

**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: 2019/62/91000/W
Site Address: 28, Shop Lane, Kirkheaton, Huddersfield, HD5 0DB
Description: Erection of first floor extension to rear
Recommending Officer: Sam Jackman

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.

Emma Thompson

AUTHORISED OFFICER

Date: 04-Jul-2019

SITE DESCRIPTION

28 Shop Lane, Kirkheaton is an end stone terrace property with a concrete tiled roof with a rendered gable. There are two existing single storey rendered rear extensions with slightly different projections and roof slopes, extending across the full width of the rear elevation.

DESCRIPTION OF PROPOSAL

The proposal is to extend over the ground floor extensions projecting 2.4m by 5.1m the full width, with a lean-to roof sitting under the existing eaves.

The extension would be built from materials to match the host property with regards render and concrete tiled roof.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

An extension of time was requested due to the heavy workload which has been agreed by the agent

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires: 6.6.19

No letters of representation have been received in respect of this application.

Kirkburton Parish Council – no comments received

CONSULTATION RESPONSES

Health & Safety Executive - HSE does not advice, on safety grounds, against the granting of planning permission in this case.

POLICY

The statutory development plan comprises:

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 (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 21 – Highway safety and access

LP 22 - Parking

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, together with Circulars, Parliamentary 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

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

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

Impact on visual amenity:

The impact on visual amenity is acceptable. The extension is to the rear of the property, where the drive at the side provides a glimpse of the rear extension but not a clear view of the whole extension, therefore minimising the appearance within the street scene.

With regards to the character of the area, the extension will be in keeping with the host dwelling due to the materials being used and the style of roof, which will complement the host dwelling and will be seen as a subservient addition.

It would be preferred if the rear elevation was built from stone to match the upper floor, however there are other properties within this block that have rendered rear elevations.

Therefore, the proposal is in accordance of Policy LP 24 of the Kirklees Local Plan that states “extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area.

Impact on residential amenity:

The proposed extension and alterations are assessed upon whether they would have a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

With regards the extension being overbearing or overshadowing to the properties at the rear, this is considered to be minimal given the projection at 2.4m and the extension located almost due north of the neighbours property, furthermore the attached neighbours already have a single storey rear extension in line with the applicant’s extension.

With regards overlooking there are no windows proposed in the side elevations and the rear windows overlook a small rear garden.

Therefore it is considered there will be no impact on neighbouring properties in terms of overshadowing, overbearing or overlooking. The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states “extensions...minimise impact on residential amenity of future and neighbouring occupiers.” Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear extension is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the parking is not being affected by the proposal, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

Health & Safety Executive - HSE does not advice, on safety grounds, against the granting of planning permission in this case.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Kirkburton Parish Council –no comments received

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.

Decision Authorisation - Delegated Powers

Application Number: 2019/91000

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 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2 & LP24 , of the Local Plan and advice in the National Planning Policy Framework.

3. The external rendered 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 LP1, LP2 & LP 24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan 1:1250		3.5.19
Existing & proposed layout	01	3.5.19
Existing & proposed elevations	02	3.5.19

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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

3.7.19

Coal – low risk