

**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:	2025/62/90054/E
Site Address:	10, Welwyn Avenue, Carlinghow, Batley, WF17 8DU
Description:	Erection of two storey side extension
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: 13-Mar-2025

HOUSEHOLDER DELEGATED REPORT

Application Number	2025/90054
Location	10, Welwyn Avenue, Carlinghow, Batley, WF17 8DU
Proposal	Erection of two storey side extension
Publicity end date	6 th March 2025
Number of representations received	None.
Kirklees Local Plan Allocation/Designation	LB Airport Consult - Area 1, DEVELOPMENT_LOW_RISK_AREA
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 2024
National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed 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	N/A
Parish/Town Council comments sought	No	N/A
Planning History	Yes	<u>Planning Ref: 2021/91028</u>

	<p>Location: 10, Welwyn Avenue, Carlinghow, Batley, WF17 8DU App Type: HHPD EXTENSION Registration Date: 2021-03-11 Proposal: The proposal is for erection of single storey rear extension. The extension projects 4.5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.4m, the height of the eaves of the extension is 3m Decision code: NA Decision: NA - DETAILS APPROVED Decision Date: 2021-04-15</p> <p>Planning Ref: <u>2024/93236</u> Location: 10, Welwyn Avenue, Carlinghow, Batley, WF17 8DU App Type: HHPD EXTENSION Registration Date: 2024-11-13 Proposal: The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.7m, the height of the eaves of the extension is 2.4m Decision: RF - REFUSED Decision Date: 2024-12-19</p> <p>Planning Ref: <u>93/04372</u> Location: 26, WELWYN AVENUE, CARLINGHOW, BATLEY. Proposal: ERECTION OF 2-STOREY EXTENSION Decision code: FC Decision: FC - CONDITIONAL FULL PERMISSION Decision Date: 1993-11-10</p> <p>Planning Ref: <u>2003/92107</u> Location: 17, WELWYN AVENUE, CARLINGHOW, BATLEY, WF17 8DU. Proposal: ERECTION OF SINGLE STOREY EXTENSION Decision code: FC</p>
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		<p>Decision: FC - CONDITIONAL FULL PERMISSION Decision Date: 2003-07-14</p> <p>Planning Ref: <u>2006/94117</u> Location: 17,WELWYN AVENUE,BATLEY,WF17 8DU Proposal: ERECTION OF FIRST FLOOR EXTENSION Decision code: FC Decision: FC - CONDITIONAL FULL PERMISSION Decision Date: 2006-12-06</p> <p>Planning Ref: <u>99/90256</u> Location: 8 WELWYN AVENUE, BATLEY. Proposal: ERECTION OF 2 STOREY EXTENSION Decision code: FC Decision: FC - CONDITIONAL FULL PERMISSION Decision Date: 1999-03-10</p>
Consultations required	Yes	<p>KC Environmental Health –</p> <p><u>Contaminated Land</u></p> <p>This site of the proposed development is not situated on land identified as potentially contaminated; it is however close to historic landfill. Groundworks will be necessary; a watching brief should be observed in relation to unexpected contamination and we therefore recommend a condition.</p> <p><u>Construction Related Noise</u></p> <p>The area generally is residential in nature, and we recommend a condition to ensure construction noise associated with the proposal does not cause loss of amenity to existing residents.</p> <p>Conditions recommended.</p>

Assessment

The Kirklees SPD sets out that two storey side extensions should comply with certain parameters set out at paragraph 5.20 on page 29 (and listed below) and if they do not, they need to be justified:

Two Storey Side Extensions Should:	<u>Yes - COMPLY</u>	<u>No - JUSTIFY</u>
not take up all or most of the space to the side of a house;	The proposed extension projects out by 3.7 metres. The design and scale are in keeping with the character of the area. No significant adverse effects will occur on neighbouring properties. Considered acceptable.	
maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and	Yes – a gap of 1.31 metres will be retained from the side boundary.	
be set back at least 500mm from the front wall of the house.		<p>No – however, the proposed extension does not surpass the principal element along the front elevation.</p> <p>The property is an end terrace and due to the orientation of the adjacent property, No.8 Welwyn Avenue (which has been extended in a similar manner), the design as proposed would not result in significant detriment to the character of the host property or street scene.</p> <p>The proposed extension will not cause any issues regarding loss of light, outlook or overshadowing on neighbouring properties due to it being an end terrace property.</p>

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

Summary of local street scene/character:

The site to which the application site relates to is number 10 Welwyn Avenue. The property is an end terrace dwelling constructed from stone and is roofed with tiles. The property benefits from a garden to the front and rear, with an accessible driveway to the front. The property is situated within a residential area and the street scene encompasses several dwellings of the same size, design and scale.

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	<ul style="list-style-type: none"> • KDP1 of the SPD • Policy LP24 Design (a) and (c) of the KLP • Chapter 12 NPPF 	The extension is generally modest in scale and would not appear overly prominent. The proposed development would be located to the side of the property and will not impact the character or street scene across the frontage of the property.	✓
Impact on original house	<ul style="list-style-type: none"> • KDP2 of the SPD • Policy LP24 Design (c) and (d) of the KLP • Chapter 12 of the NPPF 	The original property would remain the dominant feature.	✓
Height, scale and massing	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	As above. The extension would project across the side of the property. The proposed development consists of a two-storey extension to the side.	✓

Facing materials and detailing	<ul style="list-style-type: none"> • KDP 9 of the SPD • Policy LP24 Design (d) (iii) of the KLP • Chapter 12 of the NPPF 	Facing materials to match existing.	✓
Roof style	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Pitched style to extensions. The two-storey side extension creates a gable end that is in line with the original roof. Roof style is acceptable as they are in-keeping with the original roof style of the host property.	✓
Window proportions	<ul style="list-style-type: none"> • KDP 1 and 2 of the SPD • Policy LP24 Design (a), (c) and (d) of the KLP • Chapter 12 of the NPPF 	Modest size windows in extensions, which would be in-keeping with existing building.	✓
Accessibility for all users	<ul style="list-style-type: none"> • KDP 17 of the SPD • Policy LP24 Design (f) • 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:

- 7 Welwyn Avenue – Located to the southwest of the application site. This property shall see additional massing and bulk to the application site. However, due to the orientation of number 7, the new fenestrations will not directly affect this property and therefore no issues of overbearing/overshadowing and privacy will arise.
- 8 Welwyn Avenue – Located to the south of the application site. The proposed extensions will not overshadow this property or its garden space. Due to the orientation and positioning, there will be no impact

on the first floor. No/limited impact to number 8, extension is designed ensure privacy to neighbours and will not produce conflict relating to light and outlook.

- 9 Welwyn Avenue – Located opposite (west) the application site. This property shall see an increase in massing and bulk, including new fenestrations. Given that there is more than 21 metres between the front elevations of these properties, no issues regarding privacy will arise.
- 12 Welwyn Avenue – Located north of the application site. The proposed works are located to the opposite side of the shared boundary and there will be no impact on this property.
- 17 Fairview Avenue – Located to the rear of the application site. This property shall see an increase in massing and bulk, including new fenestrations. Given that there is more than 30 metres between the rear elevations of these properties, no issues regarding privacy will arise.

	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)	<ul style="list-style-type: none"> • KDP 3 & 4 of the SPD • Policy LP24 Design (d) (iv) • Chapter 12 of the NPPF 	Acceptable for the reasons set out above.	✓
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> • KDP 4, 5, 6 of the SPD • Policy LP24 Design (b) • Chapter 12 of the NPPF 	As above.	✓
Remaining garden space of application property	<ul style="list-style-type: none"> • KDP 7 of the SPD • Policy LP24 Design (b) and (c) • 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
Impact on highway safety	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Parking is predominantly provided on-street and in curtilage at the front, which remains acceptable due to the location of this property and the neighbouring houses – off the main through-fare. The property also has a driveway big enough to fit a car after the construction of the proposed extension, and the submitted site plan indicates that a parking area is to be provided to the front of the dwelling.	✓
Parking provision	<ul style="list-style-type: none"> • KDP 15 of the SPD • Policy LP22 Parking (f) of the KLP • Chapter 12 of the NPPF 	Maintains appropriate access and off-street in-curtilage parking.	✓
Provision for waste storage	<ul style="list-style-type: none"> • KDP 16 of the SPD • Policy LP24 Design (d) (iv) • 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	<ul style="list-style-type: none"> • KDP 13 of the SPD • Policy LP24 Design (d) (i) (iv) Policy LP33 Trees • Chapter 12 of the NPPF 	N/A	✓
Impact on ecology	<ul style="list-style-type: none"> • KDP 12 of the SPD • Policy LP30 • Chapter 15 of the NPPF 	N/A	✓
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> • KDP 8, 9, 10 & 11 of the SPD • Policy LP51 • 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	<ul style="list-style-type: none"> • KDP 14 of the SPD • 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:

The application was advertised via neighbour notification letters.

4. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

NOTE No construction related noise shall 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action

and invalidating the permission if the planning condition is a pre commencement condition.

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
Grouped Plans and Elevations	Existing Plans and Elevations		17-Jan-2025
Grouped Plans and Elevations	Proposed Plans and Elevations		17-Jan-2025
Proposed Site/Block Layout	Site Plan		17-Jan-2025
Location Plan	Location Plan		17-Jan-2025
General	Climate Change Statement		17-Jan-2025
General	Justification Statement		17-Jan-2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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: 12/03/2025

