

**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: 2017/62/92805/W

Site Address: The Bungalow, Sycamore Lane, Thongsbridge,
Holmfirth, HD9 7RT

Description: Erection of first floor balcony

Recommending Officer: Francis Davies

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 30-Oct-2017

Officer Report

Reference: 2017/92805

Proposal: Installation of Balcony

Location: The Bungalow, Sycamore Lane, Thongsbridge, Holmfirth, HD9 7RT

Site Description

The application relates to a detached bungalow in Holmfirth. The dwelling has been constructed from random stone and designed with a gable roof, finished in concrete tiles. Access to the property is via an un-adopted, private road, off New Mill Road. The site benefits from amenity space to the front and the rear as well as a large detached double garage with loft space, granted planning permission in 2010 (2010/91548). A notable feature of the dwelling is that from the rear elevation it appears as a two storey dwelling owing to the changes in topography, which rises in a north to south direction.

Boundary treatment of the dwelling consists of a natural stone wall which at the highest point reaches approximately 2m high, while a large, timber fence secures the rear driveway of the site. The dwelling is sounded by residential properties on all sides although these are of differing architectural styles.

Description of Proposal

The application seeks planning permission for the installation of a balcony on the rear elevation of the dwelling at the 1st floor level. Access to the balcony would be from the dining room via bi-fold doors which would replace an existing window.

The balcony would be constructed from stainless steel and glass panels and as stated on the submitted drawing 2017/035/03 would project from the rear elevation of the dwelling by approximately 1.3m. The total width of the balcony would be approximately 3m and would be located approximately 2.3m from the ground.

Relevant Planning History

2010/91548 – Erection of detached double garage with study over.

Representations

Final publicity date Expires: 14th September 2017

No public representations were received regarding this application.

Holme Valley Parish Council – Support the application

Consultation Responses

No consultations were sought regarding this application.

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

- Access considerations - None

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 – Highway Safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP24 - 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.

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design

Assessment

The main considerations in the determination of this application are:

- The principles of development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety; and
- Other Matters

Principle of Development

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal comprises extensions and alterations to an existing dwelling that is situated within an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

Impact on Visual Amenity

The proposed extension is small in scale and proposed construction materials, stainless steel and glass panes would serve to give the development a light and minimalist appearance, thereby limiting the impact on

the visual amenity of the host dwelling. Equally, the proposed balcony is located to the rear of the dwelling and owing to substantial boundary treatment; views of the proposed balcony would be restricted.

Consequently, by virtue of its, scale, massing and construction materials coupled with the substantial boundary features of the site this development is not considered to detract from the overall character and appearance of the existing dwelling. The proposal therefore complies with Policies D2 (Criteria vi), BE1, BE2, BE13 and BE14 of the Unitary Development Plan (UDP), Policies PLP1 and PLP24 of the publication draft Local Plan (PDLP) and paragraph 17 and Chapter 17 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

The Coach House, Sycamore Lane presents as a single storey dwelling, constructed from natural stone. The construction of the proposed balcony would not bring the two dwellings any closer together. Equally, owing to the orientation of the two dwellings, perpendicular to each other, direct views of neighbouring amenity space would not be permitted. Additionally, significant boundary treatment, rising to approximately 2m in height, further restrict the opportunity to overlook this dwelling.

No.10 Springwood Road is a large, dominating dwelling located northeast of the application site. The proposed balcony would not bring these two dwellings any closer together, maintaining a separating distance of approximately 27m. By virtue of significant separating distance, oblique relationship between the two dwellings and aforementioned boundary treatment it is not anticipated that this development would give rise to any overlooking or overbearing concerns.

All other neighbouring dwellings including no.9 Springwood Road and no.17 New Mills Road have been assessed and are not considered to be affected by the development owing to their positioning in relation to the application site and shielding boundary treatment. Overall, the proposal is considered to comply with Policies D2 (Criteria v) and BE14 of the UDP, Policy PLP24 of the DPLP and guidance contained within the NPPF.

Impact on Highway Safety

The proposed development does not give rise for the need for additional parking and would not affect the existing parking and access arrangements on site. As such the proposal does not give rise to any highway safety concerns and thus complies with Policy T10 of the UDP.

Other Matters

Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

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: 2017/92805

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 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 BE1, BE2, BE13, BE14 and D2 of the Kirklees Unitary Development Plan and Policies PLP24 of the publication draft Local Plan.

NOTE: Due to the location and nature of the application site, 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
Planning Drawing (Existing and Proposed)	2017/035/03	-	11th August 2017
Location Plan	-	-	11th August 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.

No amendments were sought regarding this application. The proposed plans were considered acceptable to planning officers as original submitted.

Report Dated: 30/10/2017