

**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: 2019/62/90213/E

Site Address: 119, Westfield Lane, Wyke, BD12 9LY

Description: Erection of single storey extensions, alterations and conversion of garage into living space

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 19-Mar-2019

Officer report

Site description

119 Westfield Drive, Wyke is a two storey detached property constructed from brick with a tiled roof. The property benefits from an area of hardstanding to the front and a large garden to the rear. Pedestrian and vehicular access can be taken from the front, eastern facing boundary onto Westfield Lane. Boundary treatment consists of small and medium sized shrubs to the front and rear. Land levels also fall within the application site and the wider area from North East to South West.

Furthermore, the site and the wider area is predominantly dominated by residential buildings, most of which vary in size and style.

Description of proposal

The applicant is seeking permission for the erection of a single storey extension, alterations and the conversion of the garage into living space. The measurements of the proposal are as follows:

Single storey extension

- 1.2m – 3.7m projection from the original south western rear elevation at the host property
- 6.7m in width
- 2.8m in height to the eaves; 4.7m in maximum height

The proposed extension will be constructed from brick with a tiled roof to match the existing. The windows and doors proposed within the extension and the existing garage will be constructed from UPVC to keep in with the existing. Internally, the extension will provide a kitchen and an extension to a living room. Alongside this, part of the existing garage will be converted into a utility room and study.

History of negotiations/amendments received

The officer entered discussions with the agent regarding a proposed opening not be shown on the south western elevation plan. An amended plan was received on the 06.03.19.

Relevant Planning History

2006/91552 Demolition of 3 dwellings and outline application for the erection of a residential development – Conditional Outline (117,119,121 Westfield Lane)

2006/94209 Demolition of two dwellings and outline application for the erection of residential development (13 dwellings) – Refused (119 and 121 Westfield Lane)

1991/04531 Erection of first floor extension – Granted (117 Westfield Lane)

2007/90862 Demolition of 1 dwelling and erection of 20 dwellings with garages – Refused (115 Westfield Lane)

Representations

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

Final publicity expired: 01.03.19

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

Consultation responses

HSE: 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (as modified):

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP21 – Highway safety

PLP 24 – Design

PLP 53 – Contaminated Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is unallocated on the Kirklees Local Plan. Policy PLP1 (as modified) states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Also policy PLP24 (as modified) states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process.

In this case, the principle of extending this domestic property is acceptable and shall be assessed against other material planning considerations below.

2. Impact on visual amenity

Single storey extension

It has been considered that the proposed extension would appear subservient to the host property. Whilst there would be a notable amount of amenity space developed under this proposal, given the size of the plot, it would not result in the over development of the site.

The overall design of the extension has been considered acceptable in terms of visual amenity. The proposed building materials would match those that currently exist on the host property. The proposed fenestration within the north east facing front elevation will also be in keeping and sympathetic to those which currently exist within the front elevation of the host property.

Nonetheless, as shown on the submitted plans, the proposed windows within the south eastern and south western elevations will be very prominent. However, given that this extension is to the rear the property and there is sufficient boundary treatment in place, it has been considered that these impacts will not be detrimental to visual amenity. The matching materials will allow the extension to harmonise well with the host property and will be conditioned to ensure visual amenity is protected.

As shown on the submitted plans, the single storey wrap around extension will have a maximum projection of 3.7m. Given the large plot size, the scale of the proposed extension is considered acceptable from a visual perspective.

Conversion of existing garage into living space

As part of this application, part of the existing garage will be converted into living space. Therefore, the plans show additional windows to be inserted into the front and rear elevations. There will also be a door inserted into north western facing elevation of the existing garage. These will appear sympathetic to those that currently exist on the host property and therefore have been considered acceptable in regards to visual amenity.

In summary the proposed extensions and alterations would be of a satisfactory design quality due to the fact that the building materials would match the existing. For these reasons, the proposed would accord with PLP24 of the Kirklees Local Plan (as modified) and Chapter 12 of the NPPF.

3. Impact on residential amenity

117 Westfield Lane is the property to the South East of the application site. It has been considered that there would be limited impact on these neighbours amenity in regards to overshadowing and overbearing. This is due to the large plot in which the application site is located on and the sufficient boundary treatment in place. There is also an existing separation distance of 6m between the nearest elevations at these neighbours in which will be retained as part of this application.

Nonetheless, it has been considered that there will be some impacts on overlooking, as the submitted plans show a large opening to be inserted into the south eastern facing side elevation. This has carefully been assessed, and due to their being sufficient boundary treatment in place in which will obscure some of the potential harm, on balance the impacts proposed can be supported.

Alongside this, there would be no impacts on these neighbours amenity as a result of converting the existing garage.

121 Westfield Lane is the property to the North West of the application site. It has been considered that there would be minimal harm to these neighbours amenity, given the fact that the proposed extension will be orientated away from these neighbours. Alongside this, there is a significant separation distance between these neighbours and the existing garage in which will be part converted into living accommodation. As a result there would be minimal harm to these neighbours in regards to overlooking, overbearing and overshadowing.

112 and 114 Westfield Lane are the properties in which lie to the North East of the application site. There is over 33m from the nearest elevations at these properties and therefore there would be no harm to these neighbours amenity in regards to overbearing, overshadowing and overlooking.

In summary the application has been considered to have an acceptable impact on residential amenity and therefore complies with the aims of PLP24 (as modified) from this perspective.

4. Impact on highways safety

It has been assessed that there would be minimal impact on highway safety as a result of this application. This is due to the area of hardstanding to the front elevation of the property being retained as part of this application. Therefore the conversion of the existing garage would not result in any detrimental impacts on highway safety. As such, the application complies with PLP21 (as modified) of the Kirklees Local Plan.

5. Other matters

As part of this application the Health and Safety Executive were consulted due to the fact that application site is situated within the middle layer of a hazardous materials site on the council's database. As a result, the Health and Safety Executive did not advise against granting permission on safety grounds.

As such, the application is considered to comply with the aims of Policy PLP 53 (as modified) of the KLP.

6. Representations

None received

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:** 2019/90213**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 Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions 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 PLP24 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan	18/124	-	23.01.19
Location Plan	-	-	23.01.19
Existing floor plans and elevations	18/124/A	-	23.01.19
Proposed extension	18/124/B	-	06.03.19

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. The officer entered discussions with the agent regarding a proposed opening not be shown on the south western elevation plan. An amended plan was received on the 06.03.19.

Report Dated:

19.03.19