

**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: 2019/62/91085/E

Site Address: Grice Nook, 38, Slant Gate, Kirkburton, Huddersfield,
HD8 0QL

Description: Erection of single 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: 29-May-2019

Officer Report

Site description

38 Slant Gate, Kirkburton is a two storey detached property, constructed from natural stone with a tiled roof. The property benefits from private amenity space to the side and rear. Pedestrian access can be taken from Slant Gate which is on the front boundary of this application site. There is also an existing porch on the side elevation of the host property. Boundary treatment consists of a dry stone wall with additional hedging around the eastern boundary of the application site.

The site and the wider area is dominated by residential buildings, all of which vary in terms of property type and style. Within the application site land levels fall from North East to South West.

Description of proposal

- 3m in projection from the north western facing side elevation
- 9.2m in length
- 2.5 – 3m in height to the eaves; 3.6m to 4.1m in maximum height (due to a change in levels)

Due to the change in levels on the application site the height of the extension will vary. The front elevation of the extension would be constructed from stone, with render to the side and rear elevations. The proposed windows and doors will be constructed from UPVC to match the existing. The existing garden wall will also be moved and reconstructed to match the existing. Internally the extension will serve a W.C, study and an extension to the existing kitchen.

History of negotiations/amendments received

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

Relevant Planning History

2018/92913 Erection of single storey side extension – Granted (38 Slant Gate)

2002/91282 Erection of extension to form dinning doom and re siting existing garage – Granted (40 Slant Gate)

2002/92001 Erection of dining room and garage extension (modified proposal) – Granted (40 Slant Gate)

Various applications submitted at 41C, including outline and planning applications.

Consultation Responses

None necessary

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
- LP2 – Place shaping
- LP21 – Highway safety
- LP24 – Design
- LP30 – Biodiversity

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 15 – Conserving and enhancing the natural 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). 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 side extension would appear subservient to the host property and would not result in the overdevelopment of the application site.

The design of the extension has been considered acceptable in terms of visual amenity as the front elevation would be constructed from stone to

match the host property. The side and rear elevations will be constructed from render. Whilst this is not ideal from a visual perspective, these elevations would not be readily visible from the highway and therefore any harm would not be detrimental to the appearance of the streetscene. The existing boundary treatment will also be retained as part of this application.

The proposed fenestration would also be of a similar style to those that currently exist on the host property. Three roof lights will also be inserted into the roof of the extension.

To the rear, the submitted plans show a large bi fold door to be inserted. Nonetheless, it has been considered that any harm on visual amenity can be supported within this domestic setting.

Whilst the extension would extend to the side of the host property, it would not result in an undesirable terracing effect due to the size of the proposal. There is also no immediate neighbour to the north west of the application site. As such the proposal accord with LP24 of the Kirklees Local Plan.

In summary it has been considered that the extension would be of a satisfied design quality and therefore complies with LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

40 Slant Gate is the neighbouring property to the north west of the application site. It has been considered that there would be limited impact on these neighbours in regards to overbearing and overshadowing due to the nature of the application. There is also 18m in separation distance and existing boundary treatment which will be retained as part of this application. These neighbours are also on a higher level.

In regards to overlooking, one window will be inserted into the side elevation of the extension. This will serve a study. Nonetheless, it has been considered that any impacts can be supported for the reasons outlined above.

Overall the impact on these neighbours amenity has been considered acceptable.

41C is the neighbouring property to the rear of the application site. There is a separation distance of around 10m between the nearest elevations at these

neighbours. As such it has been considered that there would be minimal impact on overbearing and overshadowing. Alongside this, it has been assessed that the harm on overlooking can be supported. As there is high boundary treatment to the rear of the application site, which will mitigate against some of the impact.

All in all, any harm arising from this proposal can be supported.

36 Slant Gate is the neighbouring property to the south east of the application site. The proposed extension would be located away from these neighbours, at the opposite side of the application site. As a result there would be no undue impact on overbearing, overlooking and overshadowing.

In summary the application is considered to have an acceptable impact on residential amenity and therefore complies with Policy LP24 of the KLP from this perspective.

4. Impact on highway safety

It has been considered that there would be no undue harm on highway safety as part of this application, as the proposal will not increase the residential use at the host property. The extension would also not develop any land that is used for parking. As such the application complies with Policy LP21 of the KLP.

5. Other matters

Bats

All of the application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the property appeared well-sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought.

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: 2019/91085

Officer Recommendation: Approve

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 and the aims of the National Planning Policy Framework.

3. The external wall forming the front elevation of the extension hereby approved shall be faced in stone which in all respects matches that 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 external walls forming the side and rear elevations of the extension hereby approved shall be faced in cream or off-white coloured render before the development 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 LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The external 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	03.04.19
Existing elevations and floor plans	2018/158/01	-	03.04.19
Proposed front elevation	2018/158/02	A	03.04.19
Proposed side elevation	2018/158/03	A	03.04.19
Proposed rear elevation	2018/158/04	A	03.04.19
Proposed ground floor plan	2018/158/05	B	03.04.19

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 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, no amendments were sought, as the application was considered acceptable in its submitted form.

Report Dated: 28.05.19