

**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:** 2018/62/90796/W

**Site Address:** Bell Cottage, 16, Jagger Lane, Kirkheaton,  
Huddersfield, HD5 0QZ

**Description:** Erection of porch 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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 01-May-2018**

## Officer Report

Reference: 2018/90796

**Location:** Bell Cottage, 16 Jagger Lane, Kirkheaton, Huddersfield, HD5 0QZ

**Proposal:** Erection of porch extension

### Site Description

The application relates to a detached bungalow in Kirkheaton, Bell Cottage, 16 Jagger Lane. It is constructed in coursed natural stone and is designed with gable roof forms which are finished in artificial stone slates (even though the application form states they are natural). The dwelling benefits from an integral garage which is located to the east of the site and is accessed via a driveway that leads off Jagger Lane. The front of the dwelling is set along Jagger Lane with amenity space and a garden to the side. Boundary treatment comprises fencing which runs along the northern and eastern boundary of the site. A stone wall forms the boundary to the west of the site whilst a stone wall topped with fencing is located to the front.

The application site is located in the Green Belt on the Kirklees Unitary Development Plan. Due to this, there are few properties in the surrounding area with the nearest property being a two storey detached dwelling which is located on Jagger Lane to the east of the application site. The property, Jagger Hill Farm is constructed in stone and render.

### Description of Proposal

The application seeks planning permission for the erection of a porch extension. The porch will project approximately 1.50 metres from the side elevation of the host dwelling and 2.60 metres from the front elevation of the integral garage. The extension will be constructed in coursed natural stone to match existing and will be designed with a gable roof form which will create an extension of the existing roof form of the host dwelling. The roof of the proposed porch extension will have an eaves height of 2.20 metres and will extend the roof form of the host dwelling by an additional 0.40 metres. It will be finished in artificial stone slates. A door and two windows are proposed for the front elevation of the porch. Two windows are proposed for the side elevation. All openings will be finished in Sapele solid hardwood to match existing.

## **History of negotiations/amendments received**

Additional information was received from the agent which made changes to the materials proposed for the porch extension. These have been taken into consideration as part of the application and are stated in the description of proposals section above.

## **Relevant Planning History**

**99/91749:** Demolition and re-building of existing dwelling. Conditional Full Permission.

**96/91346:** Erection of extensions and alterations to existing cottage. Conditional Full Permission.

## **Representations**

Final publicity date Expires: 26 April 2018.

A site notice was posted and neighbours were notified.

No representations were received.

Kirkburton Parish Council comments: no comments.

## **Consultation Responses**

*K.C. Environmental Health* – It is noted that the site is located approximately 242m away from site EA1036 and 234m away from private site 208A. It is recommended that up to date landfill gas readings are sought from the Environment Agency at site EA136.

*Health & Safety Executive* – “HSE does not advise, on safety grounds, against the granting of planning permission in this case.”

## **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 the Green Belt on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

#### **Kirklees Unitary Development Plan:**

- **D11** – Extensions in the Green Belt
- **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
- **PLP53** – contamination
- **PLP 57** – The extension, alteration or replacement of existing buildings

#### **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 located within the Green Belt on the Unitary Development Plan whereby new development is severely restricted. Paragraphs 89 and 90 set out those forms of development which may be acceptable within the Green Belt, including 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. Policy D11 of the Unitary Development echoes this, and states that:

*“Proposals for the extension of buildings 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 in the case of traditional buildings,*

- iii. The effect on the character of the existing building*

*In the case of proposals to extend buildings which have already been extended the proposals should have regard to the scale and character of the original part of the building.*

The key issues in the assessment of this application are therefore considered to be the impact of the development on the openness of the Green Belt and on the character of the existing building.

### 2 –Impact on visual amenity:

The proposed development will have some impact on visual amenity. The proposed extension will be relatively small in scale in relation to the host dwelling and will be constructed in materials to match existing. The roof form of the proposed extension will be incorporated into the roof form of the host dwelling which will reduce the impact that the development may have on the visual amenity of the property. The extension, by virtue of its character, style and design will be in keeping with the host dwelling. As such it is not considered that the development will create a visually intrusive feature within the street scene and will not look out of place on the host dwelling. The proposal is therefore 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.

#### *Impact on the Openness of Green Belt –*

The site is located within the Green Belt and therefore the impact of the development upon the openness of the Green Belt is required to be considered. There is no definition of “disproportionate” within para. 89 of the NPPF, however Policy D11 of the UDP does state that the existing building should remain the dominant element.

The proposed porch extension will involve an increase in the footprint of the dwelling which has not been previously been extended. It is noted that the proposed porch will be relatively small scale and massing and would therefore not result in a significant increase in the size of the dwelling. Due to the size of the existing property, its curtilage and the surrounding area, it is deemed that the dwelling would be able to support a development of this scale without having a significantly detrimental impact on the character and nature of the surrounding Green Belt.

I am satisfied that the existing dwelling would remain the dominant element as the proposed porch is small in scale and massing and would not result in a significant change to the appearance of the existing dwelling. It would not be disproportionate to the scale and appearance of the original dwelling. The proposed extension will be finished in materials that will match the appearance of the host dwelling. The development respects the character of the original building.

Taking into account the location and scale of the proposal, the impact on the openness of the Green Belt is considered to be marginal in this instance. I am satisfied that the proposals would accord with the aims of policy D11 of the UDP, policy PLP57 of the PDLP and Chapter 9 of the NPPF.

#### 3 – Impact on residential amenity:

Due to the location of the proposed extension on the host dwelling and given the limited number of properties within the vicinity, it is not considered that the development will have an impact on the residential amenity of any neighbouring properties.

To summarise, the proposal 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:

The proposed porch extension will project across a section of the existing driveway at the property. However, it is noted that the extension will not prevent access to the existing garage which will be retained following development. Furthermore, the existing driveway will still be able to accommodate off-street parking at the site. The proposed extension does not give rise to the requirement for additional parking and would not affect the existing parking and access arrangements on site. Accordingly, it would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

#### 5 – Other matters:

##### *Landfill Gas –*

It is noted that the site is located approximately 242m away from site EA1036. K.C. Environmental Health have been informally consulted and have recommended that up to date landfill gas readings are sought from the Environment Agency at site EA136. Given the nature of the proposed development and given that the site is located only 8.00 metres into the landfill gas buffer for this site, it is considered acceptable for this issue to be dealt with by Building Control under an allied application for Building Regulations approval.

#### 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:** 2018/90796

**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 D11, BE13 and BE14 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP57 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.

**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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			09/03/2018
GA Plans & Elevations as Existing	17-D10-P02		09/03/2018
GA Plans & Elevations as Proposed	17-D10-P03	A	09/03/2018
GA Site Layout as Existing	17-D10-P04	A	09/03/2018
GA Site Layout as Proposed	17-D10-P05		09/03/2018

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.

Additional information was received from the agent which made changes to the materials proposed for the porch extension. These have been taken into consideration as part of the application.

**Report Dated:**

01/05/2018