

**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: 2018/62/92221/E

Site Address: 36, Whitley Road, Thornhill, Dewsbury, WF12 0LR

Description: Installation of glass balustrade around roof of existing detached garage

Recommending Officer: Rebecca Drake

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: 18-Sep-2018

Officer Report

Site Description

The application relates to no. 36, Whitley Road in Thornhill, Dewsbury. This is an end terrace property which is located in an elevated position above the road level. There is a detached garage which has been constructed in the front garden pursuant to a previous planning permission. The garage is set back around 2.5m from the edge of the public highway. There are steps up the front garden area to the front door of the property. The roof of the garage is currently being used for foot traffic and there is currently very low level walling wrapping around the roof of the garage. The other properties in the row also have open and sloping front gardens, with the private amenity space being around to the rear of the property.

Description of Proposal

Planning permission is sought for the erection of 1m high glazed balustrade around all four sides of the garage roof. There would be a 1m gap adjacent the steps in order to allow access into the roof space. The balustrade would be supported by stainless steel balustrade measuring 1.1m in height.

History of negotiations/amendments received

None

Relevant Planning History

2010/91211 – Erection of a detached garage – approved

2012/93334 – NMA to the above planning permission – approved

Representations

Final publicity date Expires: 21st August 2018

The application has been publicised by site notice and neighbour notification letter.

Consultation Responses

None necessary

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.

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 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

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.

2 –Impact on visual amenity:

The proposed glazed balustrade would have a height of 1m and would be supported by 1.1m high stainless steel posts. These would stand above the existing low level walling that forms the top of the garage roof and edge of what is currently being used for foot traffic.

It is acknowledged that the garage is already a reasonable prominent feature within the streetscene, however, the set back from the edge of the public highway helps to reduce the visual impact that it has. In terms of the proposed development of installing balustrade around all 4 edges of the garage roof, there would be an impact on visual amenity.

From undertaking the site visit, it is clear that there is a mixture of property types within the area. It was also noted that glazed balustrade has been approved elsewhere on the street for balconies to dwellings within close proximity to the application site.

In summary, it is concluded that installation of the proposed development would not result in severe harm to visual amenity; whilst this is would be the first balustrade installed on the roof of a garage within the vicinity, it would be set back from the road as well as being of predominately glazed construction. These features assist in reducing the prominence.

The application is considered to comply with the aims of the policies D2, BE1 and BE2 of the UDP as well as policy PLP 24 of the PDLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The impact on residential amenity is considered to be acceptable. The roof of the garage area is already being used as a seating area and there were no conditions to stop this under the original application. Whilst this application would further encourage the use of the roof space as a seating area, given the nature of the front garden spaces, it is considered there the level of overlooking would not significantly exceed that of the existing and previous

relationships, as the front gardens of these properties are sloping and relatively open in nature.

There would be no undue impact arising from the presence of the structure in terms of overbearing or overshadowing to the neighbours.

No representations have been received.

In summary, the impact on residential amenity is considered to be acceptable and compliant with the aims of policies D2 and BE1 of the UDP as well as policy PLP 24 of the PDLP.

4 – Impact on highway safety:

The impact on highway safety would be neutral. There would be no harm arising from the proposed development.

The application therefore complies with T10 of the UDP and PLP 21 of the PDLP.

5 – Other matters:

None

6 – Representations:

None

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:

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 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	9th July 2018
Proposed Plans and Elevations	-	-	9th July 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. The application was considered acceptable in its submitted form and no amendments sought.

Report Dated: 17th September 2018