

**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:** 2018/62/91104/E

**Site Address:** 1, Cross Lane, Stocksmoor, Huddersfield, HD4 6XH

**Description:** Erection of two storey and first floor extensions and internal alterations

**Recommending Officer:** Anthony Monaghan

**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: 31-May-2018**

Officer Report

### **Site Description**

The application relates to no.1 Cross Lane, Stocksmoor, Huddersfield, a stone built detached dwelling with concrete tile roof set on a corner plot at the junction of Cross Lane and Stocksmoor Road. The site has a triangular shaped plot with the frontage onto Cross Lane and the side elevation onto Stocksmoor Road.

There are gardens to four sides with a number of mature trees to the boundary, including a protected tree and tree area.

The dwelling is within a residential area which is comprised of generally individual type properties. The site is unallocated on the Kirklees Unitary Development Plan proposals map and on the Kirklees Publication Draft Local Plan.

### **Description of Proposal**

The proposal is for the erection of two storey and first floor extensions and alterations.

The two storey extension would be to the side elevation close to Stocksmoor Road and would project 3.4m; it would be set back from the existing front elevation and would provide a large kitchen extension at ground floor and a bedroom and bathroom at first floor.

The first floor extension would be above the existing double garage, in addition there would be a small two storey element to the rear which ties into this first floor extension.

The extensions would have the same ridge and eaves height as the existing.

The proposals also include alterations to the front elevation which include a new glazed feature window to the existing gable and glazed entrance also to the existing.

### **Negotiations / Amendments**

None requested during the course of the application.

### **Planning History**

**2011/93159** TPO works. Approved.

**2018/91050** TPO works. Refused.

**90/01958** - Erection of extension to form sun lounge, utility room and extension to bedroom and dining room. Approved.

## Representations

**Final publicity date Expires: 16/05/18**

No representations received.

**Kirkburton Parish Council** – Confirmed ‘No comment’ to make.

## Consultation Responses

*K.C. Arboricultural officer* - Concern that the extension may impact on the root protection area of the protected Ash tree, a method statement is required (which can be secured via condition).

## Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 as part of the PDLP.

### **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)
- **T10** - Highway safety
- **NE9** - Retention of mature trees

### **Kirklees Publication Draft Local Plan:**

- **PLP21** – Highway safety and access
- **PLP 24** - Design
- **PLP 33** - Trees

### **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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 visual and residential amenity”. All these considerations are addressed later in this assessment.

#### 2 –Impact on visual amenity:

Policy BE13 of the UDP requires that extensions should respect the design features of the existing house and that of adjacent buildings. UDP policy BE1 advises that a development should contribute to a healthy environment including space and landscaping about buildings; Policy BE2 says that new development should be in keeping with surrounding development in terms of layout and building height and mass.

The existing house is a stone built dwelling with concrete tile roof; whilst not unattractive it does not have any features of architectural value and the front elevation is dated in design terms.

The proposed extensions would have the same ridge height as the existing and as such has the potential to appear as an elongated building, however the alterations to the front would help to modernise the overall appearance of the dwelling and reduce the impact of the scale.

As noted previously, the dwellings in proximity to the site are of individual design and as such the resulting dwelling, despite the increase to the scale, would not be comparable with any similar properties and as such would not appear out of place.

Given the above it is considered that the proposals would, on balance, be acceptable in terms visual amenity and in accordance with policies D2, BE1 and BE13 of the UDP, policy PLP24 of the PDLP as well as paragraphs 58 and 64 of the NPPF.

### 3 – Impact on residential amenity:

The only property close enough to potentially be affected by the extensions would be no 3 Cross Lane; No 1 Cross Lane is angled in the plot so that the rear elevation is slightly facing the side of no.3.

The first floor extension above the garage would comprise of a master bedroom to the front and a large en-suite to the rear with obscure glazed window. The only other window on the side would serve a landing area. It is also important to note that there are no habitable room windows in the side elevation of no.3 and the distance to the rear garden of this adjacent property would be over 12m. Furthermore existing first floor windows in this elevation are more likely to allow overlooking, however slight. As such there is unlikely to be any undue overlooking from the proposals.

With regard to the bulk and massing of the extensions, it is acknowledged that the proposed extensions would result in the creation of a substantial property. However, once again, due to the position and orientation of the host property within its plot, as well as the relationship and sufficient separation distance with surrounding properties, the proposals are not considered to result in an overbearing impact upon the residential amenity of the neighbouring occupants, including those at no. 3.

Taking all of the above into account, it is considered that there would be no adverse impact from the proposals with regard to residential amenity. The proposals are therefore in accordance with policies D2 and BE1 of the UDP, policy PLP24 of the PDLP and advice in chapter 7 of the NPPF.

### 4 – Impact on highway safety:

The site has sufficient off-street parking for the resulting size of dwelling and the access to Cross Lane would not be affected. The proposals are not considered to result in any undue highway safety and efficiency implications, in accordance with policies D2 and T10 of the UDP as well as policy PLP21 of the PDLP.

### 5 – Other matters:

As noted above, there is are protected trees within the site and in particular a single protected Ash tree which is close to the proposed two storey side

extension. Permission to remove this has been recently refused and the root protection area is within the footprint of the two storey extension. The Council's Arboricultural officer has not objected to the proposals however a method statement is required. This can be conditioned so that it is submitted prior to work commencing on this element of the development (and has been agreed with the applicant).

Subject to the inclusion of the above condition, the proposals would protect the vitality of the protected trees, in accordance with policy NE9 of the UDP and policy PLP33 of the PDLP.

6 – Representations:

None 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. For the reasons set out above it is considered that the development would constitute sustainable development and is therefore recommended for approval.

**RECOMMENDATION**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number: 2018/91104**

**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, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The facing material used on the extensions hereby approved shall be natural stone of a type to match that used on the host property.

**Reason:** In the interests of visual amenity and to accord with Policies D2, BE1, BE2 and 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. The roofing material used on the extensions hereby approved shall in all respects match that used on the existing building.

**Reason:** In the interests of visual amenity and to accord with Policies D2, BE1, BE2 and 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.

5. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences on the two storey extension hereby approved on the north elevation of the dwelling. The Method Statement shall include details on how the construction work shall be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

**Reason:** So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy NE9 of the Kirklees Unitary Development Plan and Policy PLP33 of the Kirklees Publication Draft Local Plan.

**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 13.00 hours, Saturdays

With no working on 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 Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specification schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan.	SA01 B	Rev B	29/03/18
Proposed site/ block layout.	SA02 B	Rev B	29/03/18
Existing floor plans.	SA03 C	Rev C	29/03/18
Existing elevations.	SA04	1	29/03/18
Proposed floor plans.	SA05 C	Rev C	29/03/18
Proposed floor plans.	SA06 C	Rev C	29/03/18
Proposed elevations.	SA07 C	Rev C	29/03/18
Proposed elevations.	SA08 C	Rev C	29/03/18
Supporting information.	Tree sketch plan	1	29/03/18

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. No discussions were required with the Agent during the course of the application other than the agreement in relation to condition 5 (above).

**Report Date: 30/05/18**