

**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:** 2017/62/94035/W  
**Site Address:** 54, Warrenside, Deighton, Huddersfield, HD2 1LP  
**Description:** Erection of conservatory to side  
**Recommending Officer:** Julie Greatbatch

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 25-Jan-2018**

Officer Report

Application: 2017/62/94035/W

**Site Address:** 54 Warrenside, Deighton, Huddersfield, HD2 1LP

### **Site Description**

The application relates to a semi-detached dwelling in a residential area of Deighton. The existing property is located at the end of a cul-de-sac and comprises a single storey bungalow with a rear dormer extension. The property backs onto Bradley and Colnebridge Cricket Club.

The property is constructed from red/brown brick with partial cream render to the front and rear walls, and a brown concrete tiled roof.

To the front of the property is a paved and gated driveway. The rear garden is part lawn, part hardstanding and currently accommodates two shed-type outbuildings.

### **Description of Proposal**

The applicant seeks planning permission for the erection of a single storey side extension, described in the submitted plans as a conservatory.

The proposed extension will protrude 4.0m from the side of the existing dwelling, and is proposed to be 4.0m wide. The proposed eaves height is similar that of the host dwelling, at 2.5m. The proposed extension ridge height, at 3.5m, will be lower than that of the main building.

The extension is proposed to be constructed of bricks to match existing, with upvc windows and a tiled roof.

### **History of negotiations/amendments received**

No amendments to the submitted plans were considered necessary.

### **Relevant Planning History**

2006/90524 – 54 Warrenside, Deighton – Erection of Single Storey Extension. Conditional full permission, not implemented.

### **Representations**

Final publicity date expired 3rd January 2018.

No comments were received.

### **Consultation Responses**

The property is located within the 'Middle' hazardous materials zone. As such, the Health and Safety Executive (HSE) was consulted. The HSE confirmed that they would not advise against the granting of planning permission in this case.

## **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 unallocated in the 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
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) 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.

#### 2 – Impact on visual amenity:

The proposed extension is not disproportionate in scale to the existing dwelling nor to surrounding properties. The roof design corresponds well to the existing roof, and the consistent use of materials further contributes to a harmonious design.

The proposed new window visible from the front of the property aligns with and is designed to match the existing; it is in keeping with the original design.

The proposal would not compromise the visual appearance of the existing dwelling or the surrounding area. The proposal is thus considered to be compliant with Policies BE1, BE2, BE13, BE14 and D2 (criteria vi) of the UDP and Policy PLP24 of the Publication Draft Local Plan.

#### 3 – Impact on residential amenity:

The proposed extension will not be visible from the adjoining property at 52 Warrenside and, as such, will not have any impact on the residential amenity of this neighbour.

The extension will bring the property to within 1.8m of the boundary with 56 Warrenside. However, given the angle between the existing properties, and existing boundary treatments in place, it is not considered that the proposed extension will impact negatively upon this neighbour in terms of overlooking or overbearing.

The overall impact on residential amenity is acceptable and therefore compliant with policies D2 and BE14 of the UDP and Paragraph 17 of the NPPF.

4 – Impact on highway safety:

No impact.

5 – Other matters:

Bats

The application site is within a bat alert area; however there is no indication that there is a bat roost on site. Given the scale of the works proposed, a bat survey would not be required in this case. However, a note the recommending that the advice of licensed bat work to be sought if any bats are found during the development will be relayed on to the applicant if this application is approved for the proposal to comply with 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:** 2017/94035

**Officer Recommendation:** Full Conditional Permission

### 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 Kirklees 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 Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	30/11/2017
Proposed Site/Block Layout	-	-	30/11/2017
Existing Plan & Elevations	-	-	30/11/2017
Proposed Plan & Elevations	-	-	30/11/2017

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. No amendments to the submitted plans were considered necessary.

**Report Dated:**

24/1/2018

