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:	2018/62/92649/W
Site Address:	7, Peckett Close, Oakes, Huddersfield, HD3 4DQ
Description:	Erection of porch to front and single storey rear extension
Recommending Officer:	Laura Yeadon

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: 28-Sep-2018

Officer Report

Site Description

7 Peckett Close is a two storey semi-detached property constructed from red brick with a tiled roof. The property hosts a small garden to the front, driveway to the side leading to detached garage. There is a larger garden to the rear of the property which is lawned and bound by fencing. There is an existing porch on the rear of the property which appears to be an original structure. The surrounding area is predominantly residential with a large recreation ground to the west.

Description of Proposal

Permission is sought for the erection of a porch to the front and a single storey extension to the rear.

Porch

The proposed porch would be located on the front elevation of the property. The porch would be centrally located and would project 1.35 metres from the front of the building being a width of 2.2 metres. The eaves height would be 2.1 metres rising to an overall height of 3 metres. The proposed materials of construction would be to match the existing property.

Single storey rear extension

The proposed single storey rear extension would lie flush with the existing side elevation of the property and would project 4.05 metres and would project the full width of the property being set in from the shared boundary by 0.557 metres. The side elevation facing the shared boundary would project a total of 3.375 metres. The height of the extension would be 2.95 metres to top of the flat roof. The openings would be isolated to the rear of the extension with a light lantern proposed within the roof. The proposed construction materials would be facing brickwork for the walls with white uPVC openings.

History of negotiations/amendments received

No negotiations have taken place and no amended plans has been sought or received.

Relevant Planning History

2018/92362 Prior notification for single storey extension
Refused

Representations

Final publicity date expired 9th September 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None 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 Unallocated Land on the UDP Proposals Map and proposed to be retained as such on 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
- **PLP30** – Biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, 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 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 (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, there is a proposed porch to the front elevation which would be single storey in height. The porch would introduce this form of development to the street scene however it is small in scale and would be constructed from matching materials with a simplistic design. As such, is considered to be visually acceptable. In terms of the single storey extension, as this would be to the rear of the property it would not impact on the street scene and would clearly be subservient and read as an addition to the property and therefore visually acceptable. The proposed materials would match and the proposed fenestration details are acceptable.

Whilst it is acknowledged that the projection of the rear extension is larger than current policy permits, the submitted plans demonstrate that there would be sufficient amenity space surrounding the site for the development not to constitute overdevelopment.

In summary, the proposed extension is considered to be acceptable and would accord with UDP and Publication Draft Local Plan policies.

3 – Impact on residential amenity:

With regards to residential amenity, the proposed porch is small in scale and centrally located so as not to impact on neighbouring properties in terms of being overbearing or by overshadowing. With regards to overlooking, the only opening within the porch would be the front door which provides access to non-habitable accommodation and therefore, minimal concerns.

In terms of the rear extension, no openings are proposed within either side elevation which would cause harm from overlooking. The rear elevation openings would face into the garden area for the property and would face the rear boundary. As the openings would be at ground floor level with a hedge and fence providing screening between the site and the property to the rear, there are minimal concerns. As there is existing screening between the site and the attached property and with the extension being set in from the boundary and located to the north-west of the property, it is not considered that the 3.3 metre projection facing the adjoining property would cause undue harm from overshadowing or by being overbearing.

Taking into account all the above, it is considered that the proposal would have an acceptable impact on residential amenity and would accord with current policies.

4 – Impact on highway safety:

There would be no impact on the existing parking arrangements for the property.

5 – Other matters:

Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance as the proposed extension would not interfere with the existing roof. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 – Representations:

No representations have been 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: 2018/92649

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 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, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within Chapters 12 and 15 of the National Planning Policy Framework.

3. The external walls of the front and rear extensions and the roofing material for the porch 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 Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

NOTE: The Council's GIS system indicates that 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 to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and site plan	2018_21_02_B_		13th August 2018
Existing elevations and floor plans	2018_21_01		13th August 2018
Proposed elevations and floor plans	2018_21_04_B_		13th August 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 negotiations have taken place as it was considered that the application was acceptable in its submitted format.

Report Dated: 28th September 2018