

**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:** 2019/62/90278/E

**Site Address:** 45, Town Moor Lane, Thurstonland, Huddersfield,  
HD4 6XF

**Description:** Erection of two 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.**

Rebecca Drake

***AUTHORISED OFFICER***

**Date: 26-Mar-2019**

## **Officer report**

### **Site description**

45 Town Moor Lane, Thurstonland is a two storey semi-detached property constructed from artificial stone to the front elevation and brick to the rear and side elevations. The property has an attached garage with a flat roof. The property benefits from a small garden and driveway to the front and medium sized garden to the rear. Vehicular and pedestrian access can be taken from the front boundary at the application site onto Town Moor Lane. To the rear, boundary treatment consists of medium sized fencing.

The site and the wider area is dominated by residential buildings all of which are seen to be two storey with a similar design and form along this side of the road. To the south of the application site is a row of Grade II listed cottages. Land levels fall within the wider area from West to East.

### **Description of proposal**

The applicant is seeking permission for a two storey side extension to the south western facing elevation at the host property. The measurements of the proposed extension are as follows:

- 2.7m in projection from the west facing side elevation at the host property
- 7.7m in length
- 5m in height to the eaves; 7m in maximum height

The extension will be constructed from artificial stone to the front elevation and matching brickwork to the side and rear elevations. The roof will be constructed from interlocking concrete tiles. Internally the extension will serve a sitting room and utility room at ground floor and two additional bedrooms at first floor.

### **History of negotiations/amendments received**

No negotiations or amendments have been received throughout the course of the application.

### **Relevant Planning History**

None within the application site

2006/92625 Erection of ground and first floor extensions – Granted (41 Town Moor Lane)

2007/92126 Erection of ground floor extension and porch – Granted (39 Town Moor Lane)

2008/90564 Erection of ground floor extension and porch (as modified) – Granted (39 Town Moor Lane)

Various applications submitted at Field House including outline applications and the erection of a detached dwelling with integral garage.

Various applications at Ash Cottage and 86-92 The village (including planning applications, tree works and listed building consent)

## **Representations**

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

Final publicity expires: 15.03.19

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

Kirkburton Parish Council: responded with 'no comment'.

## **Consultation Responses**

KC Conservation and Design DM: No objections, given there being various examples within the close vicinity.

## **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 and access

**PLP22** - Parking

**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 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 place

**Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

**Chapter 16** – Conserving and enhancing the historic environment

## **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 without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP 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. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. It is also noted that the application site is located adjacent the conservation area boundary and opposite listed buildings. As such, PLP 35 (as modified) of the Kirklees Local Plan and Chapter 16 of the NPPF are relevant which assert that Local Planning Authorities such seek to conserve and enhance the setting of heritage assets.

In this case the application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

### **2. Impact on visual amenity and heritage assets**

#### *Two storey side extension*

It has been considered that the proposed side extension would appear subservient to the host property. It is also noted that the footprint of application property will not be increased as part of this application as there is currently an attached garage in this location.

The overall design of the extension is considered acceptable in terms of visual amenity. The proposed materials would match those that currently exist on the host property and the attached garage. The proposed fenestration will also be of a similar design to those that exist on the host property and will keep in with the character of the area. The proposed window frames will be UPVC to match the existing. These factors will allow the extension to harmonise well with the host property.

Whilst the extension would extend to the side of the property, it would not result in an undesirable terracing effect, given the change in land levels and the proposed extension being 0.9m inset from the shared boundary at 43 Town Moor Lane. In addition, the application property is also set forward of,

and at an angle to, no.43. Whilst it is good practice for side extensions to be designed with the front elevation set back and the ridge line set down in relation to that of the host property, due to the specific circumstances of the site, the design as submitted is considered acceptable in this instance.

KC Conservation and Design has been consulted on the application due to the proximity with the conservation area and the listed building. No objections are raised subject to matching building materials.

### *External alterations*

As part of this application, the submitted plans show alterations to an existing opening at first floor within the front elevation of the host property, and an existing window within the rear elevation, to be altered into a sliding door. Alongside this, part of the external chimney will be removed. Nonetheless, these external alterations have not been included in the description of proposal, given the fact that they could be done under permitted development. However, have been assessed as part of this application as having a satisfactory visual finish.

In summary the proposed two storey side extension would be of a satisfactory design quality, as the building materials would match the existing. Alongside this, the proposal would not have any significant adverse impacts on the character and setting of the adjacent conservation area and listed buildings. For such reasons, the proposal has been considered acceptable from a visual amenity perspective and would accord with Policies PLP24 (as modified) and PLP35 (as modified) of the Kirklees Local Plan and Chapter 12 and 16 of the NPPF.

### **3. Impact on residential amenity**

47 Town Moor Lane is the adjoining neighbour to the application site. As the proposed development is to the opposite side of no.45, it will not materially harm the residential amenity of these occupants. There would be no overbearing, overlooking and overshadowing as a result.

43 Town Moor Lane is the neighbouring property to the west of the application site. It has been considered that there would be some harm to these neighbours amenity as a result of this proposal. More specifically, there would be some impacts on overshadowing and overbearing, as the proposal would increase the height and massing of development along the nearest boundary with these neighbours. Furthermore, at the time in which the site visit was undertaken it was evident that these neighbours have existing openings within their gable elevation. Nonetheless, the opening at first floor looks to serve a non-habitable room and the window at ground floor looks to serve as a secondary window to a habitable room. Therefore any impacts on overbearing can be supported as they would not be significantly detrimental to residential amenity. Alongside this, it has been assessed that any impacts on overshadowing would only be evident within a morning.

In regards to overlooking, it has been assessed that there would be minimal harm to these neighbours amenity. The submitted plans show that there would be an opening inserted into the side elevation of the extension at ground floor. Given the fact that this will serve as a secondary window for the proposed sitting room, and that there would be no direct relationship with the existing opening within these neighbours east facing side elevation, it has been considered that there would be minimal harm as a result. The main habitable room windows would be located in the front and rear elevation. It has also been acknowledged that there is an existing close relationship between these neighbours and therefore any impacts on overlooking would not be unduly harmful over and above the existing situation. The plans also show no new windows to be inserted into the side elevation of the proposed extension at first floor. Overall it has been considered that there will be some impact on these neighbours amenity, however, the harm is not significant enough to warrant a refusal for the proposal.

84, 88, 90 and 92 are the listed cottages adjacent to the application site. Due to there being over 31m in separation distance between the nearest front elevations at these neighbours, it has been considered that there would be no significant impacts in relation to overshadowing and overbearing as a result. The submitted plans also show additional windows to be inserted into the front elevation of the host property and extension, however, given the above, there would be no undue harm on these neighbours amenity. Overall, it has been considered that there would be no detrimental harm as a result of granting permission for the proposed development.

12 Top Moor Avenue, is the property to the rear of the application site. There is an existing separation distance of 21m between these neighbours' rear elevations, which will be retained as part of this application. This will mitigate against any impacts on overlooking and overbearing. Nonetheless the submitted plans show an additional opening to be inserted at first floor within the rear elevation of the two storey side extension. Given the fact that, this will serve a bedroom, careful consideration has been taken. However, it has been assessed that any impacts on overlooking would not be detrimental to residential amenity, and for these reasons, the harm to these neighbours amenity can be supported.

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

#### **4. Impact on highways safety**

It has been considered that the development will intensify the residential use at the application site, as the submitted plans show an additional bedroom to be provided. Alongside, this the existing attached garage will be lost as part of this application.

Nonetheless, the submitted plans show that part of the garden wall to the front boundary, will be removed to increase the width of the existing drive. This will ensure adequate space for two parked cars. In order to ensure that the

additional driveway area is appropriately surfaced, a condition shall be attached to the decision notice setting out that it shall be drained and surfaced in accordance with the guidance from the Environment Agency.

Therefore, on balance the proposal has been considered acceptable in regards to highway safety and will accord with Policies PLP21 and PLP22 (as modified) of the Kirklees Local Plan and chapter 14 of the NPPF.

## **5. Other matters**

None

## **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:** 2019/90278

**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 Policies PLP 21 (as modified), PLP24 (as modified) and PLP 35 (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 Policies PLP24 (as modified) and PLP 35 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The extension hereby approved shall not be brought into use until the extended driveway as indicated on the approved Site Plan has been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's '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.

**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 the additional hardstanding area is appropriately drained in accordance with Policy PLP21 (as modified) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	LP 01	-	29.01.19
Existing elevations	2019/005/01	-	29.01.19

and floor plans			
Proposed elevations and floor plans	2019/005/03	-	29.01.19

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 Planning 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:** 25.03.19