

**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: 2017/62/94250/W

Site Address: 160, Laund Road, Salendine Nook, Huddersfield, HD3
3TY

Description: Erection of extension to front

Recommending Officer: Laura Yeadon

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: 29-Nov-2018

Officer Report

Site Description

The application site is a semi-detached property located within a built up area of Huddersfield. The property has walls that are finished in a white render and a concrete tiled roof. There is an enclosed patio area to the front of the property and also a porch and front dormer extension and to the rear are extensions to the property and a single garage and rear garden area. The surrounding area is comprised of predominantly residential properties.

Description of Proposal

Permission is sought for an extension to the front of the property.

The proposed extension to the front of the property would result in the demolition of the existing porch. The extension would be set in from the shared boundary by 1.1 metres and set in from the side elevation of the property also by 1.1 metres. The extension would be a total width of 5.3 metres projecting from the front of the building by 1.8 metres with an eaves height of 2.6 metres with an overall height of 3.2 metres to the ridge of the lean-to roof.

The proposed construction materials would be painted render and glass for the walls with a slate lean-to roof.

History of negotiations/amendments received

The application has been the subject of much discussion between the Local Planning Authority and the applicant. The application was originally submitted as a conservatory type structure and ramp to the front elevation and also a double garage to the rear. Following concerns raised regarding over-development of the site, the double garage and ramp have been removed from the scheme and the front extension amended to be a solid structure with a solid roof. It was also requested that the projection was reduced to 1.5 metres from 1.8 metres however additional information was submitted by the applicant to justify the projection and is under consideration as part of this application. In line with the above, the description of development has been altered to remove the double garage and ramp and also changed the word 'conservatory' to extension. As there was a reduction in built development proposed, the application was not re-advertised.

Relevant Planning History

2008/94423 Erection of bedroom extension
Conditional Full Permission

2011/92934 Erection of single storey rear extension with ramp
Conditional Full Permission

2015/90770 Erection of single storey extension with ramp
Conditional Full Permission

Representations

Final publicity date expired 26th January 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Accessible Homes – works unrelated to the adaptation scheme being carried out

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 Land on the UDP Proposals Map and also on 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
- **PLP30** – 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 July 2018, 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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, the scheme proposes an extension to the front elevation of the property. The extension would replace the existing porch with a wider extension with the same projection. The extension would be single storey in height and would sit just below the existing eaves of the property

with a lean-to roof. The extension would be set in from the side boundary and the side elevation by 1.1 metres to each side and therefore, would sit comfortably with the confines of the front elevation.

The design of the proposal has been amended and is simplistic with materials to match the host property and fenestration details that would be in alignment with the dormer openings.

With regards to the impact on the street scene, there is no uniformity within the street scene in terms of design with property styles being varied between modern and older properties, bungalows, two storey dwellings and flats. The dwellings within the immediate vicinity have front elevation features which are predominantly bay windows and therefore, the principle of a feature to the front is considered to be acceptable. In addition, the proposed extension would replace the existing porch.

It is therefore considered that in terms of visual amenity that the proposal is acceptable and would accord with current local, national and emerging policies.

3 – Impact on residential amenity:

With regards to residential amenity, Policy BE14 states that extensions to the front or main elevations of premises are normally acceptable where they are relatively small in scale. In this instance, the proposed extension would project 1.8 metres from the front of the building. Whilst this would not normally be considered to be small in scale, further justification has been submitted by the applicant which is a material consideration. Given the information submitted in relation to wheelchair access and manoeuvrability requirements, it is considered that the proposal is acceptable in terms of Policy BE14. With regards to overshadowing and/or being overbearing, the extension would be to the south-east of the neighbour and therefore would potentially result in some loss of light to the neighbouring property however, there is a high hedge between the site and the neighbour, the extension is set in from the shared boundary by 1.1 metre and the openings within the neighbouring property are set in from the boundary. As such, the above factors would assist in the mitigation of harm by way from overshadowing and/or by being overbearing.

The openings proposed within the extension would be within the front elevation with no openings within either side elevation. As the projection of the extension would be the same as the existing porch, the established separation distances between the dwelling and the facing properties would not be decreased.

Taking into account all the above it is not considered that the proposal would be detrimental to residential amenity and would comply with relevant policy.

4 – Impact on highway safety:

There is no vehicular access to the front of the property and therefore, no loss of parking provision that would impact on highway safety.

5 – Other matters:

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 as the proposal would not interfere with the roof of building. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

There are no other matters for consideration.

6 – Representations:

No representations have been 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: 2017/94250

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 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, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP30 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

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, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that 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 to 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
Location plan, existing front elevation and site plan	01 – Rev: A		21st December 2017
Proposed elevations and floor plan	02 – Rev: B		4th June 2018

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. Concerns were raised regarding the original scheme and the impact from over-development of the site. As such, the double garage and ramp have been removed from the scheme and the front extension amended to be a solid structure with a solid roof.

Report Dated:

28 th November 2018
