

**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: 2017/62/92632/E
Site Address: 43, Pyenot Hall Lane, Marsh, Cleckheaton, BD19 5BA
Description: Erection of two storey side extension
Recommending Officer: Nia Thomas

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: 10-Oct-2017

Officer Report

Site Description

No. 43 Pyenot Hall Lane is a two storey semi-detached dwelling constructed from brick for side and rear walls, stone for the front wall, blue slate for the roof and upvc for the openings. The site has a small area of amenity space to the front of the site, an area to the side and a rear garden area.

Surrounding the site is predominantly residential and many of the dwellings surrounding the site have been extended (see planning history).

The site is unallocated and is not located in a conservation area.

Description of Proposal

Planning permission is sought for the erection of a two storey side extension. The extension will project 4 metres from the side of the dwelling, will be 9.3 metres in length and will be 9.3 metres in overall height (6.5 metres to the eaves).

The extension will be constructed from stone to the front, render to the side and brickwork to the rear.

History of negotiations/amendments received

No amendments were sought as the proposal is acceptable in its current form.

Relevant Planning History

2003/94729 – Change of use of former stables and workshop to one dwelling APPROVED (no. 43)

2004/94658 – Erection of dormer extension APPROVED (no.31 Marsh Street)

2007/94057 – Erection of dormer windows APPROVED (no. 70)

Representations

Final publicity date Expires: 12.9.2017

No representations have been received.

Parish/Town Council comments

Consultation Responses

Highways Development Management (informal) – no objection.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 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. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highways safety
- **T19** – Parking Provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP22** - Parking
- **PLP 24** – Design
- **PLP30** – Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

Visual amenity, residential amenity and highways safety will be assessed in this report.

Local Plan

The Local Plan reiterates the UDP and the National Planning Policy Framework in its key ideas relating to design and householder extensions.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. The extension will project 4 metres from the side of the dwelling and is considered to be sympathetic in scale to the host dwelling. The extension would be designed so as to have a ridgeline which would be set down from the ridge of the host dwelling and is considered to respect the design features of the host dwelling.

With regards to the proposed materials, the application form states that the front elevation of the extension will be faced in stone, the side elevation will be render and the rear elevation will be brickwork. Given the materials of the host dwelling as existing and the surrounding properties which are constructed from a variety of materials, this material palette is not considered to be out of keeping with the surrounding area and will not detract from the appearance/character of the host dwelling.

A condition is recommended to ensure that the render is a natural stone colour to match the front elevation which will be constructed from stone.

The appearance and character of the dwellings in the area is varied (see planning history) – for example, the former stables building to the northeast of the site which has been converted to a residential unit and the other extensions to dwellings in the near vicinity. The side extension is not considered to be an out of keeping or unusual feature in the area despite being visible in the streetscene.

Given that the extension is to the side of the dwelling, a terracing effect needs to be assessed. In this case, given the fact that there are no residential dwellings for a significant distance to the northwest due to the corner location of the site and separation afforded by Woodhead Street, there will be no harmful terracing impact and the extension will comply with the aims of UDP policy BE14.

Overall

The impact of the proposed extension will not result in overdevelopment of the site. There will be a reasonable amount of amenity space at the site following development.

Overall, the proposal is in accordance with UDP policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan and will not cause harm on the visual amenity of the proposal.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

Impact on no. 21 Woodhead Street

The extension will not project closer to this neighbouring dwelling than existing and therefore there will be no overbearing impact on the occupiers of this dwelling given that the relationship and distance between no.21 Woodhead Street and the application site already exists.

With regards to overlooking/loss of privacy, there are two openings facing this site which serve a garage and an en suite. Given the nature of these rooms, there will be no overlooking into the amenity space or dwelling of no. 21. Again, there is an existing relationship where there are first floor habitable room windows facing this site. A condition has been recommended to ensure that the en suite opening is obscurely glazed.

Impact on no. 45 Pyenot Hall Lane

The extension is located to the northwest of the site and therefore will not impact on the occupiers of this dwelling in any way.

Impact on no. 41 Pyenot Hall Lane

There is a distance of 15.5 metres between the application site and no. 41 to the northeast. Given the distance and the relatively small scale of the proposed extension, along with the screening on this corner, there will be no impact on the occupiers of this dwelling (which has openings in its side elevation but these are not considered to serve habitable rooms).

With regards to overlooking/loss of privacy, there are no openings proposed in the side elevation of the extension. Any ground floor openings serve a non-habitable room and would be screened.

Any first floor side openings are controlled by the GPDO.

Overall

In conclusion, for the reasons given above, the impact of the proposal is acceptable in terms of residential amenity and is in accordance with UDP policies BE1 and BE14.

4 – Impact on highway safety:

Following an informal consultation with Highways Development Management, the proposal is, on balance, acceptable. The extension will be erected on land that is currently used for parking and will increase the number of bedrooms at the site by 1.

The plans do not indicate the exact number of bedrooms at the site but it is anticipated that the extension will lead to a 3 or 4 bedroom dwelling and therefore 3 parking spaces are normally required to comply with UDP policy T19.

In this case, there will be a garage at ground floor of the extension which can accommodate 1 parking space on site. Although there is additional space for parking within the site, this is to accommodate the dwelling to the northeast (which is also within the red line boundary).

On balance, given the unrestricted parking on Pyenot Hall Lane, KC Highways Development Management consider that there would be no highways safety issues over and above the existing situation as a result of the lack of parking provision. The proposal complies with UDP policy T10.

5 – Other matters:

Ecology - The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found.

A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 11 of the NPPF.

6 – Representations:

No representations have been received.

7 – Conclusion:

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.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/92632

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE13 and BE14 of the Kirklees Unitary Development Plan.

3. The external front wall shall be constructed from stone, the external rear wall shall be constructed from brick and the roofing materials shall be constructed of blue slate

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan.

4. The external side wall of the extension hereby approved shall be faced in stone coloured render to harmonise with the front elevation before the extension is first brought into use and shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies D2 and BE13 of the Kirklees Unitary Development Plan.

5. The development shall not be occupied until the en suite window in the north eastern elevation of the extension hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order). The obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Unitary Development Plan.

NOTE The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed plans and elevations (including location plan)	1563-17-002	A	28.07.2017
Existing plans and elevations	1563-17-001	-	28.07.2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 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. The case officer has not been in negotiations with the applicant as the proposal is acceptable in its current form. No amendments are required.

Report Dated: 10.10.2017