

**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: 2017/62/93784/E

Site Address: The Paddock, 5, Near Bank, Shelley, Huddersfield,
HD8 8LS

Description: Erection of garage and single storey link extension

Recommending Officer: Olivia Roberts

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: 05-Jan-2018

Officer Report

Site Description

The application relates to a two storey detached dwelling in Shelley, 5 Near Bank. It is constructed in stone and render and is designed with gable roof forms which are finished in artificial stone roof tiles. The dwelling benefits from a two storey extension which is located to the south of the site and a porch which is located to the west (ref: 2003/93864). A driveway which is accessed via a public right of way footpath that leads off Near Bank is located to the west of the site. A garden and amenity space is located to the east and south of the site. Boundary treatment on site comprises of a stone wall which runs along the northern elevation. Bushes and hedging form the boundary to the south of the site.

The site is located in a residential area with the vicinity comprising of properties of a range of characters, styles and designs. However in the immediate vicinity, the predominant material of construction is stone.

Description of Proposal

The application seeks planning permission for the erection of a garage and single storey link extension. The link extension will create a hallway, utility room and study. The proposed link extension will project approximately 6.40 metres from the side elevation of the host dwelling. The section of the extension that will serve the study will have a width of 3.40 metres whilst the section that will serve the utility and will be attached to the proposed garage will have a width of approximately 5.00 metres. The proposed extension will be constructed in stone on the front elevation and render to the rear to match existing. It will be designed with a gable roof form to match existing. A section of timber cladding is proposed for the front elevation of the extension. Two windows and a replacement porch door are proposed for the front elevation of the extension. A door and three windows are proposed for the rear. The openings will be finished in UPVC and aluminium.

The proposed garage will project an additional 6.60 metres to the west of the proposed link extension and will have a width of approximately 5.80 metres. It will be constructed in stone to the front and side and render to the rear to match existing. A section of timber cladding is proposed for the front elevation of the garage. It will be designed with a gable roof to match existing. Timber garage doors that will match the proposed timber cladding will be located on the side elevation of the extension. Two windows which will be finished in UPVC and aluminium will be located on the front of the garage extension.

An access ramp is proposed to run along the rear of the proposed garage and single storey link extension.

History of negotiations/amendments received

The application follows on from pre-application advice (ref: 2017/20103). The previous pre-application proposed two options for introducing a garage and side extension to the application site. The first proposed a single storey side extension which would fall under permitted development rights and a 1.5 storey garage and studio. The second option included the 1.5 storey garage and studio with a single storey link extension. The advice stated that although the proposed 4.50 metre side extension would be acceptable in isolation, it was deemed that the addition of further 9.00 metre 1.5 storey garage would be disproportionate and of detriment to the character and openness of the Green Belt. The advice concluded that although the combination of the side extension and an outbuilding/garage as detailed under the second option could be seen as an appropriate addition to the dwellinghouse within the Green Belt, the garage should be reduced in height if a subsequent planning application was to be submitted.

Although the projection of the proposed extension has been increased from the previously submitted plans, the proposed projection of the garage has been reduced. The overall projection of the proposed development is no greater than under the plans submitted for pre-application advice. Furthermore, the height of the garage has been reduced to be single storey in scale.

Relevant Planning History

2003/93864: Erection of two storey extension and porch. Conditional Full Permission.

91/01051: Erection of two storey extension. Refused.

91/05031: Erection of two storey extension. Conditional Full Permission.

90/00263: Outline application for extension. Conditional Outline Permission.

Representations

Final publicity date Expires: 16 December 2017.

A site notice has been posted and neighbours have been notified.

As a result of the publicity period, 1 representation was received.

A summary of the comments received is set out below:

- A comment was received raising concern to accuracy of the application and submitted details. The comment addressed inaccuracies relating to the submitted location plan and attached design statement.

Kirkburton Parish Council comments: no comments received.

Consultation Responses

No consultations 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 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 located in the Green Belt on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D11** – Extensions in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **R13** – Public Right of Way and Access Areas

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP 57** – The extension, alteration or replacement of existing buildings

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 9** – Protecting Green Belt land
- **Chapter 11** – Conserving and enhancing the natural environment

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 located within the Green Belt on the Unitary Development Plan proposals map whereby new development is severely restricted. Paragraphs 89 and 90 of the NPPF sets out those forms of development which may be acceptable within the Green Belt, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy D11 of the Unitary Development echoes this, and states that:

“Proposals for the extension of buildings within the Green Belt will be considered having regard to:

- i. The impact on the openness and character of the Green Belt;*
- ii. The size of the extension in relation to the existing building which should remain the dominant element;*

And in the case of traditional buildings,

- iii. The effect on the character of the existing building*

In the case of proposals to extend buildings which have already been extended the proposals should have regard to the scale and character of the original part of the building.

The key issues in the assessment of this application are therefore considered to be the impact of the development on the openness of the Green Belt and on the character of the existing building. These matters shall be assessed below.

2 –Impact on visual amenity:

The proposed development will have some impact on the visual amenity of the property. The proposed link extension and garage will significantly increase the size of the dwelling. However, the extension will be constructed in materials that will match existing and will be designed with a roof form which will correspond well with that of the host dwelling. Although the use of timber cladding on the front elevation and the introduction of aluminium windows will be relatively modern, the design of the proposed development will be in keeping with the character, style and design of the host dwelling.

The proposal is therefore considered acceptable from a visual amenity perspective and would be in line with the aims of Policies BE1, BE2, BE13, and BE14 of the UDP, policy PLP24 of the PDL, and Chapter 7 of the NPPF.

Impact on the Openness of Green Belt –

The site is located within the Green Belt and therefore, as previously set out, the impact of the development upon the openness of the Green Belt is required to be considered. There is no definition of “disproportionate” within para. 89 of the NPPF, however Policy D11 of the UDP does state that the existing building should remain the dominant element.

The proposed garage and single storey link extension would increase the footprint of the dwelling which has previously been extended. Although the proposed development when considering the addition of the existing two storey extension and porch would amount to a significant increase in the size of the dwelling, due to the size of the existing property, its curtilage and the surrounding area, including topography of the site, it is deemed that the dwelling would be able to support a development of this scale without having a significantly detrimental impact on the character and nature of the surrounding Green Belt.

I am satisfied that the existing dwelling would remain the dominant element as the proposed garage and link extension are single storey in nature and will not result in a significant change to the appearance of the existing dwelling, still permitting views of the original western gable elevation on the approach into the site from the main highway, Near Bank. All elements of the proposal will be finished in materials that will match the appearance of the host dwelling.

Taking into account the location and scale of the proposal, the impact on the openness of the Green Belt is considered to be marginal in this instance. I am satisfied that the proposals would accord with the aims of policy D11 of the UDP, policy 57 of the PDLP, and Chapter 9 of the NPPF.

3 – Impact on residential amenity:

Due to the application site being located off a Public Right of Way that leads off Near Bank and given the distance retained between the site and the nearest property, it is not considered that the proposed development will have an impact on residential amenity. The proposal is therefore considered acceptable from a residential amenity perspective and would accord with the aims of policies D2 and BE14 of the UDP, as well as policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposed development will introduce a garage to the application site which will provide two off-street parking spaces. Due to the length of the driveway which leads to the dwelling from the Public Right of Way which provides access on to Near Bank, additional parking will be retained on site

following development. The proposed extension does not give rise to the requirement for additional parking and would not affect parking and access arrangements on site. Accordingly, it would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLF.

Impact on the Public Right of Way (PROW) –

Part of the access located off Near Bank and serving the application site is designated as a PROW (KIR/147/10). However, due to the distance retained between the application site (and subsequent proposed development) and the PROW (due to the location of the properties driveway along with current boundary treatment on site), it is not considered that there would be any undue visual or material impact upon users of the PROW, in accordance with Policy R13 of the UDP. Furthermore, due to the position of the extension (and application site as a whole) it was not considered necessary to advertise the application as ‘affecting the PROW’ in this instance.

5 – Other matters:

5.1 Ecology -

The site is located within the Council’s GIS bat alert layer however it is not identified on the map as having bat roosts and is not within 200 metres of woodland. In addition, the dwelling is well-sealed and unlikely to have any significant bat roost potential. Furthermore, the proposed development will not involve work on the roof form of the original dwelling. However, a note recommending the advice of licensed bat work to be sought if any bats are found during the development will be relayed on the applicant in the interest of biodiversity and for the proposal to comply with the aims of chapter 11 of the NPPF.

6 – Representations:

As a result of the publicity period, 1 representation was received.

A summary of the comments received is set out below along with a response:

- A comment was received raising concern to accuracy of the application and submitted details. The comment addressed inaccuracies relating to the submitted location plan and attached design statement.

Officer response: Clarification was sought from the agent regarding the ownership of the land as shown on the submitted location plan. The agent

confirmed that they believe the ownership certificate included within the application is correct with regards to notice being served on all owners of the land. A response was issued to the enquirer confirming that the submitted location plan and design statement are accurate and adequate for determining the planning application. No further correspondence was received.

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: 2017/93784

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 D11, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. Notwithstanding the areas of timber cladding proposed for south elevation of the proposed garage and link extension, the stone proposed for the front elevation of the extension, the render proposed for the rear, and the artificial stone roofing materials shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to protect the character of the Green Belt, in accordance with Policies D11 and BE13 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan, as well as 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans	102-01		10/11/2017
Site Plans	102-02		10/11/2017
Existing Elevations	102-02		10/11/2017
Proposed Elevations	102-03		10/11/2017
Proposed Plans	102-04		10/11/2017
Proposed Sketches	102-05		10/11/2017
Site Location Plan	102-07		10/11/2017

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.

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

Report Dated:

04/01/2018