

**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: 2017/62/94049/E

Site Address: 1, Near Bank, Shelley, Huddersfield, HD8 8LS

Description: Erection of single storey rear extension and alterations to windows

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jan-2018

Officer Report

Reference: 2017/94049

Location: 1 Near Bank, Shelley, Huddersfield, HD8 8LS

Proposal: Erection of single storey rear extension and alterations to windows

Site Description

The applications relates to a semi-detached dwelling in Shelley, 1 Near Bank. Due to the topography of the area, the dwelling appears to be two stories in scale from the front elevation and three stories from the rear. It is constructed in natural stone and is designed with a gable roof which is finished in stone slate roof tiles. A detached garage is located to the south west of the site which is accessed via a driveway which leads off Near Bank. The dwelling also benefits from a second driveway which due to the location of the site, is accessed via the Public Right of Way footpath that leads off Near Bank. The front of the dwelling is located on Near Bank with a garden and amenity space located to the rear. Boundary treatment on site comprises of a stone wall which runs along the western boundary of the site. Hedging forms the boundary to the rear of the site whilst fencing runs between the application site and the adjoining property.

The site is located in a residential area with the immediate vicinity comprising of properties of a similar character, style and design to the application site with the predominant material of construction being natural stone with stone slate roof tiles. The site is located in the Green Belt on the Kirklees Unitary Development Plan. A Public Right of Way footpath runs to the rear of the application site.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension and alterations to existing windows. The proposed rear extension will project approximately 3.25 metres from the rear elevation of the host dwelling. The land to the rear of the site will be made level to allow the proposed extension to sit in line with the existing basement level to the rear of the site. The extension will have a length of 6.00 metres and will project up to the existing cellar. It will be set in from the boundary to the east of the site by approximately 0.50 metres. The proposed extension will be finished in natural stone with the exception of the east side elevation which will be finished in block and render. It will be designed with a lean-to roof of a shallow gradient

which will be finished in dark grey fibre glass. The roof of the extension will be designed with an overhang of approximately 0.50 metres and will have a maximum height of 2.80 metres. Bifolding doors are proposed for the rear elevation of the extension. These will be finished in aluminium. Two roof lights are proposed for the extension. No openings are proposed for the side elevations of the extension.

Alterations are proposed to restore the original mullion windows on the rear elevation of the dwelling at both ground and first floor level. Eight windows will be reinstalled at first floor level along with three windows at ground floor level. The existing door which is located at ground floor level on the rear elevation of the dwelling will be removed and replaced with mullion windows which will mirror existing. The windows will be finished in a mixture of white and Chartwell Green UPVC to match existing.

History of negotiations/amendments received

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

Relevant Planning History

No planning history at the site.

At No. 3 Near Bank –

2006/94224: Erection of extension. Conditional Full Permission.

89/01635: Erection of two storey extension. Granted Conditionally.

Representations

Final publicity date Expires: 02 January 2018.

A site notice was posted and neighbours were notified.

No representations were received.

Kirkburton Parish Council comments: no comments received.

Consultation Responses

K.C. Conservation and Design – Informal Discussion, given the nature of the surrounding area and the character of the application site, no concerns were raised.

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** – Green Belt land
- **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 will have some impact on the visual amenity of the property. The proposed extension will increase the size of the host dwelling. With the exception of the side wall to the east of the proposed extension, it will be constructed in natural stone to match existing and will be designed with a flat roof that will be finished in dark grey fibre glass. Due to the modern design of the proposed extension, the materials proposed and the traditional style of the property, K.C. Conservation and Design were informally consulted over the proposed development and had no concerns. Although the side of the extension which will be located to the east of the site will be finished in block and render which does not feature in the construction of the host dwelling, it is noted that this elevation of the dwelling will not be visible from either Near Bank or the Public Right of Way footpath which is located to the rear of the site. Furthermore, it is noted that due to the topography of the area, the adjoining property is two stories in scale to the rear. Therefore, the visibility of the block and render from the adjoining property will be greatly reduced. Although the proposed fibre glass roof which will be designed with a 0.50 metre overhang is relatively modern in relation to the traditional style of the host dwelling, it is not deemed that it will have a significantly detrimental impact on the character or appearance of the host dwelling. The mullion windows which are proposed to be reinstalled in the rear elevation of the dwelling are in keeping with the traditional style and character of the dwelling and will enhance the appearance of the property. 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 proposed single storey extension will involve an increase in the footprint of the dwelling. Historic maps show that the dwelling, prior to 1948, has had a similar footprint to that which exists today, and therefore the existing situation is considered to comprise the original dwelling. Although the development would amount to an increase in the size of the dwelling, due to the single storey nature of the proposal, the size of the existing property, its curtilage and surrounding area, including the 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 single storey extension which will be located at basement level, will project 3.25 metres from the rear elevation of the dwelling and will be subordinate to the host property. The proposed extension and alterations to restore the original mullion windows will not result in a significant change to the appearance and character of the property. Although the materials proposed for the extension are relatively modern, it is not considered from a Conservation and Design perspective that the development will have a significant impact on the character and appearance of the host property nor the surrounding Green Belt.

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 BE5 of the UDP, policy PLP35 of the PDLP and Chapter 11 of the NPPF.

Impact on the Public Right of Way –

A Public Right of Way footpath is located to the rear of the application site. However, due to current boundary treatment and the distance that will be retained between the proposed development and the footpath, it is not deemed that there will be any visual or material impacts upon user of the PROW, in accordance with Policy R13 of the UDP. Furthermore, due to the position of the extension it was not considered necessary to advertise the application as 'affected the PROW' in this instance.

Overall, the impact of the proposed extension to the host dwelling does not amount to overdevelopment of the site. There will be amenity space at the front and rear of the site remaining following development due to the size of the curtilage of the site, in accordance with the aims of policy D2 of the UDP.

3 – Impact on residential amenity:

The development will have some impact on residential amenity with the most likely property to be effected being No. 3 Near Bank. The proposed development will project 3.25 metres from the rear elevation of the host dwelling. It is noted guidance set out within Policy BE14 of the UDP advises that rear extensions with a projection greater than 3.00 metres would not normally be supported. However, it is recognised that the proposed extension will be set in from the boundary shared with the adjoining property by approximately 0.50 metres which will reduce the impacts on residential amenity. Furthermore, due to the topography of the area to the rear of the properties, No. 3 Near Bank is two stories in nature. As the proposed development will be located at the existing basement level, the impacts on the residential amenity of the property will be further reduced. The proposal is considered acceptable in this instance. Due to the proposed extension being located at the existing basement level which is lower than the ground floor level of the aforementioned property, it is unlikely that the development will have an overbearing or overshadowing impact. No windows are proposed for the side elevation of the extension which will eliminate the potential for overlooking.

Due to the location of the site and the proposed extension, no other properties will be affected by the development.

To summarise, the proposals, with the inclusion of conditions, 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:

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.

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 extension will not involve work on the original roof form. 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 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: 2017/94049

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, Policy PLP24 of the Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. With the exception of the east elevation of the extension which shall be finished in blockwork and render, the external walls 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, Policy PLP24 of the Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

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
General Arrangements as Existing	16046D-01-P01		24/11/2017
General Arrangements as Proposed	16046D-03-P04		24/11/2017

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 the submitted plans were considered to be acceptable, no changes were sought or received during the course of the application.

Report Dated:

18/01/2018