

**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: 2018/62/93167/E

Site Address: 5, Dale Street, Skelmanthorpe, Huddersfield, HD8 9BQ

Description: Erection of two storey rear extension and front porch and formation of parking to front

Recommending Officer: Josh Kwok

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: 13-Dec-2018

Officer Report

Site Description

The site to which this application relates is no.5 Dale Street, Skelmanthorpe. It consists of a two storey stone built mid-terraced property, a garden to the front and a single storey extension to the rear. The boundary treatment consists of timber fencing and dry stone walls. The site and its surrounding area are purely residential characterised by two storey stone built terraced properties. The land level drops significantly from the north to the south of the application site. All properties on Gib Lane are situated at a higher land level than the property at the site.

Description of Proposal

The development proposal is for erection of two storey rear extension and front porch and formation of parking to front. The details of the proposal are as follow.

- 1.6m deep x 5.0m wide x 5.7m high (rear extension)
- 1.8m deep x 2.0m wide x 3.2m high (porch)
- External walls to be constructed in bricks
- Roofing materials to match existing

History of negotiations/amendments received

The agent was requested to submit an additional drawing to indicate the side elevations of the proposed development. The additional drawing was received on 08-Nov-2018. No other changes to the proposal were sought.

Relevant Planning History

93/04755 – Erection of first floor extension (7, Dale Street) – Approved

Representations

This application was advertised by site notices and neighbour letters, which expired on 19-Nov-2018. As a result of the above publicity, no representations were received from the occupants of the nearby properties.

Denby Dale Parish Council – no objections

Consultation Responses

No consultations required in this case.

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 the PDLP Policies Map.

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
- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 21** – Highway safety
- **PLP 22** – Parking
- **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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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:

In terms of the porch, it would appear to be a small addition to the application property and as such would not contravene policy BE14 of the UDP. Similarly, the two storey rear extension would be of an acceptable size as well as it would be 1.6m deep only. The porch and the extension would be constructed in matching materials. Hence, it would not detract from the appearance of the application property in this respect.

The porch would be sympathetic to the property at the application site. It would have no material effect on this property. The two storey rear extension is shown to project at the same angle as the roof plane of the existing property, but it is to be set at a lower level than the eaves of the property. It would appear subservient to the property at the site and those in immediate vicinity. There would be no harm to the character of the surrounding area. The proposal also include some alterations to the front garden to form a hardstanding area for parking. This is unlikely to detract from the prevailing character of the area as there are already hardstanding areas presented at the neighbouring sites. Furthermore, it is acknowledged that the provision of hard surfaces can be permitted development by Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 in any cases. Taking these factors into account, I consider this element of the proposal to be not unduly harmful to visual amenity.

In summary, the proposed development would be of a satisfactory quality in terms of scale, design and material. It would be sympathetic to the appearance of the application property as well as the character of the surrounding area. There would be no detrimental effect on the amenity of the street scene as a result of the development. Based on the above, I conclude the proposal to be in line with the aims of policies D2, BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The development proposal may affect the living conditions of the neighbouring properties on nos.3 and 7 Dale Street as well as no.59 Gib Lane. However, the impact on these neighbours are not deemed to be unduly harmful for the following reasons.

Nos. 3 and 7 Dale Street are two storey terraced properties on each side of the application site. The proposed development can be visible from these properties and their gardens but it is unlikely to cause any direct harm to the amenity of these residents as the porch is considered small in scale and the two storey rear extension consistent with policy BE14 of the UDP. There would not be any habitable room windows in the side elevations facing these properties and their gardens. Thus, there are not considered to be any loss of privacy as a result of the development proposal. A condition can be added to the decision notice to withdraw the permitted development rights of any openings in the south-west elevation and the north-east elevation of the two storey rear extension in order to protect the privacy of the existing and the future occupants.

The rear extension would have a bedroom window facing the garden of no.59 Gib Lane. However, the overlooking impact as a result of that is not deemed to be undue as the application property already has a bedroom window facing this direction and the size of the window is shown to be reduced compared to the existing situation. Furthermore, the view from this window would be obstructed to some degree by the boundary treatment presented to the rear of this neighbouring site. In light of the above circumstances, I do not consider the privacy of these neighbours to be substantially prejudiced, despite the slight reduction in separation distance between the two properties in question.

No other properties in the vicinity of the application site would be affected by the development proposal.

In all, the proposal would be acceptable from a residential amenity perspective and it would accord with policies D2, BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The development proposal would not intensify the residential use of the application property nor would it reduce the parking provision at the application site. Thus, it would not give rise to any highway safety and parking issues over and above the existing situation. To ensure that the hardstanding area would be suitable for parking and that it would not increase the surface water runoff to the surrounding area, a condition would be added to the decision notice to require the hardstanding area be laid out with a hardened and drained surface in accordance with the relevant guidance by the Environment Agency. Subject to the imposition of the recommended condition, there would be no conflicts with policies D2, T10 and T19 of the UDP and policies PLP21 and PLP22 of the PDLP.

5 – Other matters:

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

6 – Representations:

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 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: 2018/93167

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 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 Policies D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The area shown to be used for parking in the submitted plans and drawings shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies D2, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan, and Chapter 14 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the south-west (side) elevation and the north-east (side) elevation of the

two storey rear extension at any time without the prior written approval of the Local Planning Authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining properties nos.3 and 7 Dale Street, by reason of loss of privacy and to accord with Policies D2 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and proposed plans and drawings	145/2-001	C	08-Nov-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 case, the agent was requested to provide supplementary information in relation to the elevations of the two storey side extension. No other changes were sought with regard to the development proposal.

Report Dated:

05-Dec-2018
