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: 2017/62/94194/W

Site Address: 56, Holly Bank Road, Lindley, Huddersfield, HD3 3LT

Description: Erection of single storey rear extension

Recommending Officer: Sam Jackman

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: 08-Feb-2018

SITE DESCRIPTION

56 Holly Bank Road, Lindley, is an end-terrace dwelling in a row of three stone built properties. There is a small amount of garden space at the front of the dwelling and a narrow garden area at the rear. The properties to the West are at right angles to the application site.

DESCRIPTION OF PROPOSAL

It is proposed to erect a single storey conservatory at the rear of the property. The conservatory will be constructed from upvc frame on top of a base wall for the rear elevation with solid side elevations apart from 1 glazing panel to the east facing elevation, with a lean-to roof.

The proposal will project by 4m from the rear elevation and extend 5.7m across the width of the dwelling with a 1m set in from the side boundary with No 58 Holly Bank.

Materials proposed as stated on the application form is brick to match existing.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the agent due to the application being acceptable in its submitted format. However an extension of time was requested.

RELEVANT HISTORY

2007/91707 – 58 Holly Bank Road 3m rear extension approved and built

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 12.1.18

No letters of representation have been received in respect of this application.

CONSULTATION RESPONSES

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure and is single storey.

POLICY

The statutory development plan comprises:

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 designated as unallocated on the Unitary Development Plan

Kirklees Unitary Development Plan:
D2 - Unallocated
BE1 – Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 – Highways

The site is designated as unallocated on the Local Plan Policies Map

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
PLP 1 – Achieving sustainable development

PLP 2 – Place shaping
PLP 24 – Design
PLP 30 - Biodiversity and geodiversity

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 11 - conserving & enhancing the natural environment

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]".

The NPPF refocuses the emphasis on good design as being indivisible from good planning and when applied in conjunction with policies BE1 and BE2 of the UDP, which cover general design principles and quality of design, require Local Planning Authorities to consider proposals favourably when sympathetic design and materials suitably reflect the character of the host property and surrounding properties are submitted.

In addition two specific policies relating to extensions to dwellings apply. Policies BE13 and BE14 of the UDP establish that proposals for the extension of existing dwellings should respect the design features of the existing house and adjacent buildings and should not have a detrimental effect upon the visual amenity of the area or adjoining dwellings.

Advice in Chapter 7 of the NPPF regarding design is also a material consideration. At paragraph 56 this states that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.

Emerging Policy PLP24 of the PDLP sets out a number of design considerations to take into account in the assessment of applications.

2 – Impact on visual amenity:

The proposed single storey rear extension would be subservient to the main dwelling by virtue of its height and siting to the rear. The proposed works would not be visible from the front of the property and therefore will not harm the appearance of the street scene.

The proposed extension would be a conservatory, with a projection of 4 metres. This is greater than the 3m projection set out in BE14. However, this Policy has become somewhat outdated by virtue of permitted development rights in the 2015 GPDO and the potential rights for householders to extend a terraced dwelling by up to 6m in projection (through the neighbour consultation scheme). This, and because no objections have been received has been given some weight. In addition by being set in from the shared boundary with the attached dwelling at no. 58, it is considered that the proposed extension is acceptable in terms of visual amenity, would relate satisfactorily to the host building and would accord with the aims of Policies BE1, BE2 and BE13 of the UDP as well as Policy PLP24 of the Publication Draft Local Plan and advice in Chapter 7 of the NPPF.

3 – Impact on residential amenity:

The property most closely affected by this proposal is No. 58 which is the attached property to the east. In terms of the impact on this property, it is important to note that there is a difference in levels between the application site and No.58, with No. 58 on a lower ground level. However, the extension would be to the west of the neighbour and therefore, there would be no loss of direct sunlight resulting from the proposal until early evening. Furthermore the neighbour already has a single storey rear extension projecting 3m. In addition, the extension itself would be set in from the shared boundary by 1metre which would combined with the above, minimise the impact of the extension being overbearing.

With regards openings within the side elevation, along the shared boundary, the end panel is proposed to be glazing with the remaining side elevation being of solid construction. To prevent overlooking of the neighbour's property this panel should be obscurely glazed which can be controlled by condition.

With regard to the properties to the west along Stanley Road, No 44 is mostly affected by the proposal, given that this property is at right angles to the host property and looks directly onto the area for the proposed conservatory. There would be only 6.5m separating the proposed conservatory from No 44 Stanley

Road, however it is important to note that again there is a difference in levels with No 44 being at a higher level and there is a substantial wall in place which would mean only a maximum of 1.6m of the structure would be seen from no. 44. Therefore it is considered that albeit the separation distance is limited, the current situation already exists with the properties being closely spaced. The scale of the proposal would limit the impact on this neighbouring property and permitted development rights could be exercised which would result in a greater impact.

To conclude, given the topography of the area, overall scale of the extension and its relationship with neighbouring properties it is considered to be acceptable and is unlikely to result in a significant adverse impact on residential amenity, thereby acceptable and compliant with policies D2 & BE14 of the UDP, emerging policies PLP1, PLP2 & PLP24 of the PDLP and advice in the NPPF.

4 – Impact on highway safety:

In terms of highway safety the property does not benefit from any off street parking, and whilst the development would increase the amount of liveable space in the property, given the current arrangements it is not considered necessary to require off street parking to be provided.

5 – Other matters:

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure of the host property and is single storey extension.

6 – Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2017/94194

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 51 of the Planning and Compulsory Purchase Act 2004.

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 of the Kirklees Unitary Development Plan, emerging Policies PL01, PL02 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

3. Notwithstanding the submitted application form the external walls of the conservatory hereby approved shall in all respects match those used in the construction of the host building.
Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan, Policies PL01, PL02 & PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework.

4. The end window in the east facing side elevation, shall be obscurely glazed (minimum grade 4), before the conservatory is first brought into use. 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) this window shall thereafter be so retained obscure glazed.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and to accord with Policy D2 of the Kirklees Unitary Development Plan,
Policy PLP24 of the Publication Draft Local Plan and advice in the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1:1250			8.12.17
Block Plan 1:500			8.12.17
Existing & proposed layout & elevations	56 HR		8.12.17

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 Planning 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 any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:	8.2.18

Coal – low risk