

**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: 2019/62/91021/E

Site Address: 10, Flash Lane, Mirfield, WF14 0PH

Description: Erection of two storey side and single storey rear extensions

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: 22-May-2019

Officer report

Site description

10 Flash Lane, Mirfield is a two storey semi detached property constructed from brick and render with a tiled roof. The property benefits from a grassed and area of hardstanding to the front and private amenity space to the rear. Vehicular and pedestrian access is taken from the front boundary at the application site onto Flash Lane. To the front, boundary treatment consists of small brick walling and fencing and to the rear medium sized fencing and shrubs are in place. The property also benefits from an attached garage and single storey rear extension.

The site and the wider area is dominated by residential buildings, some of which vary in design and form. The neighbouring property at 12 Flash Lane benefits from a two storey side extension and the neighbouring property at 8 Flash lane also benefits from an attached garage.

Description of proposal

The applicant is seeking permission for a two storey side extension and a single storey rear extension. The measurements of the proposed extensions are as follows:

Two storey side extension

- 2.7m projection from the south western facing elevation at the host property
- 8.3m in length
- 5.4m in height to the eaves; 8m in maximum height

Single storey rear extension

- 2m -3m projection from the rear elevation of the two storey side extension and the host property
- 2.9m in height to the eaves; 3.8m – 4.1m in maximum height
- 7m in width

The walls of the proposed extensions will be constructed out of brick and render to match the host property with tiled roofs. The proposed fenestration and doors will also be constructed from UPVC to match. Internally the two storey extension will provide a bedroom and en-suite at first floor and a garage and shower room at ground floor. The rear extension will also serve a utility room and an extension to the kitchen/dining room.

History of negotiations/amendments received

The officer entered into discussions with the agent regarding an additional parking space alongside the existing outrig. Amended plans showing the proposed parking layout and the existing outrig to be retained were received on the 21.05.19.

Relevant Planning History

None on application site

Outline application for erection of up to 60 dwellings and associated means of access – Pending consideration (Land to rear of application site)

Representations

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

Final publicity expires: 13.05.19

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

Mirfield Parish Council: No comments 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:

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP21 – Highway safety

LP22 – 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, 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

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 highway safety
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 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 LP24 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 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

It has been considered that the proposed extensions would appear subservient to the host property. Nevertheless, there would be an additional amount of amenity space developed under this proposal. However, the existing rear extension will be demolished as part of this proposal and therefore, given the size of the plot, this would not result in the overdevelopment of the site.

Two storey side extension

The design of the two storey side extension is considered acceptable in terms of visual amenity. The proposed building materials would match the existing, and the window proposed within the front elevation at first floor would be of a similar style to those that currently exist on the front elevation of the dwelling. At ground floor, a garage door will be inserted into the front elevation and the overall scale, bulk and design is satisfactory.

The submitted plans also show additional windows to be inserted the side elevation at ground floor and within the rear elevation at first floor. These new openings have been considered acceptable in terms of size and scale.

Whilst the extension would extend to the side of the property, it would not result in an undesirable terracing effect as the proposed extension would be inset from the existing boundary by 1m. There would also be approx 2.2m retained between the nearest elevations at the application site and no.8 Flash Lane. The levels changes are also noted. As such the proposal is considered to accord with the aims of Policy LP24 of the Kirklees Local plan.

Single storey rear extension

The design of the rear extension has been considered appropriate in terms of visual amenity as the proposed fenestration would be in keeping with the host property. Nonetheless, the submitted plans show double doors to be inserted into the rear elevation of the extension. However, this element has been considered satisfactory as the extension will replace the existing conservatory.

Therefore any harm on visual amenity would not be over and above the existing situation. Three roof lights will also be inserted into the lean-to pitch of the extension.

The maximum projection of the rear extension will be 3m from the rear elevation at the host property. This has been considered acceptable given the size of the plot and therefore complies with LP24 of the KLP.

The proposed materials of the extensions, as stated within the application form will match those that currently exist on the host property. These materials would allow the extensions to harmonise well with the host property and will be conditioned to ensure visual amenity is protected.

Alterations to roof

The submitted plans show alterations to the existing flat roof element above the garage door and bay window within the front elevation of the host property at ground floor. This has been considered acceptable from a visual perspective. The neighbouring property at 8 Flash Lane also has a similar arrangement.

Decking to rear

The submitted plans show an area of decking/ steps to rear of the application site. Given that this element does not exceed 0.3m in height, it has been considered that this element could be constructed under permitted development, and therefore may not require planning permission. For these reasons, the decking has not been included in the description of development. Nonetheless, there would be no undue harm to the visual amenity of the site.

In summary the proposed extensions, alterations and decking is of a satisfactory design quality for the reasons set out above and would be in keeping with the character of the area. Therefore, the proposal would accord with LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

12 Flash Lane is the adjoining property to the north east of the application site. These neighbours benefit from a two storey side extension.

It has been considered that there would be some impact on these neighbours amenity as a result of the proposed development. Nonetheless, there would be minimal harm in regards to the proposed two storey side extension as this would be located to the opposite side of the host property, away from these neighbours. Therefore any harm can be supported.

More specifically it has been noted that there would be some impact a result of the rear extension. However, the submitted plans show that the extension will be inset from the shared boundary between these neighbours. Therefore any impact on overbearing can be supported. The existing outrig will also be retained as part of this application.

It has also been considered that there would be harm on overshadowing, as part of the rear extension. Nonetheless, any impact would only be evident within an evening. Alongside this, the existing boundary treatment will also be retained as part of this application.

The submitted plans also show no additional windows to be inserted into the north eastern facing elevation of the extension. There any harm on overlooking has been considered acceptable.

All in all, it has been considered that the harm to these neighbours can be supported.

8 Flash lane is the neighbouring property to the south west of the application site. It has been considered that there would be some impact on these neighbours as the extension would increase the height and massing of the development on the application site. As a result, there would be some impact on these neighbours existing openings within their side elevation. However, it has been considered that there would be at least 2.3m separation distance between the nearest elevations at these neighbours. Alongside this, any impacts on overshadowing would only be evident within a morning. From the size and position of these openings, it is judged that they serve non-habitable rooms. Therefore on balance, it has been considered that the harm to these neighbours amenity would not be detrimental and therefore, would not be serve enough to warrant a refusal the application.

The submitted plans also show no windows to be inserted into the side elevation at first floor. However an additional opening at ground floor will be inserted into the side elevation of the two storey extension which will serve a shower room. This opening will be obscurely glazed and therefore, there would be no additional harm on overlooking as a result.

It has also been considered that there would be limited impact on these neighbours amenity in regards to the rear extension. As the submitted plans show that this element would be slightly inset and would have a maximum projection of 2m. For these reasons any impact on overbearing and overshadowing can be supported. The submitted plans also show a door to be inserted into the south western facing elevation. As a result there would be minimal harm on overlooking as a result.

Overall the impact on these neighbours amenity can be supported.

To the rear of the site is open fields.

15 and 15a are the neighbouring properties to the north west of the application site. Due to there being an existing separation distance of approx. 27m between the nearest elevations at these properties, there would be minimal impact on overbearing and overshadowing. It has also been considered that there would be no undue harm on overlooking as part of this proposal as there are existing habitable rooms within the front elevation at the host property. Therefore any impact would not be over and beyond the existing situation.

In summary the application is considered to have an acceptable impact on residential amenity. The application therefore complies with the aims of policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been consulted during the course of this application. They raised initial concerns given the existing parking situation and the proposed material increase at the host property. Nevertheless, given the amended plans which show sufficient space for at least two parked cars within the application site, alongside the additional garage, their initial concerns have been addressed.

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.

Taking the above into account, the proposal is not considered to result in any significant harm to highway safety or efficiency, in accordance with the aims of policies LP21 and LP22 of the KLP.

5. Other matters

Outline application

It has been noted that an outline application for 60 dwellings on the land to the rear of the application site is under consideration. Given the nature of these extensions, it has been considered that there would be minimal impact on the determination of this application.

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: 2019/91021

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 LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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, in accordance with the details shown on the approved plan.

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

4. The extensions 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 thereafter.

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 LP21 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	-	-	27.03.19
Site Plan	19/58	-	21.05.19
Existing elevations and floor plans	19/58	-	27.03.19
Proposed elevations and floor plans	19/58	A	21.05.19

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 with the agent regarding an additional parking space alongside the existing outrig. Amended plans showing the proposed parking layout and the existing outrig to be retained were received on the 21.05.19.

Report Dated: 22.05.19