# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

### Town and Country Planning Act 1990 (as amended) – SECTION 70

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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|---|---|
| **Reference No:** | 2019/62/91387/W |
| **Site Address:** | 537-539, New Hey Road, Mount, Huddersfield, HD3 3XN |
| **Description:** | Installation of enlarged rear windows, alterations to front windows and door, and erection of rear porch and garden store |
| **Recommending Officer:** | Callum Harrison |

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 17-Jun-2019**

**Officer Report**

**Site Description**
537-539 New Hey Road is an end of terraced property faced in natural stone with a tiled roof. The dwelling is two storey property set on a banked curtilage with a basement opening up on the rear garden. The property benefits from a large rear garden and detached, pebbledashed garage to the side. OS Maps would suggest the dwelling used consist of 2no. back to back dwellings but it is clearly now 1no property. The dwelling also has a Royal Mail post box tightly located against the principal elevation; it did function as a post office on the ground floor in the recent past. It is unclear when this use ceased and when the use as a single dwellinghouse commenced.

The terrace has 3 attached properties. All are identical in terms of materials. In relation to the design, the other two dwellings have a “two up, two down” appearance with the door centrally located with 1 window on each floor on both sides of the door. The host property has the door to the left side of the elevation with 4 different sized windows positioned unevenly across the principal elevation. Dwellings on the wider street scene are largely varied in style and design, however natural stone is the dominant material.

**Description of Proposal**
The application is seeking permission for the installation of enlarged rear windows, alterations to front windows and door, and erection of rear porch and garden store.

The Juliet balcony shall be replaced by an enlarged window on the rear elevation, as shall the 2no windows directly above and below this. These windows shall be widened from 1.2m to 2.4m, and shall have the same height as existing.

To the front the door and the furthest right window shall essentially be swapped over.

The rear porch will replace a small open canopy with no side walls or means of enclosure. The porch has a projection of 1.15m, a width of 1.7m and have a maximum height of 3m from the adjacent land level. These dimensions are

identical to the existing open canopy structure. It shall be timber framed and finished with a tiled roof.

The garden store shall be set behind the existing garage but on a level below nestled next to an existing outbuilding. It has a length of 5.95m, a width of 2.25m and a maximum height of 3.3m with the eaves at 2.6m when measured from the adjacent land level. The garden store is to be a timber structure with an asphalt roof. It shall also feature a chute from the garage to the garden store. This chute will have a width of 0.8m and shall extend above the garden store by 2.2m and below the ridge of the garage by 1.2m.

**History of Negotiations**
None.

**Relevant Planning History**
2008/92061 – Raising level of land and erecting garage was given conditional full permission.

**Representations**
The application was advertised by a site notice and neighbour letters.

Final publicity expired on 13th June 2019.

No representations were received.

**Consultation Responses**
No consultations were required or sought.

**Policy**
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 Development Plan for Kirklees is the Local Plan adopted February 2019.

The application site is unallocated within the Kirklees Local Plan.

**Kirklees Local Plan**
LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP24 – Design

**National Planning Guidance:**
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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**
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) Conclusion

**Principle of Development**
Policy LP1 of the Local Plan 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. 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 this case the application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety. The application is being dealt with as householder development assuming that it is now occupied as a single dwellinghouse.

**Impact on Visual Amenity**
The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Kirklees Local Plan policies LP1, LP2 and importantly, LP24 are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 (a) states that proposals should promote good design by ensuring:

"the form, scale, layout and details of all development respects and enhances the character of the townscape"

(c) of the LP24 states:

“Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…”

In this case it can be determined the application satisfies LP24 in regards to visual amenity for the reasons as explained below.

The alterations to the front with a window and door swapping position would not materially affect the visual amenity of the principal elevation.

The garden store is in a cohesive style and position with existing outbuildings and ensures these mass of the outbuilding does not appear to overdevelop the plot.

The position and scale of the garden store and porch are also clearly subservient to the original property. The use of timber throughput these elements also ensures they appear as subservient additions as they appear less substantial than the host property.

The enlarging of the rear windows still maintains a balanced look whilst the replacement of the Juliet balcony with a matching window to those proposed offers a cohesive finish to the rear elevation. The horizontal emphasis of these openings is an odds with the original character of the dwelling but as a single dwellinghouse this would benefit from permitted development rights to undertake these works in any case.

Therefore the scheme is acceptable in regards to visual amenity and adheres with LP24 (a) and (c).

**Impact on Residential Amenity**
LP24 (c) of the LP states extension should:

“….minimise impact on residential amenity of future and neighbouring occupiers”

It is of officer’s judgement that the side extension element of the proposal does satisfy LP24 (c).

The proposed outbuilding and porch are of a small scale and therefore shall have no notable impact on the neighbouring occupiers in regards to overbearingness or overshadowing.

There is a window proposed in the garden store that faces towards the gardens of the terraced properties, however the boundary treatment will obscure some of the view. Furthermore its use as a store would mean persons would not be regularly viewing out of this window. On balance, it is considered the proposed garden store and porch would not have a detrimental impact on privacy of adjacent occupiers.

The rear windows shall extend a further 0.6m towards the boundary between the application site and no.535, however the windows are still 1m off the

boundary wall meaning the view over the rear garden of no.535 will still be at an oblique angle and not be detrimental on the privacy of the adjacent property.

The front alterations will have no impact on the residential amenity of any neighbouring properties.

Therefore the scheme is acceptable against residential amenity and adheres to LP24 (c).

**Other Matters**
None.

**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: 2019/91387**
**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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 LP1 LP2, LP21, LP22, LP24 of the Kirklees Local Plan.

   **Plans and specifications schedule**

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | SF/01 – Location plan | 1 | 25/04/19 |
| Existing Site Plan | SF/04 – Site plan as existing | 1 | 25/04/19 |
| Grouped Plans and Elevations | SF/02 – Existing plans | 1 | 25/04/19 |
| Grouped Plans and Elevations | SF/03A – Proposed plans | 1 | 25/04/19 |
| Grouped Plans and Elevations | SF/05A – Proposed site plan and garden store | 1 | 25/04/19 |

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.

The initial plans were deemed acceptable and therefore no amendments were sought.

**Report Dated: 17/06/19**