

**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: 2018/62/91926/E

Site Address: 9, Bank Lane, Upper Denby, Huddersfield, HD8 8UR

Description: Erection of single storey rear extension and porch to front (within a Conservation Area)

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.

Julia Steadman

AUTHORISED OFFICER

Date: 03-Aug-2018

Officer Report

Site Description

The application site is no.9 Bank Lane, Upper Denby. It consists of a two storey stone built mid-terraced property, a hardstanding area to the front and a flat roof two storey extension and a small elevated garden to the rear. The boundary treatment comprises dry stone walls and timber fences. The site and its surrounding area are purely residential characterised by two storey stone built terraced properties with various extensions to the front and the rear. To the rear of the site is a piece of open field, which is allocated as Green Belt land on the UDP Proposals Map and is proposed to be retained as such as part of the PDLP.

Description of Proposal

The proposal is for the erection of a single storey rear extension and a porch to the front (within a Conservation Area). The details of the proposal shall be set out below.

- 2.1m wide x 2.6m deep x 2.9m high (porch)
- 3.8m wide x 2.9m deep x 3.3m high (rear extension)
- External walls of the constructed with natural coursed stone
- Roofing materials to be natural stone slate to matching existing
- Window frame to be made of timber and painted in matching colour

It is noted that the original dry stone boundary wall to the front of the application site is demolished (i.e. not altered). This in itself requires planning permission as it does not benefit from permitted development rights under Class A of Part 2 and Class C of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. No records of any applications are found in connection to the demolition of the boundary wall. However, a historic photo taken in 2009 showed that the wall in question was already demolished at the time and as such it is no longer subject to enforcement action.

History of negotiations/amendments received

No amendments have been requested during the course of this application

Relevant Planning History

2009/91058 – Erection of entrance porch (7, Bank Lane) – Approved

2008/93723 – Erection of two storey extension and porch (within a Conservation Area) – Approved

2006/90934 – Erection of two storey extension (within a Conservation Area) (11, Bank Lane) – Approved

76/0654 – Alteration and extensions to form bedrooms and living room (9, Bank Lane) – Approved

Representations

The application was advertised by site notices, neighbour letters and local press which expired on 09-Jul-2018. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – no objections

Consultation Responses

KC Conservation and Design – no objections to the scale and design of the development proposal as they are considered to be sympathetic to the existing property and in keeping with the Conservation Area.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 Kirklees Publication Draft Local Plan. It also situated within the confine of the Upper Denby Conservation Area.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Historic Environment
- **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
- **PLP 21** – Highway safety
- **PLP 22** – Parking
- **PLP 24** – Design
- **PLP 35** – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 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 site is also situated within the Upper Denby Conservation Area. Section 72 of the Listed Buildings & Conservation Area Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the Unitary Development Plan together with the guidance in chapter 16 of the NPPF. The Upper Denby Conservation Area does have a Conservation Area Appraisal, which identifies the character of the Conservation Area and the key elements which attribute to such character. The development proposal shall be assessed with

reference to the details in the Conservation Area Appraisal and the relevant policies in the UDP and the PDLP.

2 –Impact on visual amenity:

As already noted in the site description and the planning history sections, the property in question already has a two storey flat roof rear extension. The proposed single storey rear extension when combined with the existing two storey rear extension would inevitably exceed the policy requirement in the UDP. However, it is noted that a number of properties on the same row of terrace already have two storey rear extensions of similar size as that on no.9 Bank Lane (e.g.nos.5, 7, 11 Bank Lane). To permit the 3m deep single storey rear extension as proposed would not result in any development projecting significantly beyond the established building line and would not therefore be visually overbearing when viewed with the adjoining terraced properties with extensions on both sides of the application site. Furthermore, the adjacent property on no.7 Bank Lane for example already has a conservatory that is attached to the two storey rear extension. Accordingly, the single storey rear extension at the proposed size would not cause any significant adverse impact on visual amenity over and above what already exist at other sites on Bank Lane. In terms of the size of the porch, it would be small in scale, thus consistent with policy BE14 of the UDP that states that extensions to front shall be small in scale and subservient to the existing property. In summary, the proposal would only represent modest additions to the existing property and therefore would not harm the appearance and character of the property.

The materials of construction are natural coursed stone, stone slate tiles and timber. These materials are considered to be sympathetic to those used in the construction of the property at the application site and those in immediate vicinity. In terms of the design, it would be in keeping with the character of the surrounding area and would be of a neutral impact on the amenity of the wider street scene.

In terms of the impact on the Conservation Area, this is considered to be negligible when taking into account the scale, design and material of the development proposal already discussed above and any other development that is already presented in this Area. KC Conservation & Design have no objections to the development proposal from a conservation perspective. For these reasons, the proposal is considered to comply with the aim of policy BE5 in the UDP, policy PLP35 of the PDLP and chapter 16 of the NPPF.

To conclude, the proposal would be of a satisfactory design quality from visual amenity and conservation perspective, preserving the historic character of the Conservation Area. The proposal would accord with policies D2, BE1, BE2, BE5, BE13 and BE14 of the UDP, policies PLP24 and PLP35 of the PDLP and chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

The porch would not adversely affect the amenity of the occupants of any adjoining terraced properties because it would be small in scale and would not cause any major overshadowing on the habitable room windows of the adjoining properties on nos.7 and 11 Bank Lane. Although the porch would have a window facing toward the curtilage of no.7 Bank Lane, it would not unduly prejudice the privacy of these neighbouring occupants as it would be a non-habitable room window and be set back from the shared boundary.

The rear extension would also be acceptable in residential amenity terms, although the projection of which would exceed 3m as stated in policy BE14 of the UDP, because the adjoining terraced properties on both sides of the application site already have two storey rear extensions of at least 3m. Therefore, the single storey rear extension as proposed would not project significantly beyond the existing building line and would not result in any overshadowing and overbearing impact over and above what would otherwise be deemed acceptable in relation to policy BE14 of the UDP. The conservatory at no.7 Bank Lane would receive slightly less light as a result of this development proposal. However, given it would still have an open aspect to the west and the south-west, it would still receive a reasonable amount of daylight and sunlight. There are already high fences erected at the shared boundary that overshadow the garden and the windows of no.11 Bank Lane to some degree. The extension being further from this neighbouring property than the fences is unlikely to cause any adverse impact by way of overshadowing on this property and its associated curtilage over and above the existing situation.

Whilst the extension would appear to be fairly close to the curtilage of nos.7 and 11 Bank Lane, it would not result in any direct overlooking relationship established with these adjacent properties when taking into account the high fences at the shared boundary. Besides, the extension would not have any openings in the side elevations. To protect the privacy of the occupants of no.7 Bank Lane, a condition can be inserted to the decision notice to remove the permitted development rights of any openings in the south elevation of the rear extension.

No other properties in immediate vicinity are considered to be affected by the development proposal.

In all, with the inclusion of the recommended condition, the proposal would be acceptable in terms of residential amenity. It would conform to policies D2, BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The proposal would not intensify the residential use nor would it affect the parking arrangement at the site. Therefore, it would not give rise to any highway safety concerns. There are considered to be no conflicts with policies D2, 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:

No representations have been received as a result of the publicity.

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: 2018/91926

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 of the Upper Denby Conservation Area in accordance with Policies D2, BE1, BE2, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan and Policies PLP24, PLP35 of the Kirklees Publication Draft Local Plan and Chapters 12 and 16 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 Upper Denby Conservation Area in accordance with Policies BE5 and BE13 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Chapter 16 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 single storey rear extension hereby approved 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 on no.7 Bank 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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	3004 (0-) 11		11-Jun-2018
Site location plan	0003(LP) 01		11-Jun-2018
Existing plan &	3004(0-) 09		11-Jun-2018

Plan Type	Reference	Version	Date Received
elevations			
Proposed plans	3004(0-) 10		11-Jun-2018
Design and heritage statement			11-Jun-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 are deemed to be necessary as the proposal is acceptable in its submitted form.

Report Dated: 03-08-2018