and an overall height of 3.9 metres. The garage would feature a gable roof, and the garden room would feature a lean-to roof, with roof lights. The outbuilding would feature access in the form of a garage door to the front, access to the side and bi-fold doors to the rear as part of the garden room.

History of Negotiations

No amendments were sought or received during the consideration of the application.

Relevant Planning History

Planning Ref: 98/92440
Location: 40, HIGHFIELD DRIVE, BIRSTALL, BATLEY.
Proposal: ERECTION OF LOUNGE EXTENSION
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 1998-09-30

Planning Ref: 2004/94204
Location: 38 HIGHFIELD DRIVE, BIRSTALL, BATLEY, WF17 9BG.
Proposal: ERECTION OF 2 STOREY EXTENSION WITH GARDEN ROOM AT BASEMENT LEVEL
Decision: FC - CONDITIONAL FULL PERMISSION
Decision Date: 2004-11-16

Representations

The application was advertised by neighbour notification letters, which expired on the 22nd of November 2024. As a result of the above publicity, no representations were received.

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, but falls within a low-risk coal area, an LB Airport Consult - Area 1 and 11, Health and Safety - EXPLOSIVE MATERIAL SITE, Hazardous Material Sites, and shows a Bat Alert 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
- **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 the 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, 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 2** – Achieving Sustainable Development
- **Chapter 12** – Achieving Well-Designed and Beautiful Places

Assessment

The following matters are considered in the assessment below:

1. Principle of development
1. Impact on visual amenity
1. Impact on residential amenity
2. Impact on highway safety
3. Representations
4. Other matters
5. Conditions
6. Conclusion

Principal of Development

The site is without notation on the Kirklees Local plan. When considering development proposals, policy LP1 of the KLP states that, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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. Key Design Policy 17 of the House Extensions and Alterations SPD states that extensions and alterations to existing houses should consider how the needs of a range of different users can be met in facilitating access and movement. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

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.

Impact on Visual Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Assessment

Single storey Rear Extension

Paragraph 5.1 of the House Extensions & Alterations SPD states that *"Rear extensions should maintain the quality of the residential environment and relate well to the neighbouring buildings. Rear extensions should generally not be visible from the street and should retain a reasonable living environment for the property being extended."*

The rear extension is modest in terms of projection and is single storey and therefore, the scale is acceptable. The proposed materials are to match the

existing dwelling, which include a finishing of white K-render and tiles. The rear extension is therefore considered acceptable.

Two storey side extension

Paragraphs 5.15, 5.19, and 5.21 of the House Extensions & Alterations SPD are pertinent to the side extension. These guidelines stipulate that the proposed development should be positioned and designed to minimise its impact on the area's character, reflect the original building's materials and detailing, and ensure sufficient space is maintained to preserve a sense of space.

The proposed development honours the guidance from the SPD as it is set back and set down from the original building line and ridge. The proposed materials are white K-render and tiles – the application proposed that the original dwelling will be finished in K-render too and the proposed development would therefore match the existing. The attached semi is also finished in white K-render, the proposed development would therefore create a sense of harmony across the street scene. The proposal suggests tiles for the roof covering and the crossed gable end roof forms an appropriate relationship between the main house and proposed extensions. The side extension is therefore considered to be acceptable in terms of visual amenity.

Outbuilding

Paragraphs 5.29 and 5.30 of the House Extensions & Alterations SPD are pertinent to outbuildings. These guidelines stipulate that wherever possible; outbuildings should reflect the style, shape, and architectural features of the existing house without compromising the surrounding space. They must be subservient in scale to the original building and garden, considering other extensions and outbuildings. Additionally, they should be set back behind the original building line to avoid impacting the street scene and preserve adequate private amenity space, ensuring no more than 50% of the garden is lost.

The proposed outbuilding reflects the style, shape and architectural features of the original dwelling, it is modest in scale and is set back behind the original building line. The proposed outbuilding doesn't negatively impact the private amenity space of the dwelling and does not result in more than a 50% loss of garden space. The proposed outbuilding is therefore considered acceptable in terms of visual amenity.

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.

In order to avoid overdevelopment of the site and detriment to visual amenity permitted development rights for any further development will be removed. This will enusre control over any future development.

Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

Assessment

There are no properties to the north, northwest (rear), northeast or immediately to the front of the application site.

38 Highfield Drive – This property is the neighbouring semi-detached property. The proposed rear extension would have limited impact on this property as it replaces the existing conservatory and 38 Highfield Drive has an existing two-storey rear extension. The rear extension is limited in terms of its size and would have no potential to result in any significant overlooking, overshadowing or overbearing.

The side extension would be located on the opposite side of the host property to the adjoining dwelling and as such would result in no overlooking, overshadowing or overbearing.

The outbuilding would be located away from the shared boundary line of the adjoining dwelling and as such would result in no overlooking, overshadowing or overbearing. In order to protect the amenity of adjoining occupants permitted development rights are removed for future development.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposals will result in some intensification of the domestic use. However, the property has a parking area to the front and rear. Furthermore, the car port element on the ground floor would allow for vehicle access. The parking for the property therefore has sufficient parking.

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

Carbon Budget

On the 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.

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.

There are no other matters for consideration.

Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitutes 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: APPROVE

Decision Authorisation: Delegated Powers Application Number: 2024/92859 Officer Recommendation: Approval

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

   Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and 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
Grouped Plans and Elevations	2024/464/01 - Existing Elevations & Floor Plans		08-Oct-2024
Proposed Site / Block Layout	2024/464/08 - Proposed Site Plan		08-Oct-2024
Grouped Plans and Elevations	2024/464/07 - Proposed Garage		08-Oct-2024
Proposed Elevations	2024/464/04 - Proposed Rear Elevation		08-Oct-2024
Proposed Elevations	2024/464/03 - Proposed Side Elevation		08-Oct-2024
Proposed Elevations	2024/464/02 - Proposed Front Elevation		08-Oct-2024
Proposed Floor Plans	2024/464/06 - Proposed First Floor Plan		08-Oct-2024
Proposed Floor Plans	2024/464/05 - Proposed Ground Floor Plan		08-Oct-2024
Location Plan	Location Plan		08-Oct-2024
General	Climate Change Statement		08-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 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. As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 2nd December 2024