

**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: 2018/62/90503/E
Site Address: 574, Hunsworth Lane, East Bierley, BD4 6PU
Description: Erection of extensions and dormer window to rear
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27-Apr-2018

Officer Report

Site Description

The site to which this application relates is no.574 Hunsworth Lane, East Bierley. It consists of a two storey terraced property, a private amenity space and a porch to the front, a driveway and a single storey extension to the side and a reasonable sized garden to the rear. The property at the application site is constructed in stone, colour render and slate. The adjoining terraced properties are constructed in various materials including stones, pebble dash render, colour render, bricks and slate. Some already have extensions in various forms and designs.

The site and its surrounding area are wholly residential characterised by two storey terraced and semi-detached properties. There is a significant change in land level with the property at the site set at a higher level than Hunsworth Lane and the neighbouring properties to the south of site. The properties to the north sit at a higher level than the application site. Immediately adjacent to the front and the rear of the application site are open fields, which are marked as Green Belt on the UDP Proposals Map.

Description of Proposal

The proposal is for erection of extensions and dormer windows to the rear. The details of the proposed development are set out below:

Extensions

- 1.7m wide x 8.3m deep x 7.7m high
- External walls to be constructed in colour render to matching existing
- Hipped roof to be constructed in slate stone tiles
- Habitable room windows to be created in the front and the rear elevations

Dormer windows

- 3.6m wide x 3.4m deep x 2.0m high
- External walls to be cladded with slate tiles to match existing
- Two windows to be created in the rear elevation

History of negotiations/amendments received

No amendments have been requested during the course of this application

Relevant Planning History

2012/93358 – Erection of a single storey rear and side extension (574. Hunsworth Lane) – Approved

2008/94342 – Erection of first floor extension (582, Hunsworth Lane) – Approved

2005/90684 – Erection of single storey kitchen extension (582, Hunsworth Lane) – Approved

2004/93157 – Erection of single storey extension (578, Hunsworth Lane) – Approved

97/91296 – Erection of 2 storey extension (564, Hunsworth Lane) – Approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 26-Apr-2018. As a result of the above publicity, two representations were received from occupants of the neighbouring properties, who expressed the following concerns:

- Affecting the legal rights of way to the back garden for emptying bins
- Causing overshadowing, overbearing and oppressive impact upon the neighbouring properties and their associated curtilage
- Losing the property value

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 designated as Green Belt on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D11** – Extensions to buildings in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway safety
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety
- **PLP22** – Parking
- **PLP 24** – Design
- **PLP57** – Extensions, alterations or replacements of existing buildings in the Green Belt

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 9 – Protecting Green Belt land

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 designated as Green Belt on the UDP Proposals Map and Policy D11 (Extensions of buildings within the Green Belt) states “proposals for the

extension of building within the Green Belt will be considered having regard to (i) the impact on the openness and character of the Green Belt, (ii) the size of the extension in relation to the existing building which should remain the dominant element and (iii) the effect on the character of the existing building". In addition to that, chapter 9 of the NPPF establishes that the construction of new buildings shall be deemed inappropriate in the Green Belt and; it shall be resisted except in very special circumstances. Paragraph 89 does however identify a list of exceptions, which may be considered not inappropriate in Green Belt. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

A research on the planning history of the application site reveals that the original dwellinghouse has been enlarged a number of times in the past including the porch and the single storey side and rear extension. The proposed development consists of erection of two storey extension to side and dormer to rear. The impact of these shall be addressed separately below.

With regard to the two storey side extension, it is acknowledged that it would cause a further increase in volume and floorspace of the original dwellinghouse, and the existing extensions would be incorporated into this. In this instance however, the extension as proposed is not deemed to constitute a disproportionate addition over and above the size of the original building in the Green Belt. It is also acknowledged that the neighbouring property, no.564 already has a two storey side and rear extension, which is of a much larger scale than what is proposed as part of this application. Given that extension at the time was not deemed disproportionate to the original two storey terraced property, it would not be reasonable to regard the proposed extension, which is small in size than that of no.564, disproportionate. In summary, the side extension is considered to accord with Policy D11 of the UDP.

In terms of the rear dormer, this would be acceptable from a Green Belt perspective because of its scale being relative small when viewed with the existing house and its associated curtilage. The design aspect of the dormer shall be addressed in detail in the visual amenity section in the assessment.

The proposal development by reason of its scale and siting relative to its surrounding area would not undermine the purposes of including the application site within the Green Belt.

For the reasons set out above, the proposed extension and dormer would not be inappropriate development in the Green Belt. It would not unduly impact on the openness and the character of the Green Belt nor would it undermine the purposes of the Green Belt as set out in paragraph 80 of the NPPF. A condition would however be necessary to restrict any further additions to the dwelling in the future in form of extensions or outbuildings. This is to avoid any detrimental impact on the character and the openness of the Green Belt. Subject to the imposition of the recommended condition, the proposal would accord with the aim of policy D11 of the UDP, policy PLP57 of the PDLP and chapter 9 of the NPPF.

2 –Impact on visual amenity:

The proposed side extension would be two storey projecting from the external side wall of the existing house by 1.7m to align with that of the existing single storey side extension. The ridge height of the extension would be the same as that of the existing house. It is considered based on the above information that the proposed extension would be reasonable in size relative to the host property and its associated curtilage. Notwithstanding the siting of the extension relative to the existing house, it is not taken to result in any substantial terracing effect because of the difference in ground level between the application site and the adjoining site, no.572 Hunsworth Lane. The single storey projecting element would align with the external front wall of the existing porch and as such would be considered small in scale, consistent with Policy BE14 of the UDP. The materials of construction would be coloured render and slate tiles. Given these materials are already present at the application site as well as the adjoining sites, there is considered to be no material harm to the appearance of the property at the site and those in immediately vicinity. The proposed extension would be sympathetic to the host property and the adjoining properties by preserving their hipped roof designs, which evidently attribute to the character of this area.

With regard to the rear dormer, this would be an appropriate addition to the roof of the host property and it would have very limited impact on visual amenity and on street scene due to its position being situated at the back of the host property. The external walls of the dormer would be clad with slate roof tiles to match existing. Whilst it is acknowledged that the proposed design would not represent the best design option for the application site, it is noted that a smaller size dormer of a similar design would be permitted development by Class B of Part 1 of Schedule 2 of the GPDO and; it would therefore be unreasonable to resist this element on the grounds of design.

Having fully considered the above circumstances and on balance, the proposals as a whole would not be detrimental to visual amenity and would be generally acceptable in respect of scale, materials and design, complying with the aim of policies BE1, BE2, BE13 and BE14 of the UDP and Policy PLP24 of the PDL and chapter 7 of the NPPF. Further to the Green Belt reason set out above, it would be necessary to impose a condition restricting any further additions to the dwellinghouse in the interest of visual amenity.

3 – Impact on residential amenity:

There are a number of properties in close proximity that could potentially be affected by the proposed development. The impact the proposal could have on the amenity of the occupants of the neighbouring properties should be addressed separately below in turn:

In relation to no.572 Hunsworth Lane

The proposed extension would be fairly close to this neighbouring property and it would be set at a considerably higher level than this property and its associated curtilage. In this case, it is thought that the impact on the occupant of this property would not be significant such that it would substantiate a reason for refusal on its own. The fact that the extension would be set back from the shared boundary would also help address such impact to some extent.

The extension would overshadow a window in the side elevation of this neighbouring property. However, this is existing situation and as such not resulting in any additional harm to the amenity of these neighbours. There would be two windows in the south (side) elevation of the side extension facing toward this property and its garden. Nonetheless, given the fact that these windows would be non-habitable in nature, there would be no major harm to the privacy of these neighbouring occupiers. To safeguard the amenity of these neighbours in the future, a condition can be added to remove the permitted development rights for new window openings in the south (side) elevation of the two storey side extension. A further condition shall be inserted to the decision notice to state that the windows in the south (side) elevation of the two storey side extension shall be obscure glazed to a minimum grade 4 and shall be retained thereafter. The remainder of the proposal would have no impact on the amenity of these neighbours.

In relation to no.576 Hunsworth Lane

The two storey extension would be situated at the opposite side of this neighbouring property. Therefore it is not considered to result in any harm to the amenity of these neighbours. In terms of the rear dormer, this would not cause any directly overlooking into the habitable room windows of this property and its curtilage. It would not give rise to any privacy issues.

There are no residential properties immediately adjacent to the front and to the rear of the application site. No other properties in immediate vicinity would be affected by the proposed development.

In summary, the proposals would be acceptable from a residential amenity perspective and would accord with policies BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposed development would intensify the residential use at the application site. However, it appears that there would remain sufficient parking provision within the application site in line with the parking standard and policy T19 of the UDP. For this reason, it is not deemed to result in any major issues in terms of parking. The occupants of this dwellinghouse would have to reverse onto the highway but this is the existing situation at the application site and the neighbouring sites. Accordingly, it is unlikely to impact on highway safety and efficiency over and above the existing situation. To

concluded, the proposal would accord with the aim of policies T10 and T19 of the UDP and policies PLP21 and PLP22 of the PDLP.

5 – Other matters:

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

6 – Representations:

The application was advertised by site notices and neighbour letters, which expired on 26-Apr-2018. As a result of the above publicity, two representations were received from occupants of the neighbouring properties, who expressed the following concerns:

- Affecting the legal rights of way to the back garden for emptying bins
Response: This is a civil matter, which is outside the scope of this planning application. An explanatory note shall be added to the decision notice to states that the granting of planning permission does not overrule private legal rights of ownership.
- Causing overbearing and oppressive impact upon the neighbouring properties and their associated curtilage
Response: This is a relevant consideration for the determination of this application and it has been addressed in the residential amenity section in this assessment.
- Losing the property value
Response: This is not a material consideration.

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: 2018/90503

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 preserve the character and the openness of the Green Belt in accordance with Policies D11, BE1 BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan and Chapters 7 and 9 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 preserve the character of the Green Belt in accordance with Policies D11 and BE13 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan and Chapters 7 and 9 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 south (side) elevation of the two storey side 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.572 Hunsworth Lane, 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

5. The development shall not be occupied until the windows in the south (side) elevations of the two storey side extension hereby approved have been obscure glazed to a minimum grade 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), the obscure glazing (to a minimum grade 4) shall be retained thereafter.

Reason: So as not to detract from the amenities of adjoining property on no.572 Hunsworth Lane, 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to preserve the openness and character of the Green Belt in accordance with Policies D11, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan and Chapters 7 and 9 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Cross section as proposed	8064/05		13-Feb-2018
Site and location plan	8192		13-Feb-2018
Elevations and floor plans as existing	8064/01		13-Feb-2018
Elevations and floor plans as proposed	8064/02		13-Feb-2018
Cross section and roof plan as proposed	8064/03	a	13-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, no amendments have been requested as the proposal is considered acceptable in its submitted form.

Report Dated: 27-Apr-2018

