

**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: 2018/62/92819/E
Site Address: 26, Fall Lane, Hartshead, Liversedge, WF15 8AR
Description: Erection of single storey extension
Recommending Officer: Ellie Worth

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Oct-2018

Officer Report

Site description

26 Fall Lane is a two storey terraced house constructed from natural stone with a stone slate roof. The property benefits from a small garden and driveway to the front, where vehicular access is taken from Fall Lane. Also there is an area of hardstanding to the front of the existing extension which is currently used for residential amenity. Boundary treatment consists of trees and shrubs, limiting the views from the street and the neighbouring houses.

A private road also runs alongside the right hand side of the dwelling limiting public access to north-western elevation of the host property. The site and the wider surrounding area is dominated by residential buildings which vary in property type and style.

Description of proposal

The application is seeking permission for a single storey side extension. The measurements of the proposed extension are as follows:

- Projection: 2.9m
- Width: 2.9m
- Height to eaves: 2.4m
- Overall height: 3.6m

The walls of the extension will be built from natural stone with a stone slate roof. The proposed windows and doors will be made from timber, all to match the existing. Internally the proposed single storey side extension will serve a utility room and bathroom.

History of negotiations/amendments received

No amendments have been requested during the course of this application.

Relevant Planning History

26 Fall Lane

1987/03923 Erection of single storey extension and garage– Granted conditionally

24 Fall Lane

1991/01303 – Erection of first floor extension – Approved

2003/91927- Erection of two storey extension and porch – Approved

28 Fall Lane

2013/91035 – Erection of single storey extension – Approved

2013/93581 – Erection of single storey porch extension – Approved

30 Fall Lane

1997/90856 – Erection of two storey extension – Approved

2013/93712 – Erection of single storey rear extension – Approved

Representations

This application was advertised by site notice and neighbour notification letters.

Final publicity expires: 05-Oct-2018.

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

Consultation Responses

No consultations were required for this application.

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)

T10 – Highway safety

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 design places

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 highways
4. Other matters
5. Representations
6. Conclusions

1. Principle of development

As previously identified the site is situated on unallocated land and therefore will be assessed against Policy D2. Therefore in accordance with Policy D2 of the UDP “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 will be addressed later in this assessment.

2. Impact on visual amenity

The side extension as proposed would be single storey in scale and would appear subservient to the host property. The proposed extension would take up some of the amenity space developed under this proposal, although it would not result in the overdevelopment of the site.

The design of the extension is considered acceptable in terms of visual amenity and it would adjoin and match the existing single storey side extension in which currently serves the kitchen/diner. The proposed new window to the North Western elevation (track) would be the second opening on this elevation, however, the window would be obscure due to it serving a bathroom and therefore would have limited visual impacts on the existing window on the adjacent elevation of no. 20. There would also be over 8m from the proposed new window and the existing window at no.20. To the North Eastern elevation (front) a new opening for a window is also proposed and is not considered to harm visual amenity due to their already being French doors on the existing extension which are currently more visible than the proposed window. The plans also show that the French doors will be relocated to the South Eastern elevation (courtyard) on the existing extension and is not considered to harm visual amenity. Whilst this extension would extend and adjoin the current side extension, it would not result in an undesirable terracing effect, as there is no property immediately to the side of this dwelling. As such this property accords with the aims of BE14 of the UDP.

The proposed materials of the extension are natural stone walls as shown on the plans. The roof would also be constructed of stone slates to match the existing. As a result, these materials would allow the extension to harmonise

well with the host property and the current side extension and will be conditioned to ensure visual amenity is protected.

In summary the proposed extension would be of satisfied design quality due to the fact that the building materials would match the existing and be sympathetic to the character of the area and particular the terrace houses it adjoins. The proposal would therefore accord with Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan.

3. Impact on residential amenity

No. 20 Fall Lane

The dwelling is located west of the application site. As previously outlined the proposed extension will only be visible from the side elevation of this property. There is over 10m from the proposed obscurely glazed window to the nearest first floor window of no.20. As a result it has been considered that there would be no loss of privacy to the occupants of No.20.

No.24 Fall Lane

This property is located to the rear of the application site. Vehicular access is used to get to no.24 by the private road in which runs alongside the application property. However, an existing dry stone wall would mitigate against any visual impacts in which the new obscurely glazed window would have on the neighbouring track/driveway. Due to there already being a window in the existing extension, it has been considered that there will be no further harm to the residential amenity of these occupants.

No. 28 Fall Lane

This property is to the East of the application site and is the only immediate neighbour to the host property. There would be over 8m between the proposed extension and the existing porch at no.28. The existing high boundary treatment would minimise any overlooking from the proposed extension. Also the existing porch at this property does not have any side openings, which would further mitigate against any harm to these neighbours.

No.1 Rosedale Avenue

The property is located at the opposite side of Fall Lane which faces the host property. However, there is a distance of over 35m between the front elevation of the proposed extension and the side elevation of No.1. In addition, the host property is set back to the bottom of the driveway and as such there would be no significant harm to their amenity.

4. Impact on highway

It has been considered that the proposed extension will have no effects on highway safety due to the fact that the existing driveway will not be altered as a result of this development, and adequate off street parking provision would be retained in accordance with Policies D2 and T10 of the Kirklees

Unitary Development Plan and Policies PLP 21 and PLP 22 of the Kirklees Publication Draft Local Plan.

In summary, the proposals would have no significant detrimental impact upon residential amenity and would accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan and Policy PLP 24 of the Kirklees Publication Draft Local Plan.

5. Other matters

There are no matters considered relevant to the determination of this application.

6. Representations

There have been no representations 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation:

Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/92819

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, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey side extension hereby approved shall in all respects match those identified in the plans and report. These being; natural stone walls and stone slates for the roof.

Reason: In the interests of visual amenity and to accord with Policies D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	30th August 2018
Grouped plans and	(18629)1a	-	30th 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. In this instance, no amendments were sought, as for the reason set out above, the development would not improve the environmental conditions of the area

Report Dated: 22/10/18