

**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: 2019/62/92391/E

Site Address: Greenways, Granny Lane, Lower Hopton, Mirfield,
WF14 8LA

Description: Erection of extensions and alterations

Recommending Officer: Olivia Roberts

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: 25-Oct-2019

Officer Report

Site Description

Greenways, Granny Lane is a two storey semi-detached property in Mirfield. It is constructed in brick and is designed with a gable roof form which is finished in roof tiles. The dwelling benefits from a single storey side extension and a front entrance porch. The dwelling is set back from the access road with a driveway to the front and a large garden and amenity space to the rear.

The site is located in a predominantly residential area with the adjacent properties being of a similar style and design. The wider area comprises properties of a range of styles and designs. Despite this, the predominant materials of construction within the surrounding area are brick and stone.

Description of Proposal

The application seeks planning permission for the erection of extensions and alterations. Each element of the proposal shall be set out below:

First Floor and Two Storey Side Extension

A first floor level extension is proposed to be located above the existing single storey side extension. The extension would sit flush with the front elevation of the property. A two storey extension would project an additional 2.20 metres from the rear of the existing side extension to project this element to the rear elevation of the property at both ground and first floor level. The extension would be designed with a gable roof form which would have an eaves and ridge height to match existing. Openings are proposed for the front and rear elevations of the extension.

Single Storey Rear Extension

The proposed extension would project 4.00 metres from the rear elevation of the host property. It would sit flush with the eastern side elevation of the property and the side elevation of the proposed side extensions. The extension would be designed with a flat parapet roof form which would have a height of 3.00 metres.

External Alterations

The existing lean-to roof form on the front of the property which ties into the roof form of single storey side extension would be amended as part of the

proposal. The lean-to roof form would extension across the existing porch and front most element of the existing single storey side extension.

History of negotiations/amendments received

Concern was raised regarding the projection of the proposed rear extension along the boundaries shared with both the adjoining and adjacent properties. Amendments were also sought to the proposal to set the eaves and ridge height of the proposed two storey extension down from that of the host property to prevent the development from creating a terracing effect.

Amended plans were received from the agent reducing the projection of the rear extension from the proposed two storey extensions to 1.00 metre. Whilst the extension would still project 4.00 metres along the boundary shared with the adjoining property, given the height of the extension, its location to the west of the property and existing boundary treatment, this is considered, on balance, to be acceptable. The openings on the rear elevation have been altered to include a window, a door and bi-folding doors which would extend round to the western elevation of the extension where it would be set in from the boundary.

The amended plans show the eaves height of the extension set down from existing by 0.10 metres and the ridge height by 0.15 metres.

Given the nature of the proposed amendments which reduced the overall scale of the proposed rear extension, it was not considered necessary to advertise the amended plans in this instance.

Relevant Planning History

92/01209 – Erection of single storey extension. Granted Conditional Full Permission.

Representations

The application was advertised by site notice and neighbour letter which expired on 6th September 2019.

As a result of the above publicity, three representations have been received. The following concerns were raised:

- Too big for the area and not in keeping with the rest of the properties.

- Will cause major traffic disruption to residents during construction. Very close to blind bend, where are all the builders going to put their vehicles?
- None of the other properties on road have extensions.
- Granny Lane is one of the last places in Mirfield that has true original buildings and gardens. No other houses on the road have extensions and this one is too big for the location with both sides of the property being built up to the boundary lines.
- It's bad enough that they have paved over the front garden to park cars.
- Concerned how they are going to build the extensions without going into other people's properties and well maintained front gardens.
- The existing single storey extension was built in the early nineties to accommodate the needs of the householder who required additional downstairs living accommodation. The outer wall is built up to the boundary meaning there is no access into the rear garden other than through the house. How will it be possible to build two large extensions with such limited access without disruption to our property?
- There will be a large brick gable end on our boundary, blocking light from our conservatory and being very obtrusive.
- The back extension is to be built over a sewer pipe that serves the five houses. Each house has its own manhole but the main one is just outside of the boundary before it goes to the road.
- We feel the side extension especially is not in keeping with the other houses.

Officer comments will be made in Section 6 of this report.

Mirfield Town Council comments: no comments received.

Consultation Responses

Health & Safety England – Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

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.

The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

As the property is located within Mirfield, the scheme needs to be assessed having regard to the Mirfield Design Guide 2002.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway Safety
- 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, and 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- 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 highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The proposed extensions would represent a relatively large addition to the property. However, taking into consideration the size of the existing dwelling, it is considered that the property would be able to accommodate development of this scale. Given the massing and location of the extensions, it is considered that the proposal would be subordinate in relation to the host property which would remain the dominant feature following development. However, given the scale and location of the extensions, it is considered that they would be subordinate in relation to the host property which would remain the dominant feature following development. The proposed side extensions and alterations would in keeping with the host property in terms of their design. Whilst the rear extension would be relatively contemporary in terms of its design, it is not considered, given its scale, that it would not have a significantly detrimental impact on the visual amenity of the host property.

Whilst the two storey extension would be located to the side of the property, the eaves and ridge height would be set down from existing. This would ensure that the extension would be read as an addition to the property and would prevent the proposal from resulting in a terracing effect. The proposed single storey extension would be located to the rear of the property and would therefore not be visible from Granny Lane. Given the design of the proposed additions, it is not considered that the property would not be out of keeping with the scale and character of surrounding properties. Whilst the dwellings

immediately adjacent to the site are of a similar appearance, the wider area comprises properties of various styles and designs.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Impact on Gercynda, Granny Lane

The proposed two storey extension would project up to the boundary shared with the neighbouring property which includes a conservatory that extends from the eastern side elevation. Whilst the conservatory benefits from openings in the side elevation, it is noted that these are obscurely glazed, with the primary openings located on the rear elevation. Whilst the extension has the potential to have an overbearing impact on the property, taking the above into consideration, it is not considered that this would be significantly detrimental to the amenity of the occupiers. Due to the location of the extension to the east, and given the fact that it would not project beyond the rear elevation of the property, it is not considered that this element would have an overshadowing impact on the property. No openings are proposed for the side elevation of this extension which would prevent overlooking into the property.

The single storey extension would project 1.00 metre from the rear elevation of the proposed side extensions to sit in line with the rear elevation of neighbour's conservatory. It would then be set in by 2.40 metres and project an additional 3.00 metres to the rear. Given the distance that would be retained between the boundary and the bulk of the extension, as well as its single storey nature, it is not considered that this element would have a significant overbearing or overshadowing impact on the property which benefits from openings on the rear elevation next to the boundary. Whilst bi-foldings doors would extend around the side elevation of the extension at its greatest projection, these would be secondary openings. It is considered that this, along with the existing boundary fence, would prevent harmful overlooking into the rear amenity space of the property and its conservatory.

Impact on Briery Bridge, Granny Lane

The proposed extension would project 4.00 metres along the boundary shared with the property. Whilst the extension would have a relatively large projection, given the single storey nature of the proposal, its flat roof design,

its location to the west of the property and existing boundary treatment, which comprises dense hedging, it is not considered that the proposal would have a significantly detrimental overbearing or overshadowing impact on the property. No openings are proposed for the side elevation of the extension. However, in the interest of residential amenity and to prevent overlooking into the rear amenity space, it is considered appropriate to condition that no openings shall be erected in this side elevation in the future.

Impact on 9A Granny Lane

The proposed development would not project the dwelling any closer to the property than existing. As such, it is not considered that the proposal would have a significant impact on the residential amenity of the occupiers of the property.

Impact on 1 Four Acres

The proposed rear extension would project the dwelling closer to the boundary shared with the property than existing. However, it is noted that the extension would project towards the driveway and amenity with the property itself located to the east of the application site. As such, it is not considered that the proposal would have a significant impact on the residential amenity of the property.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed development would introduce a fourth bedroom to the property which may result in an intensification in the domestic use of the dwelling and would increase parking requirements at the site. Given the fact that there is no potential for providing additional parking at the site, which currently benefits from two off-road parking spaces, the existing provision is considered to be acceptable. As such, it is not considered that the scheme would represent significant additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5 – Other matters:

Biodiversity

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of chapter 15 of the NPPF and policy LP30 of the KLP.

Environment Agency Flood Zone

A section of the application site has been identified as being located with Flood Zone 2. The Environment Agency advise that supporting information is submitted alongside any householder application within Flood Zones 2 and 3 to address flood risk issues. The applicant has confirmed that floor levels would match existing and has submitted supporting information detailing the flood performance design of the extension. Given the location of the majority of the site outside of the flood zone, the submitted information is considered acceptable.

Health & Safety

The site is located within close proximity of a gas pipeline. However, given that the proposal is for the erection of extensions to an existing residential property, there is considered to be no additional impact on the occupants of this property. Following consultation with the HSE, it has been confirmed that they do not advise, on safety grounds, against the granting of planning permission in this case.

6 – Representations:

As a result of the above publicity, three representations have been received. The following concerns were raised:

- Too big for the area and not in keeping with the rest of the properties.

Response – The impact of the proposed development on the visual amenity of the street scene has been addressed in impact on visual amenity section above.

- Will cause major traffic disruption to residents during construction. Very close to blind bend, where are all the builders going to put their vehicles?

Response – Due to the scale and nature of this proposal, it is not considered proportionate for a construction management plan to be submitted. This is not considered to be a highway safety concern.

- None of the other properties on road have extensions.

Response – The impact of the proposed development on the visual amenity of the street scene has been addressed in impact on visual amenity section above.

- Granny Lane is one of the last places in Mirfield that has true original buildings and gardens. No other houses on the road have extensions and this one is too big for the location with both sides of the property being built up to the boundary lines.

Response – The impact of the proposed development on the visual amenity of the street scene has been addressed in impact on visual amenity section above.

- It's bad enough that they have paved over the front garden to park cars.

Response – This is not a material planning consideration that can be taken into consideration as part of the proposal. The paving of front gardens can be carried out under Permitted Development without planning permission.

- Concerned how they are going to build the extensions without going into other people's properties and well maintained front gardens.

Response – This is not a material planning consideration that be taken into account as part of the proposal. However, a note advising that planning permission does not override legal ownership shall be attached to the decision notice.

- The existing single storey extension was built in the early nineties to accommodate the needs of the householder who required additional downstairs living accommodation. The outer wall is built up to the boundary meaning there is no access into the rear garden other than

through the house. How will it be possible to build two large extensions with such limited access without disruption to our property?

Response – These comments are noted. Whilst this is not a material planning consideration that can be taken into account as part of the application, a note advising that planning permission does not override legal ownership shall be attached to the decision notice.

- There will be a large brick gable end on our boundary, blocking light from our conservatory and being very obtrusive.

Response - The impact of the proposed development on the neighbouring properties has been addressed in the impact on residential amenity section above.

- The back extension is to be built over a sewer pipe that serves the five houses. Each house has its own manhole but the main one is just outside of the boundary before it goes to the road.

Response – Matters relating to the location of sewers pipes shall be assessed in a subsequent Building Regulations application.

- We feel the side extension especially is not in keeping with the other houses.

Response – The impact of the proposed development on the visual amenity of the street scene has been addressed in impact on visual amenity section above.

To conclude, all of the comments set out in the submitted representations have been carefully considered. However, when assessed against relevant planning policy and all other material planning consideration, the proposals are considered acceptable and the concerns raised do not substantiate reasons for refusal.

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: 2019/92391

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 with Policies LP1, LP2, 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 extensions hereby approved, with the exception of the flat roof form of the single storey rear extension, 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 and the aims of Chapter 12 of the National Planning Policy Framework.

4. 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) no doors, windows or any other openings (apart from any expressly allow by this permission) shall be created in the south eastern side elevation of the rear extension hereby approved.

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

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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.

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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan	(EX)001		17/07/2019
Location Plan	(EX)002		17/07/2019
Existing Plans & Elevations	(EX)001		17/07/2019
Proposed Plans & Elevations	(20)001	Rev B	21/10/2019
Flood Risk Specification	Email		11/10/2019

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.

Amended plans were sought from the agent to reduce the projection of the rear extension along the boundaries shared with the neighbouring properties. Amendments were also requested to set the eaves and ridge height of the proposed two storey side extension down from existing. Amended plans were received from the agent which are considered, on balance, to be acceptable.

Report Dated: 25/10/2019