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: 2017/62/93790/W

Site Address: 7, Millfield Close, Oakes, Huddersfield, HD3 4DJ

Description: Erection of two storey rear extension

Recommending Officer: William Simcock

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: 19-Jan-2018

Officer Report

Site Description

7 Millfield Close is a two-storey brick house located near the head of a cul-de-sac on the south side of the highway. It is semi-detached, the right-hand half of a pair. There is a single detached garage at the side and a tarmac driveway giving access to the highway. It has a large rear garden and is situated in a neighbourhood of similar properties.

Description of Proposal

The proposal is for the erection of a two-storey rear extension. It is to be 5.8m wide, about 2/3 of the width of the rear elevation, and project 3.55m. It is to have a gable roof. Materials are to match the existing building.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations
Final publicity date Expires: 25-Dec-2017.

No representations received.

Consultation Responses

No consultations were deemed necessary in this instance.

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 without designation on Kirklees 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
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
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]”. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems).

PLP24 of the Publication Draft Local Plan covers mostly similar concerns to the UDP policies already listed but in addition states that extensions should be subservient to the original building.

2 –Impact on visual amenity: It is considered that the proposed extension would respect the design features of the existing dwelling and the character of its surroundings and would be subordinate in terms of scale. It would conserve visual amenity, subject to all materials being a match for those on the existing dwelling, which can be conditioned. It would thereby comply with the aims of Policies BE1-2, BE13 and PLP24.

3 – Impact on residential amenity: The proposed extension would exceed the 3.0m limit recommended in Policy BE14. But it would maintain a separation distance of approximately 2m from the boundary with the adjoining dwelling and it is considered that it would not be overbearing. The neighbouring properties to the south-west and north-west maintain a much bigger separation distance and are not close enough to be affected either in terms of light, outlook, or overall living conditions. In conclusion, the extension would not give rise to a negative impact on any other properties or land and would be compliant with the aims of BE14 and emerging policy PLP24.

This should be subject to the condition that no windows should be formed in the south-east side elevation as these could be intrusive to the neighbouring property, no. 5. This is not considered necessary for the opposite side elevation as it is further from its respective boundary.

4 – Impact on highway safety: The proposed extension would not affect existing parking or access arrangements and would not affect highway safety. It would therefore accord with the aims of T10 and emerging Policy PLP21 of the PDLP.

5 – Other matters:

Ecology:
The site is in the bat alert layer but the property is well-sealed and has no evident bat roost potential. The standard precautionary note will be added.

6 – Representations: No representations have been made.

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: 2017/93790

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 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 accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external south-east side wall of the extension at ground floor level at any time.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

NOTE: There is the 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
Application form			01-Nov-2017
Location plan	1762.1		01-Nov-2017
Existing floorplans	1762.2		01-Nov-2017
Proposed floorplans	1762.3		01-Nov-2017
Existing elevations	1762.4		01-Nov-2017
Proposed elevations	1762.5		01-Nov-2017
Proposed side elevations	1762.6		01-Nov-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 case officer did not undertake negotiations with the applicant since no amended or additional plans were considered necessary.

Report Dated: 18-Jan-2018