

**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: 2018/62/92289/E

Site Address: 10A, Ossett Lane, Chickenley, Chickenley, Dewsbury,
WF12 8LY

Description: Erection of external spiral staircase

Recommending Officer: Jennifer Booth

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: 05-Sep-2018

OFFICER REPORT

Site Description

10a Ossett Lane, Chickenley is a detached dwelling that has been extended in the past to increase the height of the dwelling and create accommodation on the new first floor. The property is a rendered dwelling with a small porch on the east side elevation and a glass conservatory at the rear that overlook a generous back garden. Parking for 2 cars is available at the front together with a garage.

The dwelling is located at the end of a short lane behind a row of terraced dwellings on Ossett Lane and very close to another bungalow at 10b Ossett Lane. On the opposite side of the short lane is the high back wall of some outbuildings to dwellings on Boldgrove Street. A row of terraces are situated to the south on Pavilion Court.

Description of Proposal

The applicant has been granted planning permission in 2015 to raise the whole roof and increase the pitch gradient by lifting the eaves by 1.3m and the ridge by 1.8m. The approved plans included a series of new roof lights in both roof slopes and new windows in the first floor gable walls. The half hipped roof will be made into a gabled roof at both ends.

The applicant is now seeking consent to include an external spiral staircase on the north facing elevation to provide access from the ground floor to the new door in the gable at first floor.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 14/08/2018

As a result of the above publicity, no representations have been received.

Consultation Responses

None

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 within the PDLP.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **T10** – Highway Safety
- **T19** – Parking

Kirklees Publication Draft Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 30** – Biodiversity

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 15** – Conserving and enhancing the natural environment

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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The property is located within a residential area with a mix of styles, ages and materials for the neighbouring residential properties. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

At the time of the site visit, works on the approved scheme have been substantially completed and the northern elevation now includes a door into the apex. The current application seeks to provide an external spiral staircase to serve the door. The dwelling is set back from the main road and to the rear of a row of terraced properties and as such there would be limited views of the staircase in the wider area. The proposed staircase, although an unusual feature on a domestic property, would not represent an inappropriate or incongruous feature and therefore is considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed staircase would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 5 & 7 Boldgrove Street

The neighbours to the west occupy a position some 24m from the host property and at a lower level. Given the limited height and scale of the staircase proposed, there would be no harm caused to the amenities of the occupiers of the neighbouring 5 & 7 Boldgrove Street.

Impact on 2 & 4 Ossett Lane

The neighbouring properties to the north, 2 & 4 Ossett Lane are situated some 21m from the host property. Furthermore, although the staircase would have a small landing area at the top, this would not form a balcony or decking which could result in a loss of privacy. Given the limited scale of the staircase together with the separation between the properties, the proposed staircase is unlikely to cause any significant harm to the amenities of the occupiers of the neighbouring 2 & 4 Ossett Lane.

Impact on 10b Ossett Lane

The neighbour adjacent is separated to a modest degree from the host property. Given the very limited scale of the staircase, there would be limited opportunities for harm to be caused to the amenities of the occupiers of the neighbouring 10b Ossett Lane.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP as well as PLP24 of the PDLP.

4 – Impact on highway safety:

The proposals will result in no intensification of the domestic use over and above the already approved extensions and alterations. The scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5– Other matters:

Biodiversity

The approved works include substantial alterations to the dwelling including to the roof. A footnote was included previously. However as the works are almost complete the footnote is not considered to be relevant in relation to the applicant being aware of the potential for bats to be found on site.

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

9 – Conclusion:

This application to install an external spiral staircase for 10a Ossett Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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.

As set out above, 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: 2018/92289

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 T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

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	Web ID	Date Received
Location plan	1	700437	16/07/2018
Block plan	-	700438	16/07/2018
Proposed elevations	-	700439	16/07/2018

Plan Type	Reference	Web ID	Date Received
Staircase plan	-	707998	07/08/2018

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 Planning 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.

Additional plans were sought to show the footprint of the staircase to fully assess the proposal.

Report Dated 04/09/2018