

**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: 2018/62/94084/E

Site Address: 284, Drub Lane, Drub, Cleckheaton, BD19 4BX

Description: Erection of extensions and alterations including the demolition of garages to rear

Recommending Officer: Nia Thomas

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.

Julia Steadman

AUTHORISED OFFICER

Date: 15-Feb-2019

Officer Report

Site Description

No. 284 Drub Lane, Cleckheaton is a detached dwelling constructed from brick and stone for the external walls, tiles for the roof and uPVC for the openings. The dwelling has an extension to the rear, balconies and raised platforms to the rear of the site.

Surrounding the site is predominantly open land to the north-west and south of the site. To the north-west of the site, there are several detached dwellings all located on large plots.

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

The garden area to the rear is allocated as Green Belt on the Kirklees Unitary Development Plan and on the Kirklees Publication Draft Local Plan. The land to both side boundaries is also allocated as Green Belt.

Description of Proposal

Planning permission is sought for the erection of extensions and alterations including the demolition of garages to the rear.

The extension will project approximately 5.9 metres from the side of the dwelling, it will be 7.3 metres in overall height (5.2 metres to the eaves) and will be 10.6 metres in length.

The extension will be set down from the ridge of the main dwelling.

The extension will be constructed from buff coloured render for the external walls (to match the colour of the stonework on the front elevation), tiles for the roof and uPVC for the openings.

The alterations to the dwelling consist of the following:

- Change to the external materials of the dwelling – buff coloured render to the rear
- Demolition of the rear extension
- There will also be a raised platform to the rear of the dwelling
- Alterations to existing openings and relocation of steps to rear
- Relocation of chimneys

History of negotiations/amendments received

Amendments have been sought in order to break up the appearance of the blank elevation of the dwelling. Openings have been inserted and render has also been introduced on this elevation - this amended plan is considered to be acceptable.

Relevant Planning History

2006/90341 – Erection of extensions REFUSED (appeal upheld)

2000/91299 – Erection of two storey extension APPROVED

2004/91416 – Erection of two storey and first floor extensions REFUSED

2013/93177 – Erection of extensions, alterations to integral garage to form living space, erection of semi underground garage and detached garden room, retaining wall and associated works (no. 329 Drub Lane) APPROVED

Representations

Final publicity date Expires: 4.2.2019

Two representations have been received raising the following concerns:

- Already had significant extension which was granted on appeal
- Elements of proposal not integral to rest of the property – effectively creates a second dwelling on the site
- Comment regarding the mix of materials (mismatch)
- Reference made to policy and what accommodation will be achieved
- The extension will more than double the size of the property relative to its original size and dominate the original building – scale will have a detrimental impact on the character of the Green Belt. House is already large enough
- Detrimental impact on residential amenity and views of surrounding properties (by virtue of the height)
- Proposal constitutes inappropriate development
- Garages and outbuildings found on Green Belt behind the houses

Officer comments will be made in Section 6 of this report in response to the above concerns.

No Parish/Town Council comments are required.

Consultation Responses

No consultation responses are 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, its published modifications and Inspector's final report dated 30 January 2019 are 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 unallocated on Kirklees Publication Draft Local Plan. The garden area of the dwelling is allocated as Green Belt, as is the land to either side boundary of the application site.

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 Provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway Safety
- **PLP22** – Parking Provision
- **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 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 13** – Protecting Green Belt land

- **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
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 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]”.

Visual amenity, residential amenity and highway safety will be assessed in this report.

2 –Impact on visual amenity:

The impact on visual amenity is acceptable. Although the extension is large in scale, it is considered to have an acceptable impact on visual amenity, in terms of the streetscene, character of the area and the character of the host dwelling itself. It is noted that the dwelling has been extended significantly previously following an appeal that was upheld. The Council refused planning permission on the following grounds:

“By virtue of the large scale/massing of the proposed extensions and the proximity to the Green Belt Boundary (as shown on the KMC's UDP) it is considered that the proposed development would be unduly conspicuous from the Green Belt thereby injuring the visual amenities of the area. As such it is considered that the proposed scheme conflicts with the advice contained in paragraph 3.15 of PPG2”.

As a result of the extensions that have been erected at the site, the dwelling is large in scale but it is located on a large site that can accommodate a large scale property. The proposed extension would further enlarge the dwelling within the plot, reducing the gap between the dwelling and the boundary of the site. The width of the dwelling would be elongated and its appearance would change – however, this is not considered to be in a detrimental way to either the host dwelling or the wider street scene.

The extension would be set down from the ridge of the host dwelling and set in from the front elevation of the dwelling, thus it would be read as a

subservient addition to the original dwelling. Although the roof forms of the dwelling are different from those of the proposed extension, the extension would be sympathetic in scale and design. The openings would be in keeping with the openings in the original dwelling and they would be in line with the existing, ensuring a balanced appearance to the dwelling which currently does not have a special character that is required to be retained. The dwelling is not in a conservation area and does not have any special architectural interest that needs to be carefully considered.

The proposed material of buff colour render is acceptable as it would match the colour of the existing stone. The extension would harmonise with the front elevation of the dwelling and would be read sympathetically with the existing dwelling.

In terms of the neighbouring dwellings and in the context of the streetscene, the dwelling would not appear out of keeping with the surroundings. The dwelling on the opposite side of the application site is large (no. 329 Drub Lane) and is of a very contemporary design which is reflective of the other dwellings in this area.

When the dwelling is viewed from the south-west, the extension is relatively prominent due to the bulk and massing close to the boundary of the site. This was further exacerbated by the fact that this elevation was originally proposed to be blank. This concern was raised with the agent who submitted amended plans to show the elevation with openings inserted and a mix of materials. The large expanse of wall has now been broken up and therefore it is considered that the view of the dwelling from this location is acceptable.

As well as the above, the extension would be set back significantly from the front elevation of the application site and the highway, thus reducing its prominence within the streetscene and the area in which it is viewed.

Finally, given the location of the extension to the side of the dwelling, a terracing effect needs to be considered. In this case, there are no dwellings to the side of the application site (it is open land) and therefore there would be no terracing effect as a result of the proposal.

In terms of the other alterations to the dwelling, these add interest and contemporary elements to the appearance and character of the building and are not visible from the streetscene. The changes to the openings and the replacement of the railings and balustrades is satisfactory. The rendered wall will be not be visible and will not harm the streetscene. The varied palette of materials is acceptable in the context of the area in which there is not a uniform appearance or use of materials (there are dwellings constructed of stone and render in close proximity to the site). This is shown on the proposed plans and therefore is secured under Condition 2. Given this variety, a specific condition relating to materials has not been recommended.

In all, the proposal is considered to be satisfactory from a visual amenity perspective, complying with UDP Policies D2, BE1, BE2, BE13 and BE14,

Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been raised in terms of overlooking, loss of privacy or overbearing. The closest property to the application site is no 329 Drub Lane which is located on the opposite side of the highway. Considering the set back of the extension, there would be no overbearing or overlooking - the relationship between the dwellings is not direct given the set back of no. 329 Drub Lane (and the hardstanding to the front of this house which is visible from the road) as well as the distance between the houses which is already established. Considering this, there would be no harmful relationship between the dwellings as a result of the proposed extension.

Given that the land surrounding the house to the rear and side is open, there would be no overlooking/loss of privacy from any openings or the raised platform to the rear of the site.

Overall, the proposal is acceptable from a residential amenity perspective and complies with UDP Policy D2, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

4 – Impact on highway safety:

The impact on highway safety is acceptable. Whilst the proposed extensions would increase the built form at the site, this would result in garage and studio accommodation within the dwelling, thus not considered to lead to additional trips to the site. Whilst the extension would be erected on land that is currently used for car parking, there would still be a reasonable area of hardstanding to the front of the dwelling and the garage would accommodate a vehicle, there is no concern relating to highway safety and parking provision. The access to the site would remain as existing.

In all, the proposal is considered acceptable from a highway safety and efficiency perspective, in accordance with UDP Policy T10 and T19 and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

5 – Other matters:

Garden in the Green Belt – The garden associated with the dwelling is located in the Green Belt. However, this application relates to extensions to the dwelling which is located on unallocated land and therefore consideration of disproportionate additions in the Green Belt is not relevant.

The dwelling abuts the Green Belt boundary and therefore consideration has to be given to the impact that the extension would have on the character of the Green Belt, especially given the previous refusal on Green Belt character

grounds. However, since the refusal in 2004 and 2006, the National Planning Policy Framework has been introduced, placing great weight on a presumption in favour of sustainable development. Considering this and the fact that the design of the dwelling has been justified above, the site is unallocated and would not contradict the five purposes of including land within the Green Belt, in the case, the extension would not encroach into the countryside but would be erected on an area of domestic curtilage which is currently hardstanding. For this reason, the proposal is not considered to harm the openness and character of the surrounding Green Belt.

Amended plans - The amended plans have not been readvertised as the changes are minor and would not prejudice neighbours in terms of residential amenity and the changes proposed to the appearance of the building are acceptable and not significantly different to what was originally advertised.

Ecology – The site is in the bat alert layer and therefore consideration has to be given to the development and its impact on bats. In this case, the building is relatively well sealed and from the site visit, there is no evidence of bats or bat roosts. A footnote has been recommended to provide advice to the applicant should bats or bat roosts be present. The proposal will comply with Policy PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

6 – Representations:

Two representations have been received. The concerns raised are summarised and responded to below:

- Already had significant extension which was granted on appeal
- Elements of proposal not integral to rest of the property – effectively creates a second dwelling on the site
- Comment regarding the mix of materials (mismatch)
Officer comment: These concerns have been addressed in the visual amenity and other matters section of this report.
- Reference made to policy and what accommodation will be achieved
Officer comment: this has been noted.
- The extension will more than double the size of the property relative to its original size and dominate the original building – scale will have a detrimental impact on the character of the green belt. House is already large enough
Officer comment: see visual amenity section of this report. The proposed extension and alterations are considered acceptable from a visual amenity perspective.
- Detrimental impact on residential amenity and views of surrounding properties (by virtue of the height)

Officer comment: see residential amenity section of this report. The extension to the house is set down from the ridge of the original dwelling; it is not considered to result in any undue harm to the residential amenity of any nearby residential properties.

- Proposal constitutes inappropriate development
Officer comment: as stated in the principle of development section of this report, the site is not located within the allocated Green Belt on either the UDP proposals map or part of the PDLP.
- Garages and outbuildings found on Green Belt behind the houses
Officer comment: this is not a consideration in this application. It is acknowledged that some of the outbuildings are located within the allocated Green Belt but this does not have any bearing upon the proposals being assessed as part of this planning 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 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: 2018/94084

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, BE14, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP1, PLP2, PLP21, PLP22 and PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall be faced in stone coloured render to harmonise with the front elevation of the host dwelling before the extensions are first brought into use and shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies D2 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.

NOTE: Due to its location, 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 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
Proposed first floor plan	011	B	04.02.2018
Proposed side elevation	013	B	04.02.2018
Existing site plan	002	A	12.12.2018
Existing first floor plan	004	B	12.12.2018
Existing ground floor plan	003	B	12.12.2018

Plan Type	Reference	Version	Date Received
Existing side elevation	006	B	12.12.2018
Existing front elevation	005	A	12.12.2018
Existing side elevation	008	B	04.02.2019
Existing rear elevation	007	A	12.12.2018
Proposed front elevation	012	-	12.12.2018
Proposed rear elevation	014	A	12.12.2018
Proposed side elevation	015	A	12.12.2018
Proposed ground floor plan	010	A	12.12.2018
Proposed site plan	009	A	12.12.2018
Site location plan	001	A	12.12.2018

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. Amendments were sought during the course of the application in order to break up the appearance of the originally proposed blank side elevation of the extension. Amended plans were submitted which now incorporate openings and render has also been introduced on this elevation - this amended plan is considered to be acceptable and addressed the initial concerns. This decision is based on those amended plans.

Report Dated: 14.02.2019