

**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: 2017/62/93159/E

Site Address: 23, Knowles Lane, Gomersal, Cleckheaton, BD19 4LE

Description: Demolition of existing extension and erection of single storey extension including raising of roof height (within a Conservation Area)

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.

Julia Steadman

AUTHORISED OFFICER

Date: 12-Dec-2017

OFFICER REPORT

Site Description

23 Knowles Lane, Gomersal, Cleckheaton, is a painted end cottage with an existing front extension facing the road. The property has no land to the rear and modest enclosed amenity space to the front of the dwelling. The existing extension has two sections with a full extension immediately to the front of the property and a larger sunroom closer to the road.

The property is situated within a residential area with a mix of property types including more traditional and modern dwellings.

Description of Proposal

The applicant is seeking permission to replace the existing sunroom and the roof over the kitchen extension.

The width of the proposed sun room extension is proposed to be 2.9m and the projection out from the kitchen is proposed to be 4.1m. The roof form is proposed to be a mono-pitch with the higher wall being retained on the boundary with the adjacent 31 Knowles Lane although it would be increased from 3m to 3.8m over both the proposed sun room and the existing kitchen. The additional wall would be rendered as would the wall of the extension with tiles for the roof covering.

History of negotiations

The originally submitted application form, which includes work on the shared wall with no.31 Knowles Lane, had 'certificate A' signed. The agent was notified that he would need to either amend the plans so the scheme did not incorporate the shared wall or sign 'certificate B' on the application form after having served notice on the neighbouring occupants who owned the boundary wall (*see summary of representation below*). After the agent had considered the options, notice was served on the neighbour and 'certificate B' was signed and submitted to the Council on 06/11/2017. Following receipt of the new certificate, the application was registered and a new target date for determination of the application given.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 20/10/2017

As a result of the above publicity, one representation has been received which notified the Local Planning Authority that the northern boundary wall is owned

by 31 Knowles Lane and that the occupant is concerned about the change in appearance.

Consultation Responses

There were no formal consultations. However, informal discussions were had with the Trees Officer given the protected trees adjacent the site, in the grounds of no.31 Knowles Lane – no issues were raised.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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. However the property is sited within the Gomersal Conservation Area. This is also the case as part of the Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE5** – Development with a Conservation Area
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking
- **NE 9** – Mature Trees

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
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historic environment

Publication Draft Local Plan Policies

PLP 22 - Parking

PLP 24 - Design

PLP 35 - Historic Environment

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) Conditions
- 7) 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).

Although the site is unallocated on the UDP proposals map, it is within the designated Gomersal Conservation Area, which is characterised as a loosely knit linear settlement of large imposing houses and public buildings in a mature landscape. In this instance, the host property is not one of the large imposing houses, as it is a modestly proportioned cottage. However consideration will still need to be given to the current proposals in terms of the relationship formed between the proposals and the character of the conservation area, taking into account the aims of policy BE5 of the UDP, policy PLP 35 of the PDLP, and chapter 12 of the NPPF.

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

2 –Impact on visual amenity:

The property is sited within a residential area with a mix of properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The size of the front extension is not small in scale and would therefore not comply with point (i) of Policy BE14 of the UDP which sets out that where the proposal “is to the front or main elevation of the premises and is relatively small in scale” it will normally be permitted. However, it is replacing an existing structure which is of a poor appearance at present and which does not visually enhance the appearance of the property. The increase in height is also noted and considered to be acceptable with the use of render for the additional 0.8m given the mix of surrounding development, including boundary treatments, in the vicinity. The materials proposed would be a more appropriate match to the host property and the detailing is considered to form an acceptable relationship with the main house. Overall, the alteration is considered to represent an enhancement in terms of the character of the host property, the Gomersal Conservation Area, and the street scene as whole.

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 character of the conservation area, complying with the aims of Policies D2, BE1, BE5, BE13 and BE14 of the UDP, Policies PLP24 and PLP35 of the PDLP, and the aims of chapters 7 and 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 21 Knowles Lane

The proposed extension would see the height of the existing extension increase and the existing sunroom replaced with a more substantial extension. However, the footprint would be no larger than the existing and the separation distance between the dwellings would be retained. As such, even when considering the position of openings (which are in a very similar location to those in the existing extension), there would be no additional harm caused to the amenities of the occupiers of the adjoining property over and above the existing arrangements on site.

Impact on 31 Knowles Lane

The side wall of the extension would increase in height from 3m to the 3.8m. However, as the neighbouring property occupies a position some 14m to the north, the works proposed would not have any undue impact upon the amenities of the occupiers of the neighbouring no.31 Knowles Lane. It is appreciated that the proposed wall increase would be on the boundary with the neighbour’s garden however this particular area is planted with trees and would not be considered to form the main private residential amenity space associated with the property.

14 Knowles Lane

The neighbour on the opposite side of the road occupies a position some 17m to the east of the extension. As the extension would not reduce the space between the properties, it is considered that there would be no harm caused to the amenities of the occupiers of the neighbouring 14 Knowles Lane.

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 the aims of policies D2, BE1 and BE14 of the UDP.

4 – Impact on highway safety:

The dwelling does have a single parking space which is located in front of the adjoining property's garden area. The proposal is to replace an existing sunroom and a new sunroom of similar proportions. It is therefore not anticipated that there would be a significant intensification of domestic use at the site. The existing parking space is therefore considered to represent a sufficient provision. As such, the scheme would not represent any additional harm in terms of highway safety or efficiency, in accordance with the aims of policies D2, T10 and T19 of the UDP, as well as policies PLP21 and PLP22 of the PDL.

5– Other matters:

Biodiversity -

The development is for a single storey extension to the dwelling and would include alterations to the existing roof form. Although the roof appears to be in good repair, the property is sited in an area which is known to include bat habitats. As such, it is considered appropriate to include a cautionary note which sets out that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought. This would ensure that the proposals comply with the aims of chapter 11 of the NPPF.

Certificates/ownership -

The agent initially signed certificate A, however on the site visit (18/09/2017) it was confirmed that the northern wall of the extension does form the boundary with the adjacent no.31 Knowles Lane and is in the ownership of the neighbour (as set out in the representation received). As such, the agent was offered the opportunity to serve notice on the owner of the wall and submitted an amended certificate. Notice was subsequently served and Certificate B was signed and dated 06/11/2017. Following receipt of the new certificate, the application was considered to be valid and can now be determined.

There are no other matters for consideration.

6 – Representations:

One representation has been received, which raised the following matters:-

The northern boundary wall is owned by 31 Knowles Lane.

Response: *the agent was asked to either amend the plans or serve notice and submit new certificates to reflect the ownership of the wall.*

Concerned about the change in appearance of the wall.

Response: *this is a material consideration and has been addressed within the visual amenity section of this report. A footnote shall be attached to the decision notice which sets out that the granting of planning permission does not override any private legal matters relating to ownership etc.*

7 – 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.

8 – Conclusion:

This application to increase the roof over the kitchen and replace the sunroom with an extension to the front of 23 Knowles Lane 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 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: 2017/93159

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, BE1, BE2, BE5, and T10 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

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 sustain the significance of the Gomersal Conservation Area, in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and the aims of chapters 7 and 9 of the National Planning Policy Framework.

NOTE: Due to its location, 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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
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Plan Type	Reference	Web ID	Date Received
Conservation & heritage statement	-	654716	13/09/2017
Existing plans	01	654699	13/09/2017
Proposed plans	02	654700	13/09/2017

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 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.

The agent initially signed certificate A on the submitted application form, however on the site visit (18/09/2017) it was confirmed that the northern wall of the extension would form the boundary with the adjacent no.31 Knowles Lane and that this wall is in the ownership of the neighbour. As such, following discussions regarding this matter between the case officer and the agent, the agent served notice on the adjacent owner and submitted certificate B (which was signed and dated 06/11/2017).

Report Dated 07/12/2018