

**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: 2017/62/93095/W
Site Address: 26, Willow Lane, Fartown, Huddersfield, HD1 6EB
Description: Erection first floor rear extension
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: 13-Nov-2017

Officer Report

Application: 2017/62/93095/W

Site: 26 Willow Lane, Fartown, Huddersfield HD1 6EB.

Proposal: Erection of first floor rear extension

Site Description

The application relates to a two storey terraced dwelling in Fartown. The dwelling is constructed in stone with a pitched roof covered in artificial stone slates. The dwelling is part of a block of 16 terraced dwellings and has its front elevation facing south west. To the front of the dwelling is a small paved garden with potted plants and shrubs, with a number of steps leading to the entrance door. Access to the rear of the dwelling is via an alley-way to the east of no.24 Willow Lane. The dwelling projects from the ground floor rear of the dwelling to host a kitchen with a flat roof. This has a rendered finish. To the rear of the dwelling is a narrow walk-way giving access to the adjoining dwellings, the dwelling benefits from a raised garden area starting at approximately 2m high which is set over a number of levels and looks to be undergoing some form of regrading/construction.

The area surrounding the site is residential in nature with some commercial units adjacent to the applicant site. The dwellings in the immediate vicinity to Willow Lane are terraced properties of similar size, style and architectural design. The dwellings of no 28 and 30 Willow Lane have a similar size and visual appearance to this proposal. No. 24, to the east is of a larger scale and projects further to the north east.

Description of the Proposal

The proposal submitted seeks approval for the erection of a first floor rear extension to create a second bedroom. The extension will be constructed using materials to partly match the existing dwelling, including render to the north and west elevations and artificial stone slates to the roof. The proposed extension will have an asymmetric pitched roof and include a lead valley gutter between it and no. 24 . The extension will project from the existing first floor by approximately 2.18m and extend in width to match the existing footprint by approximately 5.07m. The extension will reach a height of approximately 4.7m from ground floor to the eaves and approximately 6m to the ridge. The proposal will include the reduction of the window size to the ground floor rear elevation, and include the addition of one window to the first floor extension rear elevation and two Velux roof lights facing east and west.

Relevant Planning History

None

Representations

The final publicity date expired on 31st October 2017.

No public representations were received.

Consultation Responses

No consultations were necessary.

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 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 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 seeks planning permission for the erection of a first floor rear extension to the north elevation of the dwelling. The extension will be constructed using materials to partly match the existing dwelling, including render to the north and west elevations and artificial stone slates to the roof. The use of render at first floor level, however, would be a departure from the natural stone used in the original dwelling. It would also be the first property to have a gabled first floor extension at right angles to the original dwelling along the row. Whilst it would be preferable for natural stone to be used in the extension, the proposed development is of a small scale and, provided the rendered finish matched that at ground floor level / natural stone it would be of an adequate appearance to harmonise with the terrace – especially as this is not readily apparent in the street due to local topography. There is no real option but to include a gable roof due to the shallow pitch of the main roof and the need to include a doorway to serve the new bedroom. The asymmetrical form allows the valley gutter to be created and the use of artificial stone slate would harmonise with the principal roof.

In the context of the site and its surrounding area, the proposed extension would not create a visually intrusive feature in the local area in particular

no.22 and no.24 Willow Lane. It is considered that this proposal would not have a detrimental effect on the street scene or surrounding area.

Given the above, the proposal, on balance, complies with policies D2, BE1, BE13 and BE14 of the Unitary Development Plan, policies PLP1, PLP2 and PLP24 of the Publication Draft Local Plan, and Chapter 7 of the NPPF.

3 – Impact on residential amenity

The extension will be a projection from the first floor of the existing dwelling by approximately 2.18m and will extend in width to match the existing footprint by approximately 5.07m. It is considered that no unacceptable overbearing, overshadowing or loss of outlook would occur on the neighbouring occupants through this proposal, due to the extension being to the first floor of the dwelling and the existing designs of surrounding neighbours being similar to that of the proposal.

No.24 Willow Lane

No.24 is the adjoining terrace dwelling to the east of the applicant site. This neighbouring dwelling has a similar size and design to the proposal. It is considered that due to the proposal following its existing footprint and being of a similar design and size to the neighbouring dwelling of no.24, and the fact that there are no windows present on the east elevation wall of this neighbour, an acceptable level of amenity would be retained.

No.28 Willow Lane

No.28 is the adjoining terrace dwelling to the west of the applicant site. This neighbouring dwelling has the same size and design as the applicant site, with a flat roof kitchen to the rear of the dwelling. The proposed extension may result in some limited shading to the ground floor window of the neighbouring dwelling, although this is not considered to create an unacceptable residential amenity for the occupiers due to the dwelling receiving very little light due to the neighbouring dwellings height (in particular no.24) and the height of the raised gardens to the rear rising above the dwellings.

Given the above, it is considered that the overall impact of the proposal on residential amenity is acceptable, and as such, complies with the requirements of policies D2, 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 proposed extension would be built to the rear of the dwelling therefore would not impact upon the highway safety for the site.

5 – Other matters

Bats

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 the demolition of any existing structure, though it does include the demolition and/or alteration of a roof structure. The roof structure to be demolished and/or altered is a flat roof with no roof space and furthermore the new extension would integrate with the main roof. It is unlikely that a bat roost would be present in the flat roofed section and the main roof appears in good order with no cracked slates. 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 31st October 2017.

No public representations were received.

7 – Conclusion

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.

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: 2017/62/93095/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 and Policy PLP24 of the Publication Draft Local Plan.

3. The external walls of the extension hereby approved shall have a through coloured rendered finish applied in a stone colour to harmonise with natural stone of the existing rear elevation before the extension is first brought into use. Thereafter the extension shall be retained in a stone coloured render finish.

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local 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
Grouped plans and elevations – existing, proposed and location plan	1		19/09/2017

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:

05/11/2017

