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:	2019/62/92532/W
Site Address:	Land adj, 269, New Hey Road, Oakes, Huddersfield, HD3 4GH
Description:	Installation of rooflights to front elevation and window frames
Recommending Officer:	Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Sep-2019

Officer Report

Site Description

The land adjacent to 269 New Hey Road is occupied by a detached dwelling which, externally has been constructed however is not occupied. Land levels drop significantly to the rear of the site where there is a grassed area where there is a grassed area with mature trees on the boundary.

The site is bordered by New Hey Road to the north, a residential terraced row to the east and Salendine Nook High School to the south and west. Directly adjacent to the west of the site is public footpath HUD/368/10. The site is located within Unallocated Land on the Kirklees Local Plan.

Description of Proposal

Permission is sought for the installation of roof lights to the front elevation and alterations to the design of the window frames. At the time of the site visit, the works had been completed.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

2017/91318 Variation of condition 2 (plans) and 3 (materials) on previous permission 2015/92955 for the erection of one detached dwelling
Conditional Full Permission

2015/91955 Erection of detached dwelling
Conditional Full Permission

2014/90765 Reserved matters application for erection of one dwelling with integral garage and 2 off road car parking spaces
Approval of Reserved Matters

2013/90421 Erection of 4 sheltered residential apartments with associated parking
Refused – Dismissed at appeal

2012 93926 Extension to time limit to previous permission no. 2009/91358 for outline application for erection of 1 dwelling with integral garage and 2 off road car parking spaces
Extension to time limited granted

2011/93335 Erection of 4 sheltered residential apartments with associated parking
Withdrawn

2009/91538 Outline application for erection of one dwelling with integral garage and 2 off road car parking spaces
Conditional Outline Permission

Representations

Final publicity date expired 7th September 2019 including the newspaper advertisement – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 Land on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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-designed places

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on amenity
2) Impact on highway safety
3) Other matters
4) Representations
5) Conclusion

1 – 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on amenity:

The insertion of 2 no. roof lights to the front elevation and the alteration to the design of the window frames to the front elevation are not considered detrimental to the building's visual amenity. It is not considered that the alterations would prejudice the amenity of residential amenity in terms of overlooking and therefore, the proposal would accord with Policy LP24 of the Kirklees Local Plan and advice within the NPPF.

3 – Impact on highway safety:

The proposed alterations would not impact on highway safety.

4 – Other matters:

There are no other matters to consider.

5 – Representations:

No representations 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 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: 2019/92532

Officer Recommendation: Approve

Conditions and Reasons

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 Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, previously approved elevation and proposed elevation	HG 01		29th July 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. No amendments have been sought as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 20th September 2019