

**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: 2018/62/93915/E

Site Address: 42, Scarr End Lane, Dewsbury Moor, Dewsbury,
WF13 4NU

Description: Erection of single storey side 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: 22-Jan-2019

Officer report

Site description

42 Scarr End Lane, Dewsbury is a two storey semi-detached property constructed from brick and render. The property benefits from an area of hardstanding to the front, side and rear. Vehicular and pedestrian access can be taken from the applicant site onto Scarr End Lane. Boundary treatment consists of a mixture of fencing, dry stone and concrete walls. Land levels fall significantly within the site from East to West.

The site and the wider area is dominated by residential buildings, all of which consist are seen to be two storey properties.

Description of proposal

The applicant is seeking permission for a single storey extension to the south facing side elevation. The measurements of the proposed extension are as follows:

- 4.2m projection from the existing south facing side elevation
- 5.4m in width
- 2.7 – 3m in height to the eaves; 4.2m – 4.8m to flat roof (due to a change in land levels).

The walls of the proposed extension will be constructed from brick with a tiled roof to match the existing. Internally the side extension will serve an access bedroom with toilet facilities.

History of negotiations/amendments received

No amendments were sought or received throughout the process of this application.

Relevant Planning History

None on applicant site

2002/90411 – Erection of two storey extension – Approved (No.44 Scarr End Lane)

Various application at 289B for the erection of extensions and re-builds

2003/95097 Erection of decking – Approved (No.40 Scarr End Lane)

1991/06374 Erection of detached bungalow and integral garage – Approved (No.3 Scarr End Lane)

Representations

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

Final publicity expires: 03.01.19

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

Consultation responses

KC Health and Safety DM: 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 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

T19 - Parking

Kirklees Publication Draft Local Plan (PDLP):

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP21 – Highway safety

PLP22 - 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 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

The site is situated on unallocated land on the Kirklees Unitary Development Plan and the Kirklees Publication Draft Local Plan. 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.

2. Impacts on visual amenity

The proposed side extension would be single storey in scale and would appear subservient to the host property. It has also been acknowledged that within the applicant site, there is already an existing rear extension and therefore, on balance it is considered that the site will not become over developed as a result.

The design of the extension is considered acceptable in terms of visual amenity. As shown on the plans, the proposed extension will sit flush with the existing front elevation of the host property. Also the proposed door and fenestration within the front elevation of the side extension will be in keeping with those that exist on the host property. To the rear, a small window and door are also proposed. The plans also show there to be no new openings within the side elevation of the extension.

Due to the land levels falling within the application site it has been acknowledged that there will be some visual impacts on the street scene as part of this application, even though the property is set back from the highway. However, there is sufficient boundary treatment in place in the formation of medium sized fencing, which helps obscure some of the visual impacts. High level shrubs are also in place along the south facing side boundary which help mitigate against some of the visual impacts on the neighbouring properties. Whilst the extension would extend to the side of the property it would not result in an undesirable terracing effect, as there is no property immediately to the side of this dwelling. Also the extension will be inset by at least 0.6m from side boundary and is single storey in scale. As such this accords with the aims of Policy BE14 of the UDP.

The proposed materials of the extension are brick walls with a tiled roof. These materials will allow the extension to harmonise well with the host property.

In summary the proposed extension would be of a satisfactory design quality due to the fact that the building materials will match the existing. Therefore, for such reasons, the proposal would accord with D2, BE1, BE2, BE13 and BE14 of the councils UDP and PLP24 of the PDLP and chapter 12 of the NPPF.

3. Impact on residential amenity

No.44 Scarr End Lane is the adjoining property to the application site. Due to the proposed extension being to the opposite side of no.42, it is considered that there will be no material harm to these neighbours amenity, in regards to overbearing, overshadowing and overlooking.

No 40 Scarr End Lane is the property to the south west of the applicant site. It is considered that there will be minimal impacts on these neighbours in regards to overlooking, overshadowing and overbearing. This is due to the proposal being for a single storey extension, which will have no new openings within the side elevation. Also there is sufficient boundary treatment in place, in the formation of a concrete wall and shrubs which would mitigate against any possible impacts of overbearing.

No.289B is the property to the south east of the application site. Due to the fact that the proposed extension will only have a width of 5.4m, it is considered that there will be minimal harm to these neighbours in regards to overbearing. It has also be assessed that the applicant site is on a lower level to these neighbours, therefore combined with the sufficient boundary treatment, there will be harm to these neighbours amenity in regards to overshadowing. Likewise, the plans also show that there will no new windows inserted within the side elevation of this extension and therefore there will be no overlooking as a result.

No.3 Scarr Lane is the property adjacent to the applicant site. Whilst it has been acknowledged that these neighbours are on lower ground compared the applicant site, there will be no impacts on overlooking, overbearing and overshadowing as a result. This is due to the fact that the extension will be set back from the highway and there will be over 20m from the nearest front elevations at these properties. In summary it has been considered that there will be no overshadowing as a result.

All in all, the application is considered to have an acceptable impact on residential amenity. The application complies with the aims of Policy BE14 of the UDP and PDLP24 from this perspective.

4. Impact on highways safety

As shown on the plans the existing onsite parking will be retained as part of this application. As a result the application complies with T10 and T19 of the UDP and PLP22 of the PDLP.

5. Other matters

As part of this application KC Minerals HSE were consulted, due to the fact that application site is situated within the outer layer of the consultation zone for a hazardous materials site on the Council's database. As a result, the health and safety officer did not advise against granting permission on safety grounds.

6. Representations

No representations were received as part of this application

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: 2018/93915

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, BE13 and BE14 of the Kirklees Unitary

Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

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, in accordance with the details shown on the approved plan.

Reason: In the interests of visual amenity and to accord with Policy BE13 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
Location Plan	18.2693.01	-	27/11/18
Existing floor plans and elevations	18.2693.01	-	27/11/18
Proposed floor plans and elevations	18.2693.02	-	27/11/18

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, the application was considered acceptable in its submitted form and no amendments were sought.

Report Dated: 21.01.19