
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 25-Jan-2018****Subject: Planning Application 2017/93890 Erection of single storey rear extension (within a Conservation Area) 17, Talbot Street, Batley, WF17 5AW****APPLICANT**

Ebrahim Ismail Loonat

DATE VALID

13-Nov-2017

TARGET DATE

08-Jan-2018

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Batley East

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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 This application is reported to sub-committee following a request from Ward Councillor Mahmood Akhtar who states: *“As I understand there are concerns regarding the impact of the development on the amenities of the adjoining property in terms of overbearing and oppressive impact as well as potential overshadowing and I would like the members to visit the site and consider the proposal in terms of the impact on residential amenity”.*
- 1.2 Cllr Akhtar has also requested members visit the site to appreciate the impact upon the neighbouring property.
- 1.3 The Chair of the Heavy Woollen Planning Sub-Committee has confirmed that Cllr Akhtar’s reason for making this request is valid having regard to the Councillor’s protocol for planning committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, no.17 Talbot Street is a stone built mid-terraced dwelling. The front door of the property opens onto the back of the pavement and has a passage to the side on the ground floor. The dwelling has an existing single storey extension to the rear of the property, an outbuilding, and a very limited yard area to the rear.
- 2.2 The property is sited with the Station Road, Batley Conservation Area which is characterised by a combination of industrial buildings and terraces. There are similar terraced properties on both side of Talbot Street with small yard areas to the rear and many of the properties have existing single storey extensions.

3.0 PROPOSAL:

- 3.1 The applicant is seeking planning permission to alter the roof over the existing extension and increase its width to incorporate a canopy. The width would be increased by 1.8m, to cover the entrance to the passage and the roof would be altered from a lean to roof form to a flat roof. The extension would be supported on stone columns.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The host property:- 2007/92712 – erection of single storey rear extension – granted
- 4.2 The adjoining 15 Talbot Street has a current planning application pending consideration for a single storey rear extension with a ramp under application reference 2017/93932
- 4.3 The adjoining 19 Talbot Street has had a number of applications including 2003/94968 – erection of dormers approved, 2004/92980 – raising of the existing roof and formation of dormers refused and 2013/93500 – erection of single storey rear extension approved.

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 Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (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 site is unallocated but within the designated Station Road, Batley Conservation Area on the UDP proposals map. This is also the case of the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated land
 BE1 – Design principles
 BE5 – Development with a Conservation Area
 BE13 – Extensions to dwellings (design principles)
 BE14 – Extensions to dwellings (scale)
 T10 – Highway Safety
 T19 – Parking

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:

- 6.4 **Chapter 7** – Requiring good design
 Chapter 12 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 5 Objections from 4 residents have been received as a result of the site publicity. A summary of the issues raised are as follows:-
- The canopy would block access to the rear of the adjoining 15 Talbot Street.
 - The rear of the dwelling would be overdeveloped with the canopy as well as the existing extension and outbuilding.
 - Overshadowing of the neighbouring property.
 - Potential for water issues with the flat roof.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K.C. Conservation & Design – The 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 within the UDP proposals map. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of Policy D2 (specific policy for development on unallocated land).
- 10.2 The property is however sited with the Station Road, Batley Conservation Area which is characterised by industrial mills and terraces. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to Policy BE5 and chapter 12 of the National Planning Policy Framework.
- 10.3 These issues along with other policy considerations will be addressed below.

Visual Amenity

- 10.4 The properties on Talbot Street are similarly aged terraced properties, some of which have been extended. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.5 There is a shared passageway on the ground floor between the host property and the adjoining 15 Talbot Street. The dwelling also has an existing single storey rear extension which extends across the existing rear elevation of the property. It is appreciated that the proposed canopy would extend over the passageway, which is the bulk of the already limited remaining amenity space. However, the character of the area is urban and built up. As such, this would not be considered to be out of place within the wider area.
- 10.6 Whilst flat roof forms are not generally considered to represent good design, in this instance, the canopy would continue the roof type of the existing extension and would therefore form an acceptable relationship with the host dwelling.
- 10.7 The materials proposed include stone columns to support the canopy which would match the main dwelling and would have an acceptable appearance.
- 10.8 The canopy would not enhance the conservation area, however it would preserve the existing built up character and thus, sustain the significance of the historic character of the conservation area.
- 10.9 Having taken the above into account, the proposed canopy would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE5, BE13 and BE14 of the UDP, Policies PLP24 and PLP35 of the PDL, and the aims of chapters 7 and 12 of the NPPF.

Residential Amenity

- 10.10 The scale of the development is small relative to the existing dwelling and would have no significant impact upon the amenities of the occupiers of the property to the rear, 27 George Street.
- 10.11 The canopy would be located on the opposite side of the existing extension to the adjoining 19 Talbot Street and would therefore have no impact upon the amenities of the occupiers of the adjoining property.
- 10.12 The canopy would have the potential to impact upon the amenities of the occupiers of the adjoining 15 Talbot Street. However, the canopy would abut the back door of the neighbouring property. Furthermore, the bulk of the impact upon the amenity space of the adjoining property is already caused by the existing extension. As such, there would be no significant harm upon the amenities of the occupiers of the adjoining 15 Talbot Street over and above the existing arrangements on site.
- 10.13 Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policies D2, BE1 and BE14 of the UDP, as well as Policy PLP24 of the PDLF.

Highway issues

- 10.14 The proposals will result in no intensification of the domestic use at the site. Therefore, the scheme would not represent any additional harm in terms of highway safety, complying with Policies D2, T10 and T19 of the UDP as well as Policy PLP21 of the PDLF.

Representations

- 10.15 5 Representations were received from 4 neighbours. The concerns raised are summarised and responded to, by officers, as follows:-
- The canopy would block access to the rear of the adjoining 15 Talbot Street.
Officer response: Access is a civil issue and as such cannot be a material consideration.
 - The rear of the dwelling would be overdeveloped with the canopy as well as the existing extension and outbuilding.
Officer response: This is a material consideration. The rear of the property has been substantially developed. However, the canopy would not be out of place within the area.
 - Overshadowing of the neighbouring property.
Officer response: The existing extension already has an impact upon the amenities of the occupiers of the adjoining 15 Talbot Street. The proposed canopy would be positioned to the side of the neighbours back door, however it would not have a significant impact over and above the existing extension.

- Potential for water issues with the flat roof.
Officer response: this is not a material consideration.

Other Matters

- 10.16 The adjoining neighbour at 15 Talbot Street has submitted a planning application for a single storey extension and a ramp to the rear of the property which is currently under consideration. When this proposal is considered with the adjoining property's application, the two support pillars of the canopy proposed would be very close to the mutual boundary where the ramp is proposed to be sited as part of the neighbour's proposals. Each application is assessed on its own merits and it is considered that the proposed canopy to the rear of 17 Talbot Street would have no prejudicial impact upon the application for a single storey rear extension and ramp proposed to the rear of 15 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 the railings or pillars would be a civil matter between the land owners.

11.0 CONCLUSION

- 11.1 This application to for a canopy to the rear of 17 Talbot Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, and other material considerations. The minor nature of the proposals is considered acceptable in this location and would have a neutral impact upon the conservation area setting. Whilst the concerns raised in the representations have been carefully considered, they relate to private matters in terms of rights of way and, should planning permission be granted, prior to implementing the permission, the applicant would need to ensure that all appropriate consents were in place.
- 11.2 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.

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

1. Standard time limit for commencement of development (3 years).
2. Development to be carried out in accordance with the submitted plans and information.

3. The columns of the canopy to match those used in the construction of the existing building.

Background Papers:

Application and history files.

Web link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93890>

Certificate of Ownership – Certificate A signed and dated 09/11/2017