

**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:	2024/62/93383/E
Site Address:	76, Upper Batley Lane, Batley, WF17 0NP
Description:	Demolition of existing conservatory and erection of replacement single storey rear extension with carport infill
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Feb-2025

Officer Report

Site Description

The site to which this application relates to is 76, Upper Batley Lane, Batley, WF17 0NP; a semi-detached dwelling, constructed from red brick and roofed with concrete tiles. The property is set back from the street and benefits from amenity areas to the front and rear of the property and a large driveway to the front. The site boundary is screened by close boarded fencing to the rear and is open to the front.

Description of Proposal

The application has been received for the erection of an infill extension under the carport, a single storey rear extension, and two storey Rear extension. The proposal would be constructed from materials that match the existing dwellinghouse and house windows looking to various amenity areas of the dwelling. The measurements of the scheme are as follows:

Single Storey Side Extension

The infill extension under the carport would span across the area of the first floor. It is to be in line with the side building line of the original dwelling. The materials used to construct the extension will match the existing materials.

Single Storey Rear Extension

The single storey rear extension will be replacing the existing conservatory. The proposed extension would feature a pitched roof and would project out approximately 3.5 metres from the principal wall of the rear elevation. The extension would feature a width of approximately 3.2 metres, an eaves height 2.5 metres of and an overall height of 3.6 metres.

Two Storey Rear Extension with Enlarged Hipped Roof

The proposed two storey rear extension presents as an infill extension to along the rear elevation of the property. The proposed extension would project out by 2.8 metres and span a width of 2.5 metres. The proposed infill extension would form an enlarged hipped roof along the side elevation of the dwelling.

The ground floor level will feature an en-suite bathroom and utility room, whilst the first-floor level will feature an en-suite and larger bathroom. The extension will have an eaves height of 5.3 metres and an overall height of the hipped roof will remain the same.

History of Negotiations

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

Relevant Planning History

Planning Ref: 2003/90852

Location: 76, UPPER BATLEY LANE, BATLEY, WF17 0NP.

Proposal: ERECTION OF CONSERVATORY

Decision code: FC

Decision: FC - CONDITIONAL FULL PERMISSION

Decision Date: 2003-04-15

Representations

The application was advertised by neighbour notification letters, which expired on the 31st January 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 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 2024, 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 Side Extension

The infill extension and external alterations pertain to the front elevation of the dwelling. The extension and fenestration would be visible from the street and the infill will be constructed from materials to match the existing dwelling and will form a ground floor level beneath the carport.

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.*” and “*...is usually unacceptable where the roof pitches and heights in the street scene are consistent.*”

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, and the proposed roof form is pitched. The rear extension is therefore considered acceptable.

Two Storey Rear Extension with Enlarged Hipped Roof

The proposed two-storey side extension's design is visually acceptable for the reason that it mirrors the original property's simple form. The eaves height, roof shape, and materials will match the existing structure. It is recognised that the extension will appear as a continuation of the existing 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

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 rear of the application site.

74 Upper Batley Lane – The subject property is a neighbouring semi-detached dwelling. The side elevation of this property extends beyond the rear building line of the applicant site. The proposed infill ground floor and rear extensions, which includes the replacement of the existing conservatory, is limited in size and is expected to have minimal impact on the neighbouring property. It is designed to avoid any significant overlooking, overshadowing, or overbearing effects.

The proposed two-storey rear extension, effectively serves as an infill. From review of the windows within the side elevation of No.74, Officers consider these to be non-habitable or secondary windows.

Secondly, the properties are southwest-facing, ensuring that the extension will not significantly overshadow the habitable room window. The orientation and positioning ensures adequate natural light continues to reach the neighbouring property. The addition of the extension will not significantly change the amount of overshadowing as the existing dwelling does.

Additionally, the proposed extension will not result in any substantial loss of privacy, as there will be no windows in the extension that face the neighbouring property's amenity area.

In conclusion, the proposed two-storey rear extension has been designed to minimise any potential impact on the neighbouring property. Therefore, it is considered that the extension is acceptable and as such, these extensions will not result in any overlooking, overshadowing, or overbearing impacts on number 74.

78 Upper Batley Lane – This property is the adjoining semi-detached dwelling. The proposed two storey rear and infill extensions will have no impact on this property as they are situated on the opposite side of the host property from number 78.

The single storey rear extensions will replace the existing conservatory and will have minimal impact on number 78 as they have a similar extension. There will be no concerns regarding loss of light, outlook or privacy.

The fenestrations for habitable rooms face the front and rear amenity spaces of the applicant's site, with no windows facing the rear amenity area of number 74 and 78 and are therefore considered acceptable.

14 Lark Hill – This property is situated opposite the application site. There is a substantial separation distance between the front elevation of number 76 and the rear elevation of number 14. Consequently, it is determined that there would be minimal impact on number 14.

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.

Assessment

The proposals will increase the number of bedrooms from 3 to 4, resulting in some intensification of domestic use. However, the property has a front parking area large enough to accommodate more than three cars. Therefore, it is determined that the property has sufficient parking provision to serve the development.

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.

Assessment

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:
2024/93383**

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.

1. 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.

2. 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 LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within 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
Proposed Elevations	Proposed Party Wall Elevation		29-Nov-2024
Proposed Elevations	Proposed Side Elevation		29-Nov-2024
Proposed Elevations	Proposed Front and Rear Elevations		29-Nov-2024
Existing Elevations	Existing Side Elevation		29-Nov-2024
Existing Elevations	Existing Party Wall Elevation		29-Nov-2024
Existing Elevations	Existing Front and Rear Elevations		29-Nov-2024
Plan General	Proposed Roof Plan		29-Nov-2024
Proposed Floor Plan	Proposed First Floor Plan		29-Nov-2024
Plan General	Existing Roof Plan		29-Nov-2024
Proposed Floor Plan	Proposed Ground Floor Plan		29-Nov-2024
Existing Floor Plans	Existing First Floor Plan		29-Nov-2024
Existing Floor Plans	Existing Ground Floor Plan		29-Nov-2024
Proposed Sit / Block Layout	Proposed Site Plan		29-Nov-2024
Grouped Plans and Elevations	Existing Site and Location Plan		29-Nov-2024
General	24-CAS-011 - climate-change-statement		29-Nov-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:

4th February 2025

