

**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: 2017/62/94290/E
Site Address: 4, Rustless Close, Moorside, Cleckheaton, BD19 6JU
Description: Erection of single storey rear extension
Recommending Officer: Josh Kwok

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: 13-Feb-2018

Officer Report

Site Description

The application site is no.4 Rustless Close, Moorside. It consists of a two storey detached property with an integral single garage and a reasonable sized garden to the front and the rear. The dwelling at the application site is constructed in natural stone and grey concrete tiles. The properties in immediate vicinity are built in similar materials and designs. The site has no boundary treatment to the front. The back garden is enclosed by wooden fences to the side and the rear. The site and its surrounding area are wholly residential characterised by two storey detached properties. Immediately adjacent to the rear boundary of the site is a construction site, which has permission for erection of 39 dwellings with associated highways and landscaping works.

Description of Proposal

The proposal is for erection of a single storey rear extension

- 3.6m deep x 3.6m wide x 3.3m high
- External walls to be made of stones to match the host property
- Hipped roof to be constructed in glazed panels
- Habitable room windows to be presented in the side and the rear elevations
- A double door to be created in the side elevation

History of negotiations/amendments received

No amendments have been requested during the course of this application.

Relevant Planning History

2015/92191 – Erection of single storey rear extension (3, Rustless Close) – Withdrawn

2004/95355 – Erection of bedroom/ ensuite extension over existing garage (1, Rustless Close) – Approved

2001/92047 – Erection of nine detached houses with integral garages (New Lane, Moorside) – Approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 05-Feb-2018. As a result of the above publicity, no representations have been received

Consultation Responses

No consultations are required for this application.

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 on 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)
- **T10** – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety
- **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
- **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 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 single storey rear extension would project from the external back wall of the host property by 3.6 metres. Although this would be in excess of what policy BE14 of the UDP normally supports, it can be acceptable from a visual amenity perspective in this case as the house is set within a reasonable sized curtilage, which could accommodate the extension at the proposed scale without causing overdevelopment of the site. Besides, it would be single storey and be situated at the back of the property.

Both the host property and the neighbouring property on no.2 Rustless Close already have a two storey projecting element at a projection of 3 metres. The proposed extension would not project significantly beyond the existing building line when viewed with the host dwelling and the adjoining property. For these reasons, it could be considered an acceptable addition to the host dwelling and would be of limited impact on the character of the surrounding area.

The materials of construction would be the similar to those of the existing house, except the roofing material which is shown to be glazed roof panels. The roof design would be a hipped roof consistent with that of the existing house. Taking the aforementioned factors into account, the proposal would

not give rise to any undue effect on visual amenity and on the street scene, comply with the aims of policies D2, BE1, BE2, BE13 and BE14 of the UDP, policy PLP24 of the PDLP and chapter 7 of the NPPF

3 – Impact on residential amenity:

In relation to no.2 Rustless Close

This neighbouring property is a two storey detached house to the west of the application site and it is set at a slightly higher level than the house at the site. It has a projecting element to the rear with a projection of approximately 3 metres.

This extension would have side windows facing toward the curtilage of this property, but it would not cause any significant privacy issues as there are appropriate boundary treatment at the shared boundary between the site and this neighbouring property. Additionally, the extension would be located at a lower level and it would face directly toward a blank stone wall of this property. A combination of these site specific circumstances implies that the overlooking impact upon the occupants of this property would be negligible.

This neighbouring property already has a two storey projecting element on the other side of the shared boundary. The extension would be set at a lower level than this property and its associated curtilage. Having these factors in mind, there are considered to be no undue overshadowing impact on the occupiers of this neighbouring property.

In relation to no.6 Rustless Close

This neighbouring property is a two storey detached house to the east of the application site. The proposal would have windows facing toward this property but the view would have been obstructed by the two storey projecting element at the back of the existing house. As such, there should be no effect on the amenity of the occupants of this neighbouring property.

No other properties in immediate vicinity would be affected either positively or negatively by the proposed development.

In all, the proposal as submitted are considered satisfactory from a residential amenity perspective and would accord with the aims of policies D2, BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposal would not intensify the residential use existing at the application site nor would it affect the existing parking arrangement. It would not therefore cause any issue in terms of highway safety and efficiency and would be in general compliance with policies D2 and T10 of the UDP and policy PLP21 of the PDLP.

5 – Other matters:

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 11 of the NPPF.

Impact on adjacent land (which has planning permission for residential development)

As previously set out, the land located to the south (or rear) of the application has had planning permission granted for residential development. This proposal is not considered to impact upon the development of this adjacent site because of the single storey nature of the proposal along with the existing rear boundary treatment which would mitigate any overlooking.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received for this application.

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: 2017/94290

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, BE1, BE2, BE13, and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and chapter 7 of the National Planning Policy Framework.

3. 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 Kirklees Publication Draft Local Plan, as well as the aims of chapter 7 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			19-Dec-2017
Existing elevations and floor plan	1F/2529/1		19-Dec-2017
Proposed elevations and floor plan	1F/2529/2		19-Dec-2017
Block plan			19-Dec-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. In this instance, no amendments have been requested as the scheme is considered acceptable in its submitted form.

Report Dated:

13-Feb-2018