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:	2018/62/91375/E
Site Address:	17, Riley Lane, Kirkburton, Huddersfield, HD8 0RZ
Description:	Erection of single storey rear extension and garage and formation of access
Recommending Officer:	Katie Wilson

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: 16-Jul-2018

Officer Report

Site Description

The application site is 17, Riley Lane, Kirkburton. It is a detached bungalow with rooms in the roof space. The external walls are red brick and it has a dual pitched roof hipped to both sides and surfaced in red tiles. It has a single storey extension at the back linking to raised platform forming off street parking space for one vehicle from Riley Park, which is on slightly higher ground relative to the bungalow.

There are similar properties to either side, and a greater range of housing in the wider area.

Description of Proposal

Planning permission is sought for erection of single storey rear extension and garage and formation of access.

Single storey rear extension:

- Roughly rectangular footprint approximately 4.0m wide x 4.6m deep.
- Designed with a dual pitched roof 2.6m to eaves level and 4.0m to ridge level.
- Door and window to west facing elevation and door to eastern side elevation.
- All external materials to match the existing.
- It would form a link between the bungalow and the wc formed in void below parking space.
- It would provide space for a kitchen.

Garage:

- Roughly rectangular footprint between 3.5m and 4.0m wide x 4.9m deep
- Designed with mono-pitched roof approximately 2.5m overall height and garage door in the front (south) facing elevation only.
- Sectional garage with red brick walls and felt roof.

Access:

- Remove approximately 4.6m length of boundary wall and formation of drop kerb onto Riley Park, an adopted, although unclassified road and so planning permission is not required.

History of negotiations/amendments received

No amendments sought or received during the course of this application.

Relevant Planning History

2001/90399 – Erection of conservatory. Conditional full permission.
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2001%2F90399

2013/92364 – Erection of single storey rear extension. Conditional full permission.
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2F92364

Representations
Final publicity date expired: 13th July 2018. No representations received during the course of this application.

Kirkburton Parish Council comments: none received

Consultation Responses

No consultations took place during the course of 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 both the UDP Proposals Map and 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 –
Principle of development
Impact on visual amenity (including any heritage considerations)
Impact on residential amenity
Impact on highway safety
Other matters – e.g. trees/ecology (e.g. bats)
Representations
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]”. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems).

PLP24 of the Publication Draft Local Plan covers mostly similar concerns to the UDP policies already listed. It attracts a number of unresolved objections but these do not relate to the guidance on extensions that forms part of this policy wording: “Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact

on residential amenity of future and neighbouring occupiers". So this part of the policy can be given at least moderate weight.

2 –Impact on visual amenity:

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- It is considered that the proposal would be an appropriate addition in terms of scale and design, as the single storey extension is only slightly larger than the extension it would replace and its design incorporates more external materials that would match the host dwelling. It is also in a sunken location relative to the public highway and so its impact upon the street-scene is quite modest. The proposed garage would be more prominent and have a flat roof which in some instances is undesirable, however in this case there are several others near-by and so the proposal would be in keeping with the established character of the area.
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- Subject to materials matching, which can be conditioned, it would conserve visual amenity and accord with the aims of Policies BE1-2, BE13 and PLP24.
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- 3 – Impact on residential amenity:
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- The main impact of the proposal would be on the neighbouring property at 19, Riley Lane, Kirkburton. It is a similar bungalow located to the west of the application site. Although the proposed extension would have extra massing at roof level, the eaves level would remain the same, and the ridge height would only be 0.5m higher. There would also be a distance of around 5.0m to the nearest part of 19, Riley Lane. Given these circumstances it is thought that there would be very limited additional overbearing or overshadowing impact upon this neighbouring property from this element of the proposal.
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- In terms of an invasion of privacy, a door and window are shown in the facing side elevation, however, this is replicating the existing circumstances from the conservatory which would be replaced. As such it is thought that there would be no further invasion of privacy from the proposed extension.

The proposed garage would also have some potential to create additional overshadowing effect because it is on slightly raised ground. However, it is single storey, with a flat roof and approximately 5.0m from the closest part of 19, Riley Lane. Given that this neighbouring property also has a relatively large garden to the north and west, it would retain relatively open aspects in these directions and so any overbearing impact from the proposed garage would be relatively limited. The proposed garage also has no openings in the facing side elevation so there would be no overlook impact.

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- **No other** properties would be affected by the proposed development.
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- **Overall the** proposal would not be prejudicial to residential amenity and is complaint with policy D2 of the UDP and PLP24 of the PDLP.
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- **4** – Impact on highway safety:

Currently there is no off street parking at the application site, with cars parking on Riley Park.

The internal dimensions of the proposed garage are sub-standard for a standard single garage, however, no additional bedroom space would be created by the proposed development and so there would be no requirement for additional parking provision. In these circumstances it is considered that the proposal would have no additional impact upon highway safety.

5 – Other matters:

Protected species (bats):

The site is in an area recorded as a bat alert area.

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- Bats are protected species and the NPPF requires planning authorities to take account of priority species within planning policies.

An assessment in relation to the bat alert layer guidance - flow diagram has been carried out and as a result no survey is required, however a precautionary footnote shall be added to the decision notice in order to comply with the aims of chapter 11 of the NPPF.

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

1)
2) 6 – Representations:
3)
4) No representations were received during the course of this application.
5)
6) 7 – Conclusion:
7)
8) 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.
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10) 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.
11)
12) Recommendation **Approve**

13) Decision **Authorisation - Delegated Powers**
Application **Number**: 2018/91375
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 PLP1, PLP2, and PLP24 of the Kirklees Publication Draft Local Plan, and 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 Policies D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, Policies PLP1, PLP2, and PLP24 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 work may be carried out.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	Dwg no. 03		11.5.2018
Existing and proposed site plan	Dwg no. 03		11.5.2018
Existing plan and elevations	Dwg no. 01		11.5.2018
Proposed plan and elevations	Dwg no. 02		11.5.2018

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. No amendments have been sought or received during the course of this application.

Report Dated: 16.7.2018