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**Report of the Head of Strategic Investment****HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 25-Jan-2018****Subject: Planning Application 2017/93932 Erection of single storey rear extension and ramp (within a Conservation Area) 15, Talbot Street, Batley, WF17 5AW****APPLICANT**

M Loonat

**DATE VALID**

21-Nov-2017

**TARGET DATE**

16-Jan-2018

**EXTENSION EXPIRY DATE**

31-Jan-2018

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Batley East**

No

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION: APPROVAL**

**Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1 The application is brought to the Heavy Woollen Planning Sub Committee as the applicant is related to a local ward Councillor. This is in accordance with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 15, Talbot Street, Batley. It is a two-storey, mid terraced house dating from the Victorian era. The external walls are natural stone and it has a dual pitched roof surfaced in slates.
- 2.2 It fronts directly onto the road with several steps up to the front door and several steps down to the basement level. To the side is a passageway at ground floor level leading to yard at the back containing small outbuilding.
- 2.3 The back yard is enclosed by single storey, flat roofed extensions to the neighbouring properties and a wall approximately 1.8m high on the rear boundary of the site.
- 2.4 The surrounding area is residential in nature with mainly terraced and back to back houses lining both sides of Talbot Street, with many extended in various ways.
- 2.5 The application site and its surroundings are within Station Road, Batley Conservation area.

**3.0 PROPOSAL:**

- 3.1 Planning permission is sought to erect a single storey rear extension and ramp (within a Conservation Area).

- 3.2 It would have a rectangular footprint 4.9m projection x 3.3m wide. Designed with a mono-pitched roof approximately 3.1m to eaves level and 4.6m overall height (adjacent to the mutual boundary with neighbouring property at 13, Talbot Street).
- 3.3 It would be positioned to the side of the back door, with ramp up to the threshold.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 None at the application site.

At neighbouring property 13, Talbot Street:

01/91700 – erection of single storey kitchen, w c / shower extension. Conditional full permission.

At neighbouring property 17, Talbot Street:

17/93890 – erection of single storey rear extension (within a conservation area). Pending determination.

07/92712 – erection of single storey extension (within a conservation area). Conditional full permission.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 No negotiations have taken place during the course of this application.

#### **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The application is unallocated on the Kirklees Unitary Development Plan proposals map although it is within the designated Station Road, Batley Conservation Area. This is also the case on the Kirklees Publication Draft Local Plan.

## **Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

- 6.2    **D2** – Unallocated land  
      **BE1** – Design principles  
      **BE2** – Quality of design  
      **BE5** – Preservation and enhancement of conservation areas  
      **BE13** – Extensions to dwellings (design)  
      **BE14** – Extensions to dwellings (scale)

## **Kirklees Publication Draft Local Plan (PDLP):**

- 6.3    **PLP1** – Presumption in favour of sustainable development  
      **PLP2** – Place shaping  
      **PLP21** – Highway safety and access  
      **PLP24** – Design  
      **PLP35** – Historic environment

## **National Planning Policy Framework (NPPF):**

- 6.4    Core principles  
      **Chapter 7** – Requiring good design  
      **Chapter 12** – Conservation and enhancement of the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1    As a result of the application publicity, two letters of representations have been received. A summary of the concerns is as follows:
- Overshadowing to properties at the rear.
  - The proposal will block their view.
  - The proposal will cause overcrowding and is over development of the site, causing obstruction.
  - Overlooking yard from windows in the side elevation.
  - Railings are in the way of a pillar they proposed to erect.
  - Surface water drainage will be towards their property

## **8.0 CONSULTATION RESPONSES:**

- 8.1    **Statutory:**  
      None

- 8.2    **Non-statutory:**

**KC Conservation and Design:** Proposals are considered to preserve the character of the conservation area, thereby compliant with relevant policies.

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated and within the Station Road, Batley Conservation Area on the UDP proposals map. As such, Policies D2 and BE5 are relevant. Policy D2 states that development can be supported provided it does not prejudice a certain set of criteria including residential and visual amenity, highway safety, and the character of the surrounding area. Policy BE5 requires extensions to respect the architectural qualities of the surrounding buildings and materials of construction, and contribute to the preservation or enhancement of the character or appearance of the area. Policy PLP35 of the PDLF is also relevant, relating to the historic environment, as is national policy in chapter 12 of the NPPF which highlights the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.2 In this instance the proposed single storey rear extension would be designed with a mono-pitched roof and external materials to match the existing. In addition numerous properties in the same row have a variety of extensions to the rear in various designs which fill, to a significant degree, their back gardens. Given these circumstances it is considered that the proposed extension would be in keeping with the design of the host dwelling and the character of the surrounding area.
- 10.3 As such the principle of the proposal is considered acceptable subject to compliance with residential amenity and highway safety matters.

### Urban Design issues

- 10.4 The site is in the Station Lane, Batley Conservation Area and the proposal seeks a single storey rear extension to a two-storey inner terraced property. The existing properties are built in natural stone and numerous other houses in the area have various extensions to the rear including those to either side of the application site which have single storey rear extensions.
- 10.5 The proposed extension is designed with a mono-pitched roof and abuts the boundary with 13, Talbot Street where there is a similar extension in red brick. It would fill approximately 2/3<sup>rd</sup> the width of the rear elevation and project to the back boundary wall. There would also be a ramp up to the back door.
- 10.6 Within the context of the surrounding area and given the use of matching external materials and sympathetic roof design, it is considered that it would respect the design features of the existing house and adjacent buildings. In addition in officers opinion it would retain the intrinsic value of the host dwelling and the original building remains the dominant element.
- 10.7 The proposal has also been assessed by the Council's Conservation and Design officers who consider that the proposal would preserve the character of the conservation area and recommend the use of conservation style roof lights.

- 10.8 With the inclusion of the recommended conditions, the proposal is considered acceptable from officers from an urban design and heritage perspective, compliant with Policies BE1, BE2, BE5 and BE13 of the UDP, Policies PLP1, PLP2, PLP24 and PLP35 of the PDLP, together with chapters 7 and 12 of the NPPF.

#### Residential Amenity

- 10.9 The impact of the development on residential amenity needs to be considered in relation to Policies D2 and BE14 of the UDP, Policy PLP24 of the PDLP, and a core principle of the NPPF.
- 10.10 In relation to the neighbouring property at 13, Talbot Street, the proposed extension would be close to the mutual boundary where there is the blank side elevation of an existing single storey extension with the same projection and similar overall height. Given these circumstances, it is thought that the proposal would have no significant detrimental impact upon the residential amenities of the occupiers of this neighbouring property.
- 10.11 In relation to the neighbouring property at 17, Talbot Street, the proposed extension would have a side elevation looking directly onto the facing side elevation of an existing single storey extension at 17, Talbot Street.
- 10.12 In terms of overshadowing and overbearing impact, the proposed extension is single storey and designed with a mono-pitched roof that slopes up and away from the elevation that faces 17, Talbot Street. In addition there would be a separation distance of approximately 3.6m between the facing elevations. Given these circumstances it is considered that this impact would be relatively limited.
- 10.13 In terms of overlooking, whilst the proposed extension would have windows (to a kitchen and shower) in its side elevation, the facing elevation of the existing extension at 17, Talbot Street is blank, and there would be a separation distance of approximately 3.6m. In this context, it is considered that the proposal would also have relatively limited impact on the privacy of the occupants of 17, Talbot Street.
- 10.14 In relation to 25, George Street, this neighbouring property is a 2-storey terraced house with single storey rear extension, located on land to the rear of the application site. Between its rear elevation and the back of the proposed extension is a narrow strip of land containing a shed.
- 10.15 In terms of overshadowing and overbearing, whilst the proposed extension would abut the boundary and would be higher than the existing boundary wall, it is a single storey extension which is less than the width of the house. In addition there would be a separation distance of around 7.0m between the rear of the proposed extension and facing elevation of a 5.7m extension to 25, George Street. As such it is considered that the impact would be relatively limited over and above that already created by the host dwelling, boundary wall and outbuilding (which is to be removed), or the shed which is on land in the intervening space.
- 10.16 In terms of overlooking, no openings are shown in the facing rear elevation and new openings could be controlled by condition.

- 10.17 No other properties would be affected by the proposed development.
- 10.18 In all, the proposal is considered satisfactory from a residential amenity perspective and would accord with the aims of Policy D2 of the UDP, Policy PLP24 of the PDLP, as well as one of the core principles of the NPPF.

#### Highway issues

- 10.19 The proposed extension is within the back yard of the dwelling and will not impact upon highway safety of the site, complying with Policy D2 of the UDP as well as Policy PLP21 of the PLDP.

#### Representations

- 10.20 Two representations have been received and both object to the proposal. The objections can be summarised and are addressed by officers as follows:

- Overshadowing to properties at the rear.

**Response:** The property directly at the back of the proposed development is a two-storey end terraced house with single storey extension at the back which projects around 5.7m and contains windows to kitchen and study. The proposed extension would also be single storey and positioned to the south east, maintaining a separation distance of around 7.0m between facing elevations. In the intervening space is a shed and some walls and fences compartmentalising the back garden.

The back boundary wall of the application site is around 2.0m high with a slightly higher outbuilding which is to be removed, and the neighbouring properties already have single storey rear extensions which abut their rear boundaries or are close to them.

Whilst the proposed extension would have some additional massing over and above the height of the existing boundary wall, given the circumstances described above, it is thought that the extra massing would have relatively limited overshadowing impact.

- The proposal will block their view.

**Response:** This is not a material planning matter.

- The proposal will cause overcrowding and is over development of the site, causing obstruction.

**Response:** Although the proposal will fill much of the ground area of the back yard at the application site, it is a single storey extension similar to others in the area. In these circumstances it would not amount to overdevelopment of the site and it would be unreasonable to recommend refusal on these grounds.

- Overlooking yard from windows in the side elevation.

**Response:** the proposed extension has two windows in the side elevation which faces onto the blank side elevation of an existing extension at 17, Talbot Street. These windows are to a shower room (which is likely to be obscurely glazed) and a kitchen (which is classed as non-habitable). There would be a gap of around 3.6m between the facing elevation and within this space narrow yard / access path around 1.6m wide adjacent to the side of the rear extension at 17, Talbot Street.

Whilst views from the proposed kitchen window would look onto the yard / access path, it is considered that in these circumstances the invasion of privacy would be relatively limited.

- Railings are in the way of a pillar they proposed to erect.

**Response:** The proposed railings to a ramp giving access to the back door of the application site would be within the red line boundary of the application site. Access rights would be a civil matter between the land owners.

- Surface water drainage will be towards their property

**Response:** The proposed extension is designed with a mono-pitched roof. Water run-off from the roof would be caught in the gutter and directed to a rain water down pipe close to the rear boundary wall.

### Other Matters

- 10.21 *Impact upon proposed extension at 17, Talbot Street* - The adjoining neighbouring property at 17, Talbot Street has submitted a planning application for a single storey rear extension (reference 2017/93890) which is currently pending determination. It would be a side extension to the existing single storey rear extension and form a canopy over yard / access path supported by two pillars.
- 10.22 When the two proposed applications are viewed together it appears that the two support pillars would be close to the mutual boundary with 15, Talbot Street and a proposed access ramp with railings. Each application is assessed on its own merits and it is considered that the proposed extension and access ramp at 15, Talbot Street would have no prejudicial impact upon the application at 17, Talbot Street. Each proposal is within the red line boundary of the respective application and any dispute over the position of the boundary or the position of railings or pillars would be a civil matter between the land owners.
- 10.23 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 Taking the above into account, the proposals are considered satisfactory from a visual and residential amenity perspective, as well as heritage and highway safety considerations.
- 11.2 The concerns raised in the representations have been carefully considered however, the planning application has been assessed against the relevant policies in the Unitary Development Plan, the emerging Publication Draft Local Plan and core planning principles of the NPPF and it is considered by officers that the application meets the requirements set out within the relevant policies and is therefore recommended approval.



11.3 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.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 year time period for commencement.
2. Development in accordance with the approved plans and specifications. materials to match those on the host dwelling.
4. Conservation style roof-lights.
5. No new window openings in the rear elevation of the proposed extension.

**Background Papers:**

Application and history file

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93932>

Certificate of Ownership – Certificate A signed and dated 15/11/2017