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: 2017/62/94308/E

Site Address: 17, Plover Drive, Healey, Batley, WF17 8BA

Description: Erection of single storey side extension

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.

Julia Steadman

AUTHORISED OFFICER

Date: 07-Feb-2018

Officer Report

Site Description

The application relates to a two storey detached dwelling in Healey, 17 Plover Drive. It is constructed in brick and is designed with a gable roof which is finished in concrete roof tiles. The main entrance to the property projects forward of the front elevation of the host dwelling and is designed with a lean-to roof which is finished in concrete roof tiles. The dwelling benefits from a two storey extension which is located to the rear of the site (ref: 2011/92422). A detached garage is located to the rear of the site which is accessed via a driveway that runs down the side of the property from Plover Drive. The front of the dwelling is set back slightly from the access road with amenity space to the front and a larger garden to the rear. Boundary treatment comprises of fencing which runs along the northern elevation of the site.

The site is located in a residential area with the vicinity comprising of properties of a similar character, style and design to the application site with the predominant material of construction being red brick with concrete roof tiles. The site is located on land allocated for housing on the Kirklees Unitary Development Plan.

Description of Proposal

The application seeks planning permission for the erection of a single storey side extension to create additional living space. The proposed extension will project 1.80 metres from the side elevation of the host dwelling and will have a length of approximately 5.00 metres. It will serve a utility and shower room. The extension will be constructed in brick and will be designed with a lean-to roof which will be finished in concrete roof tiles to match the existing. A door is proposed for the front elevation of the extension. No openings are proposed for the side and rear elevations of the extension. The door will be finished in UPVC to match existing.

History of negotiations/amendments received

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

Relevant Planning History

2011/92422: Erection of two storey rear extension. Conditional Full Permission.

2012/90719: Non material amendment to permission number 2011/92422 for erection of two storey rear extension. Refused.

2012/91067: Non material amendment to previous permission 2011/92422 for erection of two storey rear extension. Approved.

Representations

Final publicity date Expires: 05 February 2018.

A site notice was posted and neighbours were notified.

No representations were 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. Highways Development Management – Informal discussion, as two parking spaces will be retained following the development and given that the extension will not give rise to the need for additional parking, 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 land allocated for housing on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D11** – Housing allocation land
- **T10** – Highway safety
- **T19** – Parking
- **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 21** – Highway safety and access
- **PLP 22** – Parking
- **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
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.

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

2 –Impact on visual amenity:

The proposed development will have some impact on the visual amenity of the property. The proposed extension will be finished in brick to match the materials of construction of the host dwelling and will be designed with a gable roof that will correspond well with the existing roof form. The single storey nature of the proposed extension along with the fact that approximately 6.00 metres will be retained between the front of the proposed extension and the front elevation of the host dwelling following development, will prevent the proposal from causing an undesirable terracing effect within the street scene. As such, the proposal is 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.

3 – Impact on residential amenity:

The development will have some impact on residential amenity with the most likely property to be effected being no. 15 Plover Drive. Due to the location of the proposal to the south east of the property, the development has the potential to have an overshadowing impact. However, due to the single storey

nature of the proposal, it is unlikely that this impact will be significantly detrimental. Furthermore, the single storey scale of the proposal will prevent the development from having a significant overbearing impact on the property. No openings are proposed for the side elevation of the extension which will eliminate the potential for overlooking. However, in the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP, it is deemed acceptable to condition that no openings shall be erected in the side elevation of the extension in the future.

Due to the location of the garage to the rear of the proposed development and given the fact that the extension will be set back from the front elevation of the host dwelling by approximately 6.00 metres, it is unlikely that the development will have a significant impact on any of the other neighbouring properties.

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:

As the proposed development will result in the loss of a current off-street parking space as well as the loss of access to the existing detached garage which is located to the rear of the site, there is the potential that the proposal could cause highways safety issues. K.C. Highways Development Management were informally consulted and note that as two off-street parking spaces will be retained following development, they have no concerns with the proposal. Taking the above into account, it is considered that the proposals would not result in any undue highway safety implications and would accord with the aims of policies T10 and T19 of the UDP, as well as policy PLP21 of the PDLP.

5 – Other matters:

No other matters were deemed relevant in determining the application.

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: 2017/94308

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 Kirklees Publication Draft Local Plan, as well as the aims of 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 Kirklees Publication Draft Local Plan, as well as the aims of chapter 7 of the National Planning Policy Framework.

4. 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) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external walls of the side elevation of the extension at any time without the prior written approval of the local planning authority.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

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
Location Plan			20/12/2017
Site Plan			20/12/2017
Existing Plan	17/207		20/12/2017
Proposed Extension	17/207		20/12/2017

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 submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 07/02/2018