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:	2018/62/93448/W
Site Address:	land adj, The Lodge, 34, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Erection of single storey extension forming plant room ancillary to dwelling approved under 2018/62/90731/W (within a Conservation Area)
Recommending Officer:	Farzana Tabasum

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 17-Dec-2018

Officer Report
Site Description
The application site relates to an area of curtilage land in association with no. 34 Daisy Lee Lane, Lindley. The site is accessed by an existing vehicular drive from Daisy Lee Lane which also forms part of the application red line boundary. A number of mature trees exist on the periphery of the site boundary. At the time of my site visit the site had been cleared and the buildings works were well on the way to implement the previous permission for a new dwelling.

The site is surrounded by residential properties consisting of a linear form along the road frontages and a more sporadic form of development to the rear of plots along the road frontage.

Description of Proposal
The proposals seeks permission for a single storey extension to the previously approved garage block. The extension is to accommodate the plant room/area required for the approved swimming pool recently under permission 2018/91857, ancillary to the approved dwelling house approved under application no. 2018/90731.

The plans have been revised from the original submission omitting the gym room and now proposes an extension reducing the footprint by approximately 50% from the original submission. The plant room would be single storey, set in from the party boundary by approximately 7m, to measure approximately 5m by 4.50m. External facing materials are proposed as natural stone with blue slate roof tiles.

History of negotiations/amendments received
Revised plan received to omit gym and reduce scale and size of extension to accommodate plant room only.

Neighbour letters have not been sent out given the scheme is now reduced and no objections were received on the initial proposals.

Relevant Planning History
2016/93702- outline application for one dwelling – granted April 2017
2017/92536 – erection of detached dwelling & garage block - granted 15/11/17
2018/90227- tree notification – noted 22/01/18
2018/90569 – erection of extensions – granted 21st May 2018
2018/90731 - Erection of detached dwelling and garage – granted May 2018
2018/91857 – erection of swimming pool building - granted September 2018

Representations
Final publicity date expired 20th November 2018

Consultation Responses
The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Conservation & Design – no objections

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 lies within Edgerton Conservation Area with a listed building nearby and remains as such on the on Kirklees Publication Draft Local Plan

Kirklees Unitary Development Plan:

- D2: Unallocated Land
- BE1: Design Principles
- BE2: Quality of Design
- BE5: New Development within Conservation Areas

Kirklees Publication Draft Local Plan (PDLP):

- PLP 24 – Design
- PLP35 – Historic Environment

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
- Conserving and enhancing the historic environment- Section 16

Assessment
As stated above the principle for the erection of a detached dwelling and garage was has been approved and currently under construction. Permitted development rights were withdrawn for buildings and extension under condition no. 5 of the approval to:

- avoid overdevelopment of the site,
- to protect the amenities of the adjoining properties & long term viability of protected trees to remain on site, and
- to preserve the setting of the conservation area.

Subject to the proposals meeting this criteria which is assessed below the principle of the proposed ancillary building would be acceptable.

Impact on visual amenity & character of conservation area
The site lies within Edgerton conservation area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires special attention to be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Chapter 16 of the NPPF aims to conserve and preserve the historic environment. In particular, paragraph 192 and 200 of the framework echoes the sentiments outlined within section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, seeking for preservation and enhancement of conservation areas.

Policy BE5 of the UDP states that proposals for new development within conservation areas, including extensions should respect the architectural qualities of surrounding buildings and their materials of construction, and contribute to the preservation or enhancement of the character and appearance of the area. Policy PLP35 of the PDLP follows this theme.

The proposed ancillary building to accommodate and serve as a plant room in association with the recently approved swimming pool would further reduces the open gap on this site. However the proposed single storey building would not be prominently visible from the road side on completion and in this siting, scale (as reduced) and design proposed would not appear as over development of the site. Furthermore, with the retention of the open space to the front of the site between the recently approved dwelling/garage and front boundary wall would ensure the historic environment of this site and the surrounding context would be preserved.

With regards to trees, the plant room in the siting proposed would have no adverse impact on the trees previously shown to be retained.

In terms of design, scale and materials the building to be single storey and to be externally faced in materials to match the previously approved

dwelling/garage would integrate sympathetically with the development on site and surrounding area, in accordance with
Policies D2, BE1(i) and BE5 of the UDP, PLP24 and 35 of the PDLP as well as section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

To summarise the principle of developing this part of the site is considered does not contradict the reason for removing permitted development rights on the previous permission as such the only issues remain to be assessed is the impact on the occupants of the neighbouring sites.

In the siting proposed and due to its scale the proposed plant room which would be of adequate distance away from the party boundary is considered to have an acceptable impact on the amenities of the surrounding properties, in accordance with Policies D2 of the UDP, PLP24 of the PDLP. No representations are received.

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:18/93448
Officer Recommendation: C.F.P
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 51 of the Planning and Compulsory Purchase Act 2004.

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 BE1, BE5 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

3. The hereby approved ancillary plant room building shall be externally faced in the materials as annotated on drawing no. 3152 (0-) 22 Rev A.
Reason: In the interest of visual amenity and so as to preserve the character of the
Edgerton Conservation Area in accordance with Policies BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

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 work may be carried out

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans including location plan	3152 (0-) 22.	A	3rd December 2018
Design, Access, Heritage & Planning Support Statement	Job No. 3152		23 October 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. A revised plan was received to omit gym and reduce scale and size of extension to accommodate plant room only, the amended scheme was considered acceptable.

Report Dated: 07/12/18