
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 05-Dec-2019

Subject: Planning Application 2019/92734 Erection of extensions and dormer windows to front 9, Chapel Fold, Staincliffe, Batley, WF17 7AY

APPLICANT

Mr & Mrs W Akhtar

DATE VALID

16-Aug-2019

TARGET DATE

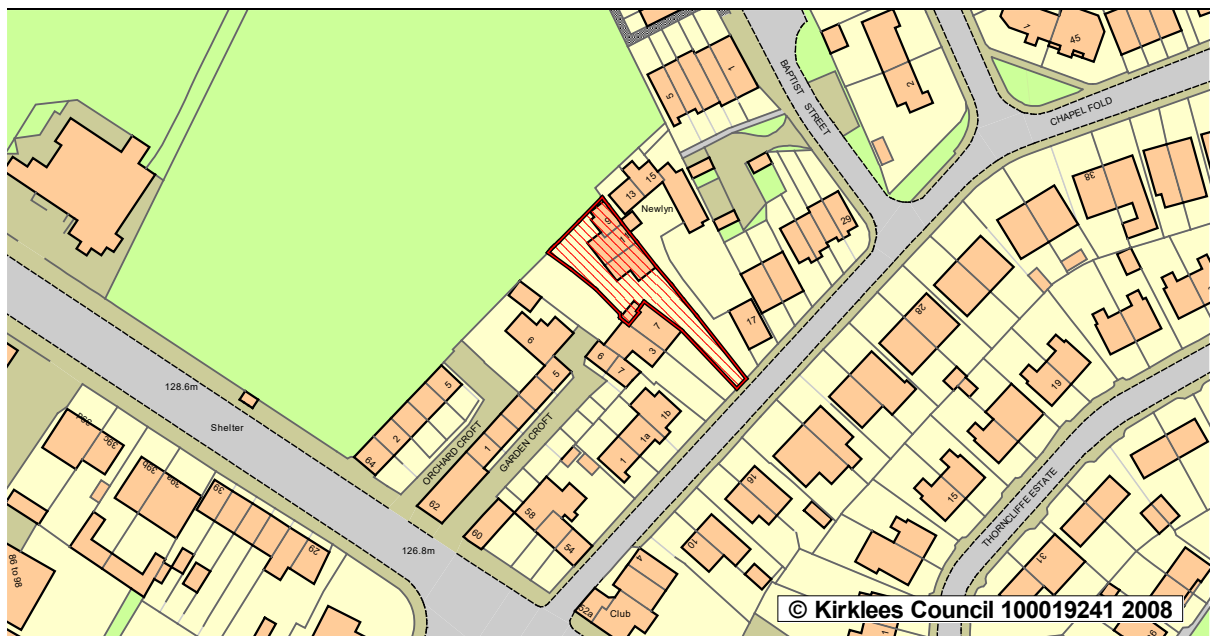
11-Oct-2019

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 West

YES

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Gwen Lowe for the following reason:

"I am concerned about the impact on the amenities of the neighbouring properties, in terms of both overshadowing and the formation of an overbearing and oppressive impact. Therefore, I would like to request this is taken to committee and that members visit the site and carefully consider the harm which would be caused"

1.2 The Chair of the Sub-Committee has confirmed that Cllr Lowe's reasons for the referral to the sub-committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 9 Chapel Fold, Staincliffe, Batley is detached stone built dwelling set away from the main road. The property does appear to have been two dwellings in the past. The frontage would appear to have been the south facing elevation although the features have been obscured by the addition of single storey extensions to the front. There is also a side extension which currently provides the property with a garage. The dwelling is accessed off a shared drive from Chapel Fold and there is a very modest garden area to the south of the property.

2.2 To the north west of the dwelling are playing fields. There is an empty property to the south west with a painted stone finish to the south east and a small courtyard grouping of three properties to the north and north east.

3.0 PROPOSAL:

3.1 The applicant is seeking planning permission for an extension over the garage and increasing the height of the roof with the formation of two dormers.

- 3.2 The area of the garage is proposed to be extended with a first floor, stepped extension with no increase in the footprint and including a pitched roof form. The walls of the first floor extension over the garage are proposed to be rendered.
- 3.3 The eaves height of the main house would be increased from 5.5m to 5.8m and the overall height of the dwelling would increase from 7m to 9.2m. The walls are proposed to be built up using stone of the main elevation with render to the side and rear.
- 3.4 The two dormers would each be set up 0.5m from the eaves with a width of 3.5m, an eaves height of 1.2m and an overall height of 2.3m with a set down from the apex of the new roof of 0.3m. The dormers are proposed to be clad with dark grey uPVC cladding.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There have been no previous planning application for this property. However, the applicant did submit a formal pre-application enquiry referenced 2019/20101 for advice on how to potentially extend the property. The submitted plans do appear to be in line with the discussions that took place during the pre-application process.

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

- 5.1 An error on the floor plans / elevations was corrected during the course of the application regarding the window openings on the rear elevation.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

- 6.2 The application site is unallocated on the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety
- **LP 22** – Parking
- **LP 24** - Design

6.4 National Planning Policy Framework:

- **Chapter 12** – Achieving well-designed places

6.5 Supplementary Planning Documents:

- **Highways Design Guide** Supplementary Planning Document

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the above publicity, one representation has been received which expressed the following concerns:-

- The submitted plans do not show the relationship with the neighbouring properties, nos.13, 15 and 15a Chapel Fold.
- The plans submitted do not accurately indicate the height of the neighbouring no.13 Chapel Fold and indicate that there is a gap between the properties which does not exist.
- There are no properties with the Fold which are as high as the planned 2nd floor extension and as such this will not fit in with the historical nature in which the Fold has developed.
- The floor plans indicate 4 windows on the rear elevation when the elevation shows three windows.
- The increase in height will result in a largely blank wall facing onto the neighbouring 15a Chapel Fold in close proximity reducing light and resulting in a loss of view.
- The two new windows would result in a loss of privacy.
- The increase in height would result in a loss of light and overshadowing of the neighbouring 13 Chapel Fold.
- Very concerned about how any extension built directly above existing walls will be carried out so that it does not impinge on neighbouring properties during construction :-
 1. on the kitchen and outbuildings of no 13, that adjoin the rear wall of No.9
 2. by encroaching upon the access to the long path to and from the courtyard

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None necessary

8.2 **Non-statutory:**

None necessary

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 without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. 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.
- 10.2 These issues, along with other policy considerations, will be addressed below.

Visual Amenity

- 10.3 The property is located on a residential street with a mix of house types in terms of age, design, size and use of materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 *First floor extension over garage:* The surrounding properties vary in terms of their age, height and style. As such, the extension proposed over the garage would not appear out of character with the wider area. Furthermore, the stepped design in terms of the height would allow the extension to appear subservient to the main house. The dwelling is currently a mix of stone and render. As such, the use of render for the extension would be acceptable and the detailing is considered to form an acceptable relationship with the host property. It is considered therefore that the proposed first floor extension over the garage would comply 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 and as such is acceptable in terms of visual amenity.
- 10.5 *Increase in height of dwelling:* The increase in the eaves height is modest at 0.3m although it is appreciated that the overall increase to the roof is more substantial. However, the properties in the area are a mix of heights, styles and ages with no standard vernacular. The use of stone on the main elevation with render on the side and rear walls would be in-keeping with the main house and the detailing is considered to be acceptable. As such, although the scheme would not strictly comply with point (c) of Policy LP24 in terms of the formation of a subservient addition to the dwelling, it is considered to be acceptable when taking into account the varied character of the area and compliant with the overall aims of Policy LP24 of the Kirklees Local Plan point (a).
- 10.6 *Dormers:* The dormers would be sited within the main roof form facing into the applicants own garden area with a degree of prominence from the playing fields adjacent. The dark grey uPVC cladding proposed would form an acceptable relationship with the main roof form and, on balance, with the other extensions proposed, the dormers are considered to be acceptable in terms of visual amenity.

- 10.7 *Summary:* It is acknowledged by officers that the works proposed would alter the character of the host property and its appearance significantly. However, the area does not have a standard vernacular house type in terms of style or height. Furthermore, the property at present has no distinguishing architectural features worthy of preservation. As such, it is the opinion of officers that the alterations to the overall character of the property are not considered to be unacceptable. Having taken the above into account, whilst the character and scale of the property would change, the proposed extensions would not cause 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 to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.8 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c) of the KLP, which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.
- 10.9 *6 Orchard Croft:* A vacant property, known as 6 Orchard Croft to the south west. Although this property is currently empty, it could be brought back into use in the future and as such consideration needs to be given to the impact of the proposed development on potential future occupiers. The separation provided by the garden of the host property and the neighbouring 3 Chapel Fold's garden between the buildings is such that the extensions and alterations proposed would have limited opportunity to cause harm to the potential occupiers of 6 Orchard Croft.
- 10.10 *Impact on 7 Chapel Fold:* The neighbouring property to the south occupies an angled position relative to the host property and given this spatial relationship, the proposed extensions would have limited opportunity to affect the amenity of the occupiers of the neighbouring 7 Chapel Fold.
- 10.11 *Impact on 13, 15 & 15a Chapel Fold:* The first floor extension together with the increase in the height of the dwelling would potentially impact on the grouping of properties to the rear. There would be some potential overshadowing in the middle of the day and given the resultant bulk and massing, an overbearing and oppressive impact. However, the orientation between the host property and no.13/13 minimises the potential for any undue overbearing impact upon these occupants. In terms of 15 Chapel Fold, the separation provided by the courtyard area is considered to lessen the impact.
- 10.12 *Summary:* In all, officers acknowledge that the proposal would result in substantial additions to the original building which would impact upon the residential amenity of surrounding occupants due to the close-knit nature of the host dwelling and its neighbours. However, for the reasons set out above, officers are of the opinion that the proposals would not result in any significant adverse impact upon the residential amenity, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of minimising the impact on residential amenity of neighbouring occupiers as well as Paragraph 127 (f) of the National Planning Policy Framework.

Highway issues

- 10.13 The proposals would result in some intensification of the domestic use and the loss of the garage. However, the property does have parking to the front and side which is considered to represent a sufficient provision. The scheme would not result in any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the KLP.

Representations

- 10.14 One representation has been received which expressed the following concerns which are addressed by officers as follows:-

- The submitted plans do not show the relationship with the neighbouring properties 13, 15 and 15a Chapel Fold.

Response: *Although submitting plans which accurately indicate the relationship with the neighbouring properties would be helpful, this is not required and officers are satisfied that an informed recommendation can be made. A site visit was carried out (as is standard practice with each planning application) and the case officer considered the site and its surroundings. The site visit for this application was carried out 06/09/2019.*

- The plans submitted do not accurately indicate the height of the neighbouring 13 Chapel Fold and indicate that there is a gap between the properties which does not exist.

Response: *Although the plans submitted do have an indicative outline of the neighbour to the rear, the officer does not rely only on the plan. As set out above, a site visit for this application was carried out 06/09/2019 and the relationship between the host property and the neighbour to the rear was fully appreciated on site.*

- There are no properties within the Fold which are as high as the planned 2nd floor extension and as such this will not fit in with the historical nature in which the Fold has developed.

Response: *Chapel Fold does have some diversity in the style and age of dwellings. However, it is fully appreciated that the increase in height proposed would be at a higher level than the neighbouring properties. That does not necessarily mean that this would be out of place given the diversity in character of the properties.*

- The floor plans indicate 4 windows on the rear elevation when the elevation shows three windows.

Response: *Clarification has been sought by the case officer and an amended plans has been received showing 4 windows on the floor plan and elevation.*

- The increase in height will result in a largely blank wall facing onto the neighbouring 15a Chapel Fold in close proximity reducing light and resulting in a loss of view.

Response: *A right to a view is not protected in terms of planning policy. However, Officers would consider whether a proposal would have an overbearing or oppressive impact. It is appreciated that the "courtyard" between the host property and the neighbours at 13-15a Chapel Fold is modest with approximately 12m between the host property and the neighbouring 15a Chapel Fold. The residential amenity section of this report goes into more detail with regards to this issue.*

- The two new windows would result in a loss of privacy.

Response: *These windows are detailed as being obscure glazed and non-opening. This measure is considered to be sufficient to ensure no loss of privacy.*

- The increase in height would result in a loss of light and overshadowing of the neighbouring 13 Chapel Fold.

Response: *The proposed increases in height would overshadow the neighbouring properties, with no.13 having a reduction in light from approximately lunchtime and nos.15 & 15a suffering the impact in the later afternoon. However, the increase in the height of the original house would only be minimal. Whilst it is appreciated that the overall bulk and massing over the existing garage would be greater, there would still be some modest degree of separation which would reduce the potential harm. The residential amenity section of this report does go into more detail with respect to this issue.*

- Very concerned about how any extension built directly above existing walls will be carried out so that it does not impinge on their properties during construction :-

1. on the kitchen and outbuildings of no.13, that adjoin the rear wall of No.9

2. by encroaching upon the access to the long path to and from the courtyard

Response: *Access is a private issue and the Local Planning Authority has no powers to become involved with this. However, the grant of a planning permission would not confer upon the applicant a right to utilise the neighbours land.*

Other Matters

- 10.15 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 To conclude, officers acknowledge that the proposal would result in an increase in the bulk and massing of the host building however, from a visual amenity perspective, due to the varied character of the area, it is the opinion of officers that the proposal would promote good design, subject to materials used matching those on the original dwelling. It is noted above that, due to the close-knit nature of the host dwelling and its surroundings, the proposal would have some impact upon residential amenity however, for the reasons set out in the main report, this is not, in the opinion of officers, to such a degree so as to warrant refusal of the scheme.

- 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.

- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations and 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 Planning and Development)

1. Standard 3 year timeframe for commencement of development.
2. Development to be completed in accordance with the submitted plans and information.
3. Facing and roofing materials to match those used on the host dwelling.

Background Papers:

Web link to the application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92734>

Certificate of Ownership –Certificate B signed and dated 11.8.2019: