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: 2018/62/90826/W

Site Address: 191, Deighton Road, Deighton, Huddersfield, HD2 1JL

Description: Erection of conservatory to rear

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: 03-May-2018

Officer Report

Reference: 2018/90826

Location: 191 Deighton Road, Deighton, Huddersfield, HD2 1JL

Proposal: Erection of conservatory to rear

Site Description

The application relates to a two storey middle terrace in Deighton, 191 Deighton Road. It is constructed in stone to the front and pebble-dash render to the rear and is designed with a gable roof form which is finished in roof tiles. The dwelling benefits from a single storey extension which is located to the rear of the property. Although there is no planning history for the development, the original extension was extended closer to the boundary to the east of site (ref: 2007/93750). The extension is finished in cream coloured render and is designed with a lean-to roof form which is finished in roof tiles to match existing. A driveway is located to the side of the property which allows access to the rear. Boundary treatment comprises fencing which runs along the east, western and rear boundary.

The site is located in a residential area with the vicinity comprising properties of a similar character, style and design to the application site with the predominant material of construction being stone and render.

Description of Proposal

The application seeks planning permission for the erection of a conservatory. The conservatory will project 3.00 metres from the rear elevation of the existing single storey rear extension which has a projection of 3.00 metres from the rear elevation of the host dwelling. The conservatory will have a width of 3.10 metres. It will be constructed in blockwork and render to match existing and will be designed with a lean-to roof form which will be finished in a UPVC an aluminium double glazed roof. The extension will have an eaves height of 3.00 metres and a maximum height of 3.40 metres. The extension will be set in from side elevation of the existing extension by 1.20 metres and the boundary shared with the adjoining property by approximately 1.50 metres. A door and two windows are proposed for the rear elevation of the extension. All openings 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

2007/93750: Erection of ground floor extension and porch. Conditional Full Permission.

2007/92086: Erection of ground floor extension and porch. Refused.

Representations

Final publicity date Expires: 29 April 2018.

A site notice was posted and neighbours were notified.

No representations were received.

Parish/Town Council comments: not applicable.

Consultation Responses

Health & Safety Executive – "HSE does not advise, on safety ground, 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 Unallocated on the UDP Proposals Map and on the 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
- **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, PLP24 of the PLDP 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 conservatory will project 3.00 metres from the rear elevation of the existing extension which projects 3.00 metres from the rear elevation of the host dwelling. However, it is noted that the proposed extension will be finished in the blockwork and render to match existing and will be designed with a lean-to roof form. Although the roof form of the extension will be finished in UPVC and aluminium, it is not considered that it will look out of place on the rear elevation of the host dwelling. Due to the location of the extension to the rear of the property, the extension will not be visible from Deighton Road. It is therefore not considered that the proposal will have a significant impact on the visual amenity of the surrounding street scene. 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.

3 – Impact on residential amenity:

The proposed development may have an impact on residential amenity with the most likely property to be effected being no. 189 Deighton Road. It is noted guidance set out within Policy BE14 of the UDP advises that rear extensions with a projection greater than 3.00 metres would not normally be supported. The conservatory with the inclusion of the existing single storey

rear extension will project 6.00 metres along the boundary shared with the property giving it the potential have a significant overbearing and overshadowing impact. Despite this, it is noted that the proposed extension will be set in from the boundary shared with the adjoining property by approximately 1.50 metres which will significantly reduce the overbearing impact on the property. Furthermore the conservatory is at a lower level than no. 189 and there is a close boarded fence between the properties. Taking this into consideration, it is deemed that the extension is acceptable in this instance. Although the application site is located to the west of the property which gives the development the potential to have an overshadowing impact on the property, due to the single storey nature of the proposal and the fact that the maximum height of the conservatory will not exceed the eaves height of the existing extension, it is not considered that this impact will be significantly greater than existing. Indeed the structure would be unseen from the dwelling due to the mass of the existing extension. No openings are proposed for the side elevation of the extension which along with current boundary treatment will prevent overlooking into the rear amenity space of the property. In the interest of residential amenity and privacy and to accord with Policy BE14 of the UDP, it is often necessary to condition that no openings shall be erected in the side elevation of the extension in the future. However in this case given the topography of the site and the presence of close boarded fencing this is considered unnecessary.

Due to the location of a driveway to the side of property which leads off Deighton Road, it is not considered that the development will have a significant impact on the residential amenity of the occupiers of no. 197 Deighton Road. The proposed conservatory will be set in from the boundary shared with the site by approximately 3.50 metres. Taking this into consideration along with the single storey nature of the proposed extension, it is not considered that the development will have a significant overbearing or overshadowing impact on the property. Due to the distance that will be retained between the development and the property, it is not considered that the windows proposed for the side elevation of the extension will create a significant amount of overlooking into the rear amenity space of the property.

No properties are located to the rear of the site that will be impacted by the proposed development in this instance.

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 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:

No other matters were deemed relevant in the determination of 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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/90826

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 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:-

Plan Type	Reference	Version	Date Received
Location Plan			12/03/2018
Block Plan			12/03/2018
Front Elevation			12/03/2018
Existing Side Elevation			12/03/2018
Existing Side Elevation			12/03/2018
Existing Ground Floor Plan			12/03/2018
Existing First Floor Plan			12/03/2018
Existing Rear Elevation			12/03/2018
Proposed Side Elevation			12/03/2018
Proposed Side Elevation			12/03/2018
Proposed Ground Floor Plan			12/03/2018
Proposed Rear Elevation			12/03/2018

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.

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

Report Dated: 03/05/2018