

**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: 2019/62/90404/E

Site Address: 64, Bottoms Lane, Birkenshaw, BD11 2HL

Description: Erection of single storey 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: 07-May-2019

Officer report

Site description

64 Bottoms Lane is a detached property constructed from stone with a tiled roof. The property benefits from an area of hardstanding to the west and private amenity space to the rear. Pedestrian and vehicular can be taken from the front boundary at the application site onto Moor Lane. To the side and rear, boundary treatment consists of a small stone wall with hedging and fencing above. The property also benefits from a detached shed and outbuilding.

The site and the wider area is predominantly dominated by residential buildings, some of which vary in design and form.

Description of proposal

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

- 2.6m – 3.4m in projection
- 11.1m in length
- 2.6m in height to the eaves; 3.6 – 3.8m in maximum height.

The proposed extension will be constructed from stone and render with a grey tiled roof to match the host property. The proposed fenestration and alterations to existing openings will also be constructed from UPVC and will keep in with the existing. Internally the extension will provide a utility room and dining/sitting room.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding the proposed construction materials. The agent confirmed the front and rear elevations to be constructed from stone and the side elevations to be constructed from render. No amended plans were received.

Relevant Planning History

None on the application site

Various applications submitted at Sunnyside for the erection of extensions.

97/93321 Erection of double garage – Granted (239 Moor Lane)

2003/94517 Erection of kitchen extension – Granted (247 Moor Lane)

Representations

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

Final publicity expires: 13.04.19

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

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
- **PLP 21** – Highway safety
- **PLP 22** – 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 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. Conclusion

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”.

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

2. Impact on visual amenity

It has been considered that the proposed extension would appear subservient to the host property. Nonetheless, there would be additional amenity space developed under this proposal. However, this would not result in the overdevelopment of the site, as the existing shed and outbuilding will be demolished as part of this application.

Single storey extension

The design of the extension has been considered acceptable in terms of visual amenity. The front and rear elevations will be constructed from stone to keep in with the host property. Nonetheless, the agent confirmed that the side elevations of the extension will be constructed from render. Whilst this is not ideal, there would be limited impact given the fact that the proposal would be single storey in size. There is also existing examples of large expanses of render on principle elevations of properties within the vicinity. Alongside this the existing boundary treatment will also obscure the majority of the north eastern facing side elevation. The colour of the render will be conditioned to ensure that visual amenity is protected.

The submitted plans show an additional opening within the north western facing elevation and three roof lights to be inserted into the proposed roof form. Alongside this, bi fold doors will also be inserted into south western facing elevation.

The overall scale, bulk and design of the extension has been considered satisfactory.

The extension would extend predominantly to the side of the property but would also project beyond the rear elevation. Whilst there would be a significant amount of amenity space developed under this proposal, there would be no significant detrimental harm to visual amenity.

Alongside this, the proposal would not result in an undesirable terracing effect, due to the fact that the extension would be single storey in height. As such, the proposal is considered to meet the aims of PLP24 (as modified) of the Kirklees Local Plan.

External alterations

The submitted plans show external alterations to existing openings within the north facing side and rear elevation at the host property. It has been considered that these alterations would be in keeping with the host property and would have no undue harm on visual amenity as a result.

In summary, the proposed extension would be of a satisfactory design for the reasons set out above and would be in keeping with the character of the area. Therefore the proposal would accord with PLP24 (as modified) of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

Sunnyside is the neighbouring property to the south west of the application site. It has been considered that there would be limited harm on these neighbours amenity, given the fact that the bulk of the extension will be located at the opposite side of the host property away from these neighbours. As a result there would be minimal impact on overbearing and overshadowing.

Alongside this, the submitted plans show bi fold doors to be inserted into the south western facing elevation. However, at the time in which the site visit

was undertaken it was evident that these neighbours have an existing detached garage in which sits along the boundary with the application site. There are also no existing openings within the nearest elevation of the detached garage and therefore there would be no additional overlooking as a result.

All in all, the impact on these neighbours amenity is acceptable.

239 Moor Lane is the neighbouring property to the south east of the application site. It has been considered that there would be limited impact on these neighbours amenity as the proposed extension would be single storey in height. There is also significant boundary treatment in place between these neighbours in the formation of hedging. Therefore it has been considered that there would be limited impact on overbearing and overshadowing as a result.

The submitted plans also show no additional windows to be inserted into the north eastern facing elevation and therefore there would be no undue impact on overlooking.

Overall, there would be limited harm to these neighbours amenity.

247 Moor Lane is the neighbouring property to the north east of the application site. There would be over 7m in separation distance between these neighbours and therefore there would be limited impact on overbearing and overshadowing as a result.

Alongside this, the proposed plans show no new windows to be inserted into the north eastern facing elevation of the extension, which will mitigate against any impact on overlooking.

Overall there would be a satisfactory impact on these neighbours.

62 Bottoms Lane is the neighbouring property to the north west of the application site. It has been considered that there would be no significant impact on these neighbours amenity as a result of the proposed extension, as there is over 19m in separation distance between these neighbours. Alongside this, it has been acknowledged that the proposal would include an additional window within the north western facing elevation. However, given the fact that there are existing openings within the front elevation at the host property, any impacts on overlooking would not be over and above the existing situation. Therefore this proposal 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 policy PLP24 (as modified) of the Local Plan.

4. Impact on highway safety

It has been considered that there would be no detrimental harm to highway safety as a result of this proposal. This is due to the fact that the area of hardstanding to side of the host property, will be retained as part of this application. As a result, the proposal is considered to comply with PLP21 (as modified) and PLP22 (as modified) of the Kirklees Local Plan.

5. Other matters

None necessary.

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: 2019/90404

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 PLP21 (as modified), Policy PLP22 (as modified) and Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the front and rear elevations of the extension hereby approved shall be faced in stone to match the host property before the extension is first brought into use. The extension shall be thereafter retained with this finish.

Reason: In the interests of visual amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan as well as the aims of Chapters 12 of the National Planning Policy Framework.

4. The external walls of the side elevations of the extension hereby approved shall be faced in an off-white or cream coloured render before the extension is first brought into use. The extension shall be thereafter retained with this finish.

Reason: In the interests of visual amenity and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan as well as the aims of Chapters 12 of the National Planning Policy Framework.

5. The 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 PLP24 of the Kirklees Local Plan (as modified) and the aims of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	05.03.19
Existing and proposed floor plans and elevations	5998/SR/PS.BB.	-	05.03.19

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 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. The officer entered into discussions regarding the proposed construction materials however, no amendments were sought.

Report Dated: 07.05.19