

**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: 2017/62/93954/E
Site Address: 72, Hey Beck Lane, Woodkirk, Dewsbury, WF12 7QZ
Description: Erection of two storey side extension and alterations
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: 12-Jan-2018

Officer Report

Site Description

The application relates to a two storey detached dwelling in Woodkirk, 72 Hey Beck Lane. It is constructed in brick and render and is designed with gable and flat roof forms which are finished in concrete roof tiles and slate. The property benefits from an integral garage and carport which are located to the west of the site. They are accessed via a driveway which leads off Hey Beck Lane. The front of the dwelling is set back from the access road with a small garden to the front and a larger garden and amenity space to the side and rear. Boundary treatment on site comprises of a stone wall which runs to the front of the property. Hedges form the boundary to the north, east and west 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. Despite this, the predominant material of construction is brick and render with concrete roof tiles. The site is located in the Green Belt on the Kirklees Unitary Development Plan. A Public Right of Way runs to the east of the site.

Description of Proposal

The application seeks planning permission for the erection of a two storey side extension and alterations to the existing dwelling. The side extension will create an extension to the lounge at ground floor level and an ensuite and additional bedroom space at first floor. The extension will project 3.00 metres from the side elevation of the dwelling and will have a length of 6.00 metres to sit flush with the front and rear elevations of the dwelling. The extension will be constructed in brick to match existing and will be designed with a gable roof which will create an extension of the existing roof form of the host dwelling. A window is proposed for the front elevation of the extension at ground and first floor level. Due to design of the property, the first floor level window will be located in the roof of the property. A window is proposed on the rear elevation of the extension at first floor level. Patio doors will be located to the rear of the extension which will extend across a section of the original dwelling. The side elevation of the proposed extension will match the existing side elevation of the dwelling with three windows proposed at both ground and first floor level. All openings will be finished in white UPVC to match existing.

Alterations are proposed for the dwelling to convert the existing carport into a garage. The utility room and WC will be relocated to the rear of where the existing garage is located. A garage door and window are proposed for the front elevation. These will be finished in white UPVC to match existing. A wall

will be erected to infill the entrance to the existing carport either side of the proposed garage door and window which will be finished in render to match existing. The section of the carport which will become an extension of the current living space following the development will be finished with a lean-to roof which will feature three centrally placed roof lights. The flat roof of the garage will be retained.

The existing window to the east of the front elevation of the dwelling will be replaced. The replacement window will be finished in white UPVC to match existing.

To the rear of the property, a window is proposed for either side of the existing at first floor level which due to the design of the property will be located within the roof space. At ground floor level, the openings to either side of the property will be replaced with patio doors. A door is also proposed for the rear elevation of the garage. All openings will be finished in white UPVC to match existing.

History of negotiations/amendments received

No amendments were sought or received during the process of the application.

Relevant Planning History

2009/91508: Erection of two storey extension. Conditional Full Permission.

2010/90150: Non material amendment to previous permission 2009/91508 for erection of two storey extension. NMA – Approved.

At 70 Hey Beck Lane –

2007/94552: Erection of two storey extension. Conditional Full Permission.

Representations

Final publicity date Expires: 28 December 2017.

A site notice was posted and neighbours were notified.

No representations were received.

Parish/Town Council comments: not applicable.

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 located within the Green Belt on the Unitary Development Plan whereby new development is severely restricted. Paragraphs 89 and 90 set 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.

2 –Impact on visual amenity:

The proposed development would have some impact on visual amenity. The property will, as a result of the two storey side extension, be significantly larger than the original dwelling. It is noted however that the extension will sit in line with the front and rear elevations of the dwelling. The height to ridge, eaves height, roof form and materials proposed for the extension will match those used in the construction of the original dwelling. The proposed alterations will not significantly alter the appearance and character of the host dwelling and will be finished in materials to match existing. The proposal is therefore considered to be in line with Policies BE1, BE2, BE13, BE14 and D2 of the UDP, policy PLP24 of the PDLP and Chapter 7 of the NPPF.

Impact on the Openness of Green Belt –

The site is located within the Green Belt and therefore 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 two storey side extension would increase the footprint of the dwelling which despite being granted planning permission for a two storey rear extension under ref: 2009/91508 has not previously been extended. The proposed alterations will not increase the footprint of the dwelling. Although the proposed development would amount to a significant increase in the size of the dwelling, due to the size of the existing property, its curtilage and 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 two storey extension will project 3.00 metres from the side elevation of the dwelling and will be subordinate to the host property. The proposed extension and alterations will not result in a significant change to the appearance and character of the property. The eastern gable of the proposed extension will be finished to match existing which will retain the character of the dwelling and the appearance of the surrounding street scene. 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.

Impact on the Public Right of Way –

A Public Right of Way is located to the east of the site where the proposed two storey extension will be located. However, due to the size of the curtilage of the site, sufficient distance will be retained between the development and the boundary of the site to ensure that there will be no visual or material impacts upon users of the PROW. Furthermore, due to the distance retained between the extension and the boundary of the site, it was not considered necessary to advertise the application as ‘affecting the PROW’ in this instance. The proposed development thus complies with policy R13 of the UDP.

3 – Impact on residential amenity:

Due to the location of the site and the fact that the proposed extension will be located to the east of the property, it is unlikely that the development will have a significant impact on residential amenity. The proposed openings for the front and rear elevations of the dwelling will not project any closer to neighbouring properties than existing so will not increase the likelihood of overlooking. The proposed alterations to the roof of a section of the existing garage will not project any closer to no. 70 Hey Beck Lane than existing and will not be more than single storey in nature. It is therefore unlikely that the proposed alterations will have an overbearing or overshadowing impact on the property.

To summarise, the proposal is 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:

Although the proposed alterations will result in the loss of the existing carport, the garage will be retained following development. Furthermore, a large driveway is located to the front of the site which will provide additional parking. The proposed extension does not give rise to the requirement for additional parking and would not affect the existing 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 PDLP.

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. 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:

No representations were 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: 2017/93954

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. The external walls and roofing materials of the extensions 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 protect the openness of the Green Belt and to accord 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. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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
Location Plan			20/11/2017
Existing Plans/Sections	HL/100/1		20/11/2017
Existing Elevations	HL/100/2		20/11/2017
Proposed Plans/Sections	HL/100/3		20/11/2017
Proposed Elevations	HL/100/4		20/11/2017

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:

11/01/2018