

**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: 2017/62/93677/W
Site Address: 2, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH
Description: Erection of balcony
Recommending Officer: Sam Jackman

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: 07-Dec-2017

SITE DESCRIPTION

2 Bankfield Drive, Holmbridge is a detached brick property with a concrete tiled roof. The property is located on the corner with Dobb Top Road which runs along the rear boundary. The property is also on a steep hillside, resulting in the property being 2-storey at the rear and the appearance of a bungalow from the front. There is an integral single garage with access from the side and dormers in the rear roof slope. Surrounding the rear garden the boundary is a mature conifer hedge on top of a high retaining wall screening the whole of the lower ground floor.

DESCRIPTION OF PROPOSAL

The proposal is to erect a steel frame balcony on the rear elevation facing Dobb Top Road. The balcony would project from the rear elevation by 3m by 4.1m across by 2.5m in height to the floor with a glass balustrade at a height of 1.1m to the north & east facing elevation with glass screening at a height of 1.8m along the east facing elevation.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

None

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 26.11.17

No letters of representation have been received in respect of this application.

Holme Valley Parish Council – supports the application

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 designated as unallocated on the Unitary Development Plan

Kirklees Unitary Development Plan:

D2 - Unallocated

BE1 – Design principles

BE2 – Quality of design

The site is designated as unallocated on the Local Plan Policies Map

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:

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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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.

The NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require Local Planning Authorities to consider proposals favourably when sympathetic design and materials suitably reflect the character of the host property and surrounding properties are submitted.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that ‘good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people’.

Emerging Policy PLP24 of the PDLP sets out a number of design considerations to take into account in the assessment of applications.

2 – Impact on visual amenity:

The proposed balcony would be located on the rear elevation of the property where both Bankfield Drive and Dobb Top Road run against the side and rear boundaries, however only part of the rear elevation can be seen from these roads given the existing high conifer hedge. The existing hedge screens the majority of the rear elevation with only a narrow glimpse from Bankfield Drive, given the privacy the hedge provides it’s unlikely this will be removed in the near future. Therefore the balcony in the proposed location will have little impact on the visual amenity of the area. Thereby acceptable and compliant with the requirements of policies D2, BE1 and BE2 of the Unitary Development

Plan advice in the NPPF and emerging Policies PLP1, PLP2 and PLP24 of the PDLF.

3 – Impact on residential amenity:

The proposed alterations are assessed upon whether they would have a detrimental effect on adjoining dwellings or any occupier of adjacent land by way of overshadowing and also in terms of its design, size and visual amenities. Given the light weight structure located on the rear elevation and the distance from neighbours, there would be no overshadowing of neighbours properties.

The proposal could potential create overlooking of neighbours properties given the raised platform. However the adjacent property No 4 Bankfield Drive will have no view from either their existing rear windows or garden given the mature boundary treatment and distance from the balcony to their boundary. The nearest property on the opposite boundary, No 2 Laithe Bank Drive is again over 20m away, an adequate separation distance to prevent undue overlooking furthermore the application shows a 1.8m high screening along this elevation .

As such there will be no impact on neighbouring properties in terms of overlooking in line with policy D2, emerging Policy PLP24 of the PDLF and advice in the NPPF.

4 – Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal.

5 – Other matters:

None

6 – Representations:

It should be noted that no representations have been received as a result of site publicity.

Holme Valley Parish Council supports the application.

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.

Decision Authorisation - Delegated Powers

Application Number: 2017/93677

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 51 of the Planning and Compulsory Purchase Act 2004.

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 and BE2 of the Kirklees Unitary Development Plan, Policies PLP 1, PLP 2 and PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	LP 01		24.10.17
Existing & proposed layout & elevations	2017/045/03		24.10.17

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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

7.12.17

Coal – none