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: 2017/62/92867/W

Site Address: 48, Miry Lane, Thongsbridge, Holmfirth, HD9 7SA

Description: Erection of extension to first floor flat

Recommending Officer: Aimee Procter

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: 19-Sep-2017

Officer Report

Application: 2017/62/92867/W
Site: 48 Miry Lane, Thongsbridge, Holmfirth, HD9 7SA
Proposal: Erection of extension to first floor flat

Site Description
The application relates to a first floor one-bed flat on Miry Lane, Thongsbridge. The flat is situated within a semi-detached property, constructed in artificial stone with a pitched roof covered in concrete tiles. The dwelling benefits from a rear shared access garden area and to the east of the dwelling is a raised patio area with various plants and shrubbery access by a number of steps. The existing access to no.48 is through a front elevation ground floor porch, leading to an internal staircase. To the ground floor of the dwelling is a separate flat of no.46 Miry Lane. Adjoining the dwelling to the west are flats no.54 and no.56 Miry Lane.

The site is situated on the border of Miry Lane and Longlands Bank. Miry Lane comprises of a variety of dwellings of differing size, style and architectural design. Longlands Bank comprises of a number of stone-built detached dwellings of similar size and architectural design.

Description of Proposal
The proposal submitted will introduce an extension to the first floor flat of no.48 Miry Lane only. The extension will change the existing one bedroom flat into a two bedroom flat with an open dining/living/kitchen space. The proposed extension will project approximately 1.5m from the existing side gable of the dwelling and will extend in width approximately 6m. The extension will also incorporate a revised means of access/egress via a porch to the side gable at first floor measuring approximately 1.25m in projection and 2m in width. The porch will be accessed via the existing steps to the raised patio area to the right of the dwelling. The existing access to the flat from the ground floor would be changed into a store and the staircase removed. The extension will be faced in artificial stone with concrete tiles to match the existing dwelling.

Relevant Planning History
None

Representations
The final publicity date expired on 18th September 2017.
No public representations were received.

Holme Valley Parish Council supports the application, subject to materials in keeping.

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 Proposals Map and the 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)

Kirklees Publication Draft Local Plan (PDLP):
- **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]".

All of these considerations are addressed later in this assessment.

Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 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. The assessment below takes into account the aims of PLP1.

2 –Impact on visual amenity

The proposal will introduce an extension to the side elevation of the existing property and the addition of a porch. The extension will be faced in artificial stone and covered in concrete tiles to match the existing materials; the porch will also include the use of UPVC, which is acceptable.

Whilst the extension will be seen from the front elevation of the property and when looking towards the site from Longlands Bank, it would not over dominate the front elevation or the street scene. The proposal will not create a visually intrusive feature in the local area in terms of its size and design, as the extension follows the same construction as the existing dwelling creating a new gable end, with the addition of a small porch. The overall visual impact of the small extension is acceptable, and as such, the proposal complies with the requirements of policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP 1, PLP 2 and PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity

The proposed extension to the side elevation will not result in any overbearing, overshadowing or loss of outlook to any neighbouring residents. Additional windows are proposed within each new elevation of the extension but would not cause any undue overlooking of neighbours private spaces or habitable room windows. There are a number of large, tall trees obscuring the view of the application site from both Miry Lane and Longlands Bank. This is discussed in detail below.

No.46 Miry Lane
The proposed extension to the side elevation of the property will create a ground floor walk-way to the east of the dwelling for the occupants and neighbouring occupants to access the rear. The proposed extension will project out of the side elevation by approximately 1.5m and extend the full width of the existing dwelling approximately 6m. The ground floor flat of no.46 has a ground floor window to the rear facing East, it is considered that the proposed extension will have no material impact upon this neighbours amenity due to the orientation of the window and the extension being to the side of the dwelling and not projecting further than the existing building footprint to the front or rear.

Lyngarth, 4, Heys Road
The proposed extension to the side elevation will extend the property closer to the boundary to the rear of the site with Lyngarth, 4, Heys Road. It is considered that the proposed extension will have no material impact upon this neighbours amenity due to the differing levels the two dwellings are set at.

Given all of the above, the proposal complies with the requirements of policies B2, BE1 and BE14 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and core planning principles of the NPPF.

4 – Impact on highway safety
The proposal will project to the side of the existing dwelling and will not impact on the highway safety for the site.

5 – Other matters
The Council's GIS system indicates that the property is within a Bat Alert Area. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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. The proposed development would not result in any demolition of an existing structure. The extension would impact on the existing roof structure but from my observations on site this is well sealed with no visible cracks or gaps where bats could enter the building Taking this into account it is considered that there is not a reasonable likelihood that the roof could contain a bat roost. However, as a precaution an advisory note will be added to the decision notice to the effect that if bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

6 – Representations
The final publicity date expired on 18th September 2017.
No public representations were received.

Holme Valley Parish Council supports the application, subject to materials in keeping.

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: 2017/62/92867/W
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 to intentionally 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
Grouped plans and elevations	1721-01		21/08/2017
Location plan			17/08/2017

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 applicant was not contacted during the course of the application as the development was considered acceptable in its submitted form.

Report Dated: 19/09/2017