

**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: 2018/62/90112/E

Site Address: 9, Dale Street, Skelmanthorpe, Huddersfield, HD8 9BQ

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: 02-Mar-2018

Officer Report

Site Description

The application site is no.9 Dale Street, Skelmanthorpe. It consists of a two storey semi-detached property, a reasonable sized garden to the front and the rear and a hardstanding area to the side. The house is constructed in natural stones and slate tiles. The adjoining semi-detached property is also made of very similar materials. The dwelling at the application site appears to be extended in the past despite the lack of any planning history at the site. The existing boundary treatment is characterised by a mix of stone boundary walls, hedges, mature trees and garden fences.

The site and its surrounding area are wholly residential characterised by two storey semi-detached properties and terraced properties. There is a significant change in land level with the application site set at a lower level than the neighbouring properties on Elm Street and those on Dale Croft.

Description of Proposal

The proposal is for erection of single storey rear extension

- 3.0m deep x 5.5m wide x 3.8m high
- External side walls to be constructed in coursed stones; external back wall in sand and cement render
- Lean to roof to be made of blue slates to match the existing roofing materials
- Two Velux windows to be presented on the roof plane of the extension

History of negotiations/amendments received

The extension as shown in the initially submitted drawing would project from the rear elevation of the host property by 3.5m, contrary to policy BE14 of the UDP. There are considered to be no site specific factors in this case that could mitigate the impact of the extension at the proposed scale. Therefore, the agent has been requested to amend the scheme to comply with the relevant policy in the UDP.

A revised plan has been received on 20-Feb-2018, which has incorporated the amendment requested by the officer. No further consultations are considered necessary in this case because the amended scheme would be materially smaller than the submitted scheme and it would have less of an impact on visual amenity and residential amenity than the submitted scheme. The acceptability of the revised scheme shall be addressed in the following assessment.

Relevant Planning History

No record of any applications is found at the site. However, applications of similar nature have been identified in close vicinity e.g.

2016/90491 – Erection of single storey front extension (61, Gib Lane) – Approved

2003/94259 – Erection of first floor extension (11, Dale Street) – Approved

2003/91628 – Erection of conservatory (13, Dale Street) – Refused

Representations

This application was advertised by site notices and neighbour letters, which expired on 19-Feb-2018. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – no objections

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)

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

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 rear extension would project from the external back wall of the existing house by 3m and it would be set back from the external side walls by approximately 0.4m. It would be of reasonable scale relative to the host property and its associated curtilage, complying with the aim of policy BE14 of the UDP. The extension would appear subservient when looked together with existing house.

The extension is shown to be constructed in the same materials as the existing dwelling in the application form and the proposed elevations. Therefore, it is not considered to have any adverse effect on local amenity. Although it is acknowledged that the lean to roof design would be inconsistent with the roof of the host property and the adjoining property, it would not substantiate a reason for refusal in this case because it would be of very limited impact on the appearance of the host property and the character of the surrounding area.

In summary, the proposed development would not cause any unacceptable harm to visual amenity and it would 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.11 Dale Street

This neighbouring property is a two storey semi-detached dwelling adjoining the east elevation of the house at the application site.

The extension could potentially overshadow a habitable room window in the rear elevation of this neighbouring property. However, the existing boundary treatment at the shared boundary has already limited the level of light coming through this window. Furthermore, the extension would only be single storey and it would not project in excess of the recommended distance in policy BE14 of the UDP. Having regard to these specific circumstances, the proposal is not thought to cause any overshadowing impact significantly over and above the existing situation. This neighbouring property would still have an open aspect to the north and it would still therefore receive a sufficient amount of sunlight should this proposed development be approved in its revised form.

The extension would not have any windows on the east (side) elevation and it would not therefore give rise to any privacy issues. A condition shall however be included to remove the permitted development rights of new window openings in the east elevation of the extension to safeguard the privacy of these neighbouring occupants into the future.

In relation to no.1 Dale Croft

This neighbouring property is a two storey detached dwelling to the north of the application site. The single storey rear extension would face toward the rear elevation of this neighbouring property and its associated curtilage. It would not adversely affect the amenity of these neighbours as it would be set at a lower level than this property. Furthermore, there would remain a reasonable separation distance with appropriate boundary treatment between the extension and this property to address any major overlooking impact.

In relation to no.7 Dale Street

This neighbouring property is a two storey terraced dwelling to the west of the application site. The extension would have a habitable room window in the west (side) elevation facing toward the garden of this neighbouring property, but the impact of which would be relatively limited in this case. This is because the view from this window would be obstructed by the existing boundary treatment at the shared boundary characterised by mature trees, bushes and garden fences. Additionally, the host property already has a habitable room window in the west elevation facing directly toward the curtilage of this property. Having this factor in mind, the proposed development would not harm the amenity of these neighbours over and above the existing situation.

No other properties in immediate vicinity would be affected by the proposal.

In all, the proposed development would be acceptable in residential amenity terms and it would accord with the aims of policies D2, BE1 and BE2 of the UDP, as well as policy PLP24 of the PDLF.

4 – Impact on highway safety:

The proposed development would not intensify the residential use at the application site nor would it affect the existing parking arrangement. There would remain sufficient parking provision to meet the need of the occupants in the future. For these reasons, the proposal is not considered to cause any concerns in terms of highway safety and efficiency, complying with policy D2 of the UDP and policy PLP21 of the PDLF.

5 – Other matters:

There are no planning 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: 2018/90112

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 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, and 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 east (side) elevation of the single storey rear extension at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property no.11 Dale Street, by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			12-Jan-2018
Elevations as existing and proposed and block plan	CM154-01	A	20-Feb-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. In this case, an amendment was requested in order to reduce the projection of the proposed rear extension in order to comply with Policy BE14 of the Kirklees Unitary Development Plan.

Report Dated: 23-Feb-2018