
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 10-Aug-2023

Subject: Planning Application 2023/91556 Erection of single storey front extension and extension to rear with basement room and covered parking area with terrace above 12, Cross Park Street, Batley, WF17 5NX

APPLICANT

I Patel

DATE VALID

07-Jun-2023

TARGET DATE

02-Aug-2023

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley East

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed front extension, by reason of its scale and design, would result in the formation of an incongruous feature within the street scene, harmful to the character of the host property and the wider area. To permit the proposals would be contrary to Policy LP24, KDP1 & KDP2 of the House Extension & Alterations Supplementary Planning Document and advice within chapter 12 of the Nation Planning Policy Framework.

2. The proposed rear extension, by reason of its projection and width, would overdevelop the rear of the property resulting in the formation of an incongruous feature relative to the host property and the wider area. To permit the proposals would be contrary to Policy LP24, KDP1 & KDP2 of the House Extension & Alterations Supplementary Planning Document and advice within chapter 12 of the Nation Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Habiban Zaman for the reasons outlined below.

“Can I request this application to go to the planning committee as I do not agree with the officer’s recommendation for the application to be refused.

1. I do not agree with part of the property having a balcony. I believe a balcony would enhance the appearance of the property if it was across the whole area. I am not sure why it is being suggested to only have it as part of the property?

2. Other similar properties in the Batley East/West area have had approval which have been able to take advantage of a permitted development right to extend upwards

3. I believe the application would be highly beneficial for the family to enjoy which would give privacy to this family and prevent any overlooking on neighbours yards.”

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

2.0 SITE AND SURROUNDINGS:

2.1 12 Cross Park Street is a stone built, mid terraced property with a small, enclosed area to the front and a small yard area to the rear.

2.2 There is an open grassed area to the front with trees, other residential properties to the sides and rear.

3.0 PROPOSAL:

3.1 The applicant is seeking permission for a single storey extension to the front and a rear extension with a basement room, covered parking and roof terrace above.

3.2 The extension to the front is proposed to project 1.5m from the front of the dwelling, extending across the width of the dwelling with a lean to roof form for the most part although there would be a pitched detail over the central front door.

3.3 The rear extension is proposed to project 4.9m from the rear wall of the dwelling with a width of 4.1m for the basement and 5.1m for the covered parking area with stairs along the side up to the roof terrace. The terrace would have a width of 9.4m and glazed balustrading at a height of 1.6m.

3.4 The walls of the extensions would be constructed using stone with tiles for the roof covering of the front extension.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2023/90401 - Erection of single storey front extension and rear extension with basement room, covered parking and roof terrace above – Refused (appeal submitted to the Planning Inspectorate which is awaiting a decision)

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

5.1 Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, the applicant is aware of concerns regarding the development proposals as an identical scheme has already been refused under 2023/90401. An appeal has been submitted but is currently undetermined.

5.2 Following the previous refusal, advice was provided to the applicant regarding an amended scheme to potentially address the reasons for refusal however, the applicant has chosen to submit an identical scheme.

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).

Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
- LP 2** – Place shaping
- LP 22** – Parking
- LP 24** - Design

Supplementary Planning Guidance / Documents:

- 6.3 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 both approach and outcomes relating to house extensions.

National Planning Guidance:

- 6.4 **Chapter 12** – Achieving well-designed places
- Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application publicity ended 17/07/2022.
- 7.2 One response has been received. However, the content raises no material considerations in relation to the proposal.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

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 the House Extensions & Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of extending the property is considered acceptable, subject to being assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.2 Planning permission was refused for an identical scheme (2023/90401) earlier this year and which is now subject to the appeal process. There have been no changes proposed as part of this planning application now under consideration and nor have there been any changes to either local or national planning policy.

Visual Amenity

- 10.3 Key Design Principle 1 of the House Extension & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extensions & Alterations SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.4 *Front Extension:* Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the SPD, careful consideration needs to be given to ensure they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials.
- 10.5 The host property does have a small amenity space that extends across the frontage of the house and which separates it from the back of the footway by a low boundary wall. There are no front extensions or similar developments within the row of terraced properties within the immediate vicinity of the site. In this case, the proposal is to erect a large front extension that would extend across the whole frontage of the property and extend up to the back of the footway, infilling the existing amenity space and removing the boundary wall. This would not be in keeping with the host property and would introduce a form of development that is not evident within the row of terraced properties. Whilst it is acknowledged that the proposed materials would match the main house with the use of stone for the walling with tiles for the roof covering. For the reasons outlined above, the front extension would detract from the visual amenity of the host building and terrace as a whole and would be harmful to visual amenity, contrary to Policy LP24 of the KLP, Principles 1 and 2 of the House Extensions and Alterations SPD as well as the aims of chapter 12 of the NPPF.

- 10.6 *Rear Extension including terrace:* Paragraphs 5.1 and 5.2 of the House Extensions & Alterations go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials. Paragraph 5.28 of the House Extensions & Alterations SPD does support appropriately designed and sited balconies which do not negatively affect neighbouring properties or alter the local character of the area.
- 10.7 The proposed rear extension would cover a significant area of the land to the rear of the dwelling. Although it is noted that the extension has been designed to be partially open to provide a parking canopy, the scheme would not appear subservient, resulting in the overdevelopment of the host property and associated curtilage. Furthermore, the proposed extension would exceed the recommended projection for rear extensions set out in the House Extensions & Alterations SPD whereby there has been no justification or mitigating factors set out by the applicant or which have been viewed on site by officers. In addition, the incorporation of a terrace at first floor would increase the overall scale of the rear extension. Once again, it is acknowledged that the walling material for the extension would be constructed using stone to match the main house. However, this is not considered to overcome the significant concerns that officers have in terms of the scale of the extension. In all, it is considered by officers that the rear extension with terrace is not considered to be acceptable in terms of visual amenity.
- 10.8 For the reasons outlined above, the proposals for 12 Cross Park Street do not comply with Policy LP24(a) of the Kirklees Local Plan in terms of the form, scale and layout, KDP 1 & 2 of the House Extensions & Alteration SPD and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.9 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.
- 10.10 There are no properties opposite the front which could be affected by the works proposed.
- 10.11 *Impact on 5 Bridge Street:* The front extension would have minimal impact on the adjoining dwelling to the north-west in terms of overshadowing, overbearing or overlooking. The neighbours rear wall has no windows which would be affected by the rear extension and first floor terrace proposed. With regard to the impact on the adjoining 5 Bridge Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within the House Extensions & Alterations SPD, policy LP24 of the KLP (c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.

- 10.12 *Impact on 16 Cross Park Street:* The front extension would be at a slightly lower level than the adjoining dwelling. Given the relationship between the properties, the single storey front extension would not result in any overshadowing, overbearing or overlooking. The rear extension would have limited impact on the adjoining dwelling to the south-east despite the projection proposed given the land is used for parking and the windows are set back from the shared boundary. However, the first-floor terrace would have the potential for overlooking this could be mitigated by the imposition of a condition requiring the erection of screening. With regard to the impact on the adjoining 16 Cross Park Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals, on balance and with the inclusion of a condition for the erection of adequate screening, are considered to be justifiable.
- 10.13 *Impact on 1 Bridge Street:* The proposals to the rear of the dwelling would not have a significant impact on the flats to the rear with regard to overbearing or overshadowing. Although there is a terrace proposed, the potential for overlooking is limited over and above the existing windows to the rear of the property. With regard to the impact on the 1 Bridge Street, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact within the House Extensions & Alterations SPD, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.
- 10.14 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Highway Safety

- 10.15 The proposals would result in no significant intensification of the domestic use. It is noted that parking provision would reduce from two spaces to one space. However, given the potential for on-street parking, this is considered to represent an, on balance, sufficient provision. 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 would comply with Policies LP21 and LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other Matters

- 10.16 *Carbon Budget:* 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. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations

- 10.17 One representation has been received. The concerns raised relate to potential damage to the cobbles at the rear from construction traffic. This is not a material consideration.
- 10.18 Ward Councillor H Zaman requested the application to be referred to planning committee for the reasons set out in section 1.0 above. Officers respond to the reasons as follows:
1. I do not agree with part of the property having a balcony. I believe a balcony would enhance the appearance of the property if it was across the whole area. I am not sure why it is being suggested to only have it as part of the property?
Officer response: This is noted. However, the reason an amendment was recommended following the original refusal was to minimise the overall bulk and massing of the rear extension.
 2. Other similar properties in the Batley East/West area have had approval which have been able to take advantage of a permitted development right to extend upwards.
Officer response: This is noted however, there are no permitted development rights to erect a raised platform e.g. the balcony/terrace.
 3. I believe the application would be highly beneficial for the family to enjoy which would give privacy to this family and prevent any overlooking on neighbours yards.”
Officer response: This is noted. The application is not recommended to be refused on residential amenity grounds.

11.0 CONCLUSION

- 11.1 The proposed front extension, by reason of its scale and design, would result in the formation of an incongruous feature within the street scene, harmful to the character of the host property and the wider area. To permit the proposals would be contrary to Policy LP24, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the Nation Planning Policy Framework.
- 11.2 The proposed rear extension, by reason of its projection and width, would overdevelop the rear of the property resulting in the formation of an incongruous feature relative to the host property and the wider area. To permit the proposals would be contrary to Policy LP24, KDP1 & KDP2 of the House Extension & Alterations SPD and advice within chapter 12 of the Nation Planning Policy Framework.
- 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. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Background Papers:

Current application

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91556>

Certificate of Ownership – Notice served on neighbouring properties and Certificate B signed and dated.

Previous refusal

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90401>