

**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: 2017/62/92903/E

Site Address: 145, Staincliffe Road, Westborough, Dewsbury, WF13
4EF

Description: Erection of conservatory to rear

Recommending Officer: Jennifer Booth

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: 31-Oct-2017

OFFICER REPORT

Site Description

145 Staincliffe Road is a red brick semi-detached dwelling which is set down from road level. The property has a parking area to the front and the garden to the rear slopes down and away from the dwelling. The property shares an outbuilding to the side with the adjacent property.

There are similar properties to the sides and rear with stone properties on the opposite side of the road.

Description of Proposal

The applicant is seeking permission for the erection of a conservatory to the rear.

The conservatory would extend across the width of the dwelling with a projection of 3m and a height of 3m to the eaves and 4.2m overall. The roof over the conservatory would be a glazed hipped roof.

The structure would be a conservatory with a significant proportion of glazing. However, the walling sections would be constructed using brick.

History of negotiations

The initially submitted plans included a projection of 3.5m. Given the land level differences to the rear together with the presence of the newly built outbuilding, this was considered to harmful in terms of visual and residential amenity. As such amended plans have been sought and subsequently received to overcome these concerns.

Relevant Planning History

2008/93367 – formation of vehicle hard standing and erection of boundary walls – granted and built

2017/90034 – larger home notification – refused on residential amenity grounds

Representations

The application was advertised by site notice and neighbour notification letter, and the public consultation period expired on 27/09/2017

As a result of the above publicity, no representations have been received.

Consultation Responses

None

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

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

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

Publication Draft Local Plan Policies

PLP 22 - Parking

PLP 24 - 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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The property is located on a residential street with similarly aged dwellings although there have been some extensions and alterations to some of the neighbouring properties. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The property has a recently constructed outbuilding to the rear which covers a significant portion of the rear amenity space. The proposed extension to the rear would further develop the modest amenity space of the property. However, the proposal has been amended in terms of a reduced projection of 3m and a satisfactory amount of the space would be retained between the rear of the property and the outbuilding. As such the scale of the extension proposed can be considered to be acceptable. The form of the extension is conservatory style which can be considered to represent an appropriate addition in terms of the domestic character of the host property and the materials proposed can also be considered to be acceptable for a development of this type.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

3 – Impact on residential amenity:

The properties to the rear are residential dwellings which are situated in a significantly lower position than the host property. The proposed extension would therefore have the potential to impact the amenities of the occupiers of the properties to the rear. However, the newly constructed outbuilding would screen the extension from the view of the neighbours to the rear, 27 & 29 Moorcroft Drive.

The extension would have the potential to cause overshadowing in the middle of the day and form an overbearing and oppressive impact given the position of the extension to the south of the adjoining 147 Staincliffe Road. Furthermore, the extension is proposed to be constructed along the common boundary with the adjoining property and the land level differences to the rear of the dwellings could exacerbate the massing of the extension. However, the extension is single storey in scale and would have a limited projection of 3m which is considered to be in line with planning policy and as such, would not have a significantly harmful impact upon the amenities of the occupiers of the adjoining property.

The neighbour adjacent, 143 Staincliffe Road occupies a position to the south of the extension and enjoys a modest degree of separation provided by the 4m gap between the dwellings. There is also a shared outbuilding between the properties which projects out slightly past the rear elevations of the dwellings. The situation on site, together with the single storey nature of the extension and its 3m projection is such that it is considered that there would be no significant harm caused to the amenities of the occupiers of the adjacent property.

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 Policies D2, BE1 and BE14 of the UDP.

4 – Impact on highway safety:

The proposals will result in a modest intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

5– Other matters:

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a conservatory extension to the rear of 145 Staincliffe Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of significant harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2017/92903

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 and the aims of the National Planning Policy Framework.

3. The walling elements of the conservatory 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 and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location plan	-	652642	29/08/2017
Site plan	-	661523	23/10/2017
Existing plans	01	652655	29/08/2017
Proposed plans	02	661522	23/10/2017

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 Planning 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Concerns were raised during the course of the application regarding visual amenity and residential amenity. As such amended plans were sought and received to overcome the concerns.

Report Dated

31/10/2017
