

**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: 2018/62/91941/W

Site Address: 1, Bank Bottom Terrace, Manchester Road, Marsden,
Huddersfield, HD7 6LX

Description: Erection of storage building with decked balcony and
glass balustrade above

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: 07-Aug-2018

Officer Report

Reference: 2018/91941

Location: 1 Bank Bottom Terrace, Manchester Road, Marsden, Huddersfield, HD7 6LX

Proposal: Erection of storage building with decked balcony and glass balustrade above

Site Description

1 Bank Bottom Terrace is a two storey end terrace in Marsden. It is constructed in stone and is designed with a gable roof form which is finished in roof tiles. The front of the dwelling is set back from the access road with amenity space to the front and a driveway to the side. To the rear, the dwelling benefits from amenity space and a garden which is located at a higher level due to the topography of the site. The garden is accessed via steps which lead down to the rear of the property. Boundary treatment comprises a stone wall which runs to the south west and rear of the site. Fencing forms the boundary between the dwelling and the adjoining property.

The site is located in a residential area with the vicinity comprising a mix of terraced and detached properties of a similar character and style to the application site. A Public Right of Way footpath runs to the south west of the site.

Description of Proposal

The proposal is for the 'erection' of a storage building which would rather be 'constructed' underneath the existing garden with some limited regrading works due to the topography of the site. This would constitute engineering operations to form the structure. The front elevation of the store will be visible and would be finished in shiplap timber cladding. Shiplap timber shed doors are proposed for the storage building whilst a second set of shiplap doors will lead to a bin store which will be incorporated as part of the store. An exposed log store will also be visible from the front elevation of the storage building. Three courses of stone will be removed from the stone wall which is located in the garden of the property to allow a decked balcony to be located above the store. The balcony will be lined with glass balustrade.

History of negotiations/amendments received

Confirmation was sought from the applicant to ensure that no work would be carried out to the retaining wall which runs to the south west of the site. The applicant confirmed in an email received 17 July 2018 that no structural or engineering works will be carried out to the retaining wall. Three courses of stone will be removed from the stone wall which is located in the garden of the property as shown on the submitted plans.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date Expires: 06 August 2018.

A site notice was posted and neighbours were notified.

No representations were received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations required.

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 located in the Green Belt on the UDP Proposals Map and on 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)
- **R13** – Public Right of Way and Access Areas

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP57** – Green Belt

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 13 – Protecting Green Belt Land
- Chapter 15 – 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 is located within the Green Belt on the Unitary Development Plan proposals map whereby new development is severely restricted. Paragraphs 145 and 146 of the NPPF sets 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 and engineering operations provided they preserve the openness of the GB and do not conflict with the purposes of including land within it. 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;*
- i. The size of the extension in relation to the existing building which should remain the dominant element;*

And in the case of traditional buildings,

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

Although this application would not ‘extend’ a building, the engineering operations could affect openness and the character of the existing building. Policy PLP57 of the emerging local plan also refers to alterations to ‘buildings’ which is more akin to the proposal. This includes the proposal not resulting ‘in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings...’

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. These matters shall be assessed below.

2 –Impact on visual amenity and the Green Belt:

Due to the nature of the proposed storage building which will mostly be located beneath the existing garden due to the topography of the site, the development is unlikely to have a significant impact on visual amenity – once the engineering operations are completed and the decking and balustrade is in place. The existing stone garden wall will be replaced with shiplap walls

and doors. Although shiplap does not feature in the construction of the host dwelling, due to the nature of the surrounding area and given that visibility of the development from Manchester Road will be limited, it is not considered that it will look out of place within the surrounding area, or in the context of an established domestic garden. A section of the existing garden will be replaced with decking. Given the design of the proposal and taking into consideration the fact that a properties within the street scene benefit from decking to the rear, it is not considered that this element of the proposal will have a significant impact on the character of the surrounding area. As such, the development would conserve visual amenity and comply with the aims of Policy BE1-2, BE13 and PLP24.

Impact on the Openness of Green Belt –

The site is located within the Green Belt and therefore, as previously set out, the impact of the development upon the openness of the Green Belt is required to be considered.

The proposed storage building would increase the amount of development within the curtilage of the property which has not previously been extended. Despite this, it is noted that the amount of visible development will be very limited as due to the topography of the local area, the storage building will be located beneath the existing raised garden. The only visible element would be the front doors and the alterations to the decking above. Taking this into consideration, the creation of a storage building of this scale to the site is considered to be acceptable. It would not due to the size of the existing property, the topography of the area, the location of the building, its curtilage and the surrounding area, have a detrimental impact on the character or openness of the Green Belt. The confirmation that the wall to the south west would not be affected by this development assists in reaching this conclusion.

I am satisfied that the existing dwelling would remain the dominant element of the site as the storage building would clearly be seen as an earth sheltered outbuilding within the context of the site. Although the front of the storage building will be finished in shiplap, it is noted that due to the location of the store beneath the existing garden, only the front elevation will be visible from the site. It is therefore not considered that the proposed materials will significantly impact the appearance of the Green Belt.

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 13 of the NPPF.

Impact on the Public Right of Way –

Due to the fact that the storage building will be located beneath the existing raised garden and given that the development will not project any higher than the existing garden, it is unlikely that the development will have any visual or material impacts upon users of the PROW, in accordance with Policy R13 of the UDP.

3 – Impact on residential amenity:

Due to the location of the proposed storage building which will be principally located under the existing garden due to the topography of the surrounding area, it is unlikely that the development will have a significant impact on residential amenity. The alterations to the garden to form an additional area of decking (following the slight regrading of land to form the ceiling height of the storage structure) will mean there are slightly more opportunities to overlook land and buildings further along the terraced row. However, the existing decking already overlooks other gardens and there are other raised gardens/evidence of decking along the row. Given this it is considered the proposed development would not cause any loss of residential amenity and would accord with the aims of Policies D2 and emerging PLP24.

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:

5.1 Ecology -

The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roots and is not within 200 metres of woodland. However, a note recommending the advice of licensed bat work to be sought if any bats are found during the development will be relayed on the applicant in the interest of biodiversity and for the proposal to comply with the aims of chapter 15 of the NPPF.

5.2 Land stability

This application is considered solely in relation to planning issues and does not consider the structural elements of the proposal. Para 179 of the NPPF

states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. A note to this effect will be added to the decision notice.

6 – Representations:

No representations 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: 2018/91941

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 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP57 of the Kirklees Publication Draft Local Plan.

NOTE: This application is considered solely in relation to planning issues and does not consider the structural elements of the proposal or any regrading works required to carry out the development. In accordance with guidance in the National Planning Policy Framework, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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: 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	A101		14/06/2018
Proposed and Existing Elevations	A100		14/06/2018
Proposed 3D Views and Site Layout	A102		14/06/2018

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:

07/08/2018