

**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: 2017/62/92661/W

Site Address: 5, Wood View, Birkby, Huddersfield, HD2 2DT

Description: Erection of single storey rear extension

Recommending Officer: Oliver Corbett

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 29-Sep-2017

Officer Report

Reference- 2017/92661

**Applicant- B Reilly
5 Wood View
Birkby
Huddersfield
HD2 2DT**

Location – 5 Wood View, Birkby, Huddersfield, HD2 2DT

Proposal – Erection of single storey rear extension

Site Description

The application relates to a site in Birkby, Huddersfield. The site comprises a two storey detached dwelling, with attached single storey extensions to the side and rear, and a mid-sized rear amenity space. The property is constructed in stone with white uPVC openings, and a concrete tile roof.

Description of Proposal

The application proposes the erection of a single storey rear extension to the side of the existing rear and side extension. The extension would project 1.8 metres with a width of 3.02 metres. It would have a height of 3.5 metres with an eaves height of 2.5 metres, with a pitched concrete tile roof. It would be constructed in stone to match the host and neighbouring dwellings. There is to be a window on the rear elevation and a rooflight.

History of negotiations/amendments received

No negotiations or amendments were requested.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date expires: 30th September 2017.

No representations were received.

Consultation Responses

No consultations were required.

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 and the PDLP Proposals Map.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions (design principles)
- **BE14** – Extensions (scale)

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design

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

Assessment

The following matters are considered in the assessment below –

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

The Publication Draft Local Plan (PDLP) states that:

“Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.”

All these considerations are addressed later in this assessment.

2 –Impact on visual amenity:

The proposed extension will have a low impact on visual amenity. It is small in scale and serves as a minor addition to the existing extension, squaring off the corner that is created from the existing extension. There would be no significant detriment to visual amenity as a result of the proposed works, being sympathetic to both the design and scale of the host and neighbouring properties.

It is therefore considered that the proposed development adheres to the guidelines set by Policies BE1, BE2, BE13 and BE14 of the UDP, and Policies PLP 1, 2 and 24 of the PDLP.

3 – Impact on residential amenity:

There would be a minimal impact on residential amenity. The extension would not significantly increase the scale or massing of the property, and the rear of the property is set significantly forward of the neighbouring property which would most likely be affected, no. 7, such that there would be minimal impact. The extension would not affect the neighbour at no. 3 Wood View.

It is therefore considered that the proposed development adheres to the guidelines set by Policies BE1, BE2, BE13 and BE14 of the UDP, and Policies PLP 1, 2 and 24 of the PDLP.

4 – Impact on highway safety:

There would be no impact on highway safety.

5 – Other matters:

The site is within the bat alert layer where there is a 'reasonable likelihood' that bats could be present on site. The existing extension is at a low height and well-sealed. The new extension would not affect the principal roof and would be at a low height. For these reasons I have not sought a bat report to accompany the application. However, it is prudent to attach an advisory note in respect of bats to the decision notice.

6 – Representations:

No representations were 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: 2017/92661

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 walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

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

Note: There is potential for a bat roost to 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
Location Plan	17/037/S.P	-	03/08/2017
Grouped Plans as Existing	17/037	-	03/08/2017
Grouped Plans as Proposed	17/037/1	-	03/08/2017

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 application as submitted was considered to be acceptable to Planning Officers, no negotiations or amendments were therefore required for this application.

Report Dated: 2nd Oct 2017.