

**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: 2019/62/90406/E

Site Address: 11, Lyndale Mews, Dewsbury, WF13 4BU

Description: Erection of single storey front extension

Recommending Officer: Katie Wilson

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-May-2019

Officer Report

Site Description

The application site is 11, Lyndale Mews, Dewsbury. It is a 2-storey inner terraced house thought to date from the 1970's or 80s. The walls are artificial stonework and it has a ridged roof surfaced in grey / brown tiles. There is a small garden at the front and slightly larger garden at the back enclosed by other gardens to all sides.

It is located within a small residential cul-de-sac of similar properties and within a wider area of mixed housing. It is also on land that slopes from north to south and east to west across the site, although the adjacent houses to either side are on the same level and already have either a porch or a canopy on the front elevation.

Description of Proposal

Planning permission is sought for erection of a front extension.

- Rectangular footprint projecting 1.6m x approximately 4.0m wide.
- Mono-pitched roof around 2.6m to eaves level and 3.65m overall height.
- Door and window in the front elevation only.
- External materials to match those on the host dwelling.

History of negotiations/amendments received

No amendments have been sought or received during the course of this application.

Relevant Planning History

There is no relevant planning application history

Representations

Final publicity date expired: 23rd March 2019. No representations received during the course of this application.

Parish/Town Council comments: Not applicable

Consultation Responses

No consultations carried out during the course of this application.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 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-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is on land without notation on the Kirklees Local Plan as modified. As such policy LP 24 is applicable. It seeks to make sure that development proposals promote good design by ensuring a range of criteria including extensions to buildings. The principle of extensions to this property is acceptable provided that it meets the detailed criteria.

2 –Impact on visual amenity:

In relation to Policy LP24 proposals should ensure that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and provide a high standard of amenity.

In this instance the scale of the proposed extension is at ground floor level only and projects just 1.6m which is less than a quarter of the footprint of the existing house, and so it is considered subservient to the original building.

In terms of design and appearance, it is thought that the proposed roof design would be sympathetic to that of the host building and the proposed window and door together with the external wall and roof materials would be to match those already in situ.

As such the proposal would be in keeping with the appearance of existing buildings and compliant with policy LP24 of the KLP.

3 – Impact on residential amenity:

LP 24 of the KLP also seeks to ensure that extensions minimise impact on residential amenity of future and neighbouring occupiers.

In this case the proposed extension would be close to the mutual boundaries with the neighbouring properties to either side and so has potential to cast some shade on each. However, it is a single storey structure with mono-pitched roof and the projection at 1.6m is relatively modest. It is also noted that the neighbouring properties also have either, a porch (at number 15) and a canopy over bay window (at number 9) which would provide some additional mitigation.

In terms of overlooking, no openings are shown in the facing side elevation and new openings could be controlled by condition. So in this context, it is thought that the impact upon the residential amenities of the occupiers of these neighbouring properties would be quite limited.

Properties on the opposite side of Lyndale Mews are at least 15.0m away and at right angles to the front of the application site, so there would be no direct relationship between windows. Given these circumstances there would be no adverse impact upon these dwellings.

No other properties would be affected by the proposal.

Overall it is considered that the proposal would be compliant with Policy LP24 of the KLP.

4 – Impact on highway safety:

The site is accessed from Lyndale Mews, a short residential cul-de-sac road that is adopted but not classified, and parking is on the roadside in front of the house.

The proposal would form additional space for hallway and enlarge the living-room. As such there would be no significant intensification of the existing residential use that requires additional parking spaces, so there would be no further impact upon highway safety.

5 – Other matters:

There are no further material planning matters.

6 – Representations:

No representations received during the course 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 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:** 2019/90406**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 LP24 of the Kirklees 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.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the side elevations of the front extension hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			22.2.2019
Floor plan as existing			22.2.2019
Floor plan as proposed			22.2.2019
Front and side elevations as existing and as proposed.			22.2.2019

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. No amendments have been sought or received during the course of this application

Report Dated: 21.5.2019