

**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: 2019/62/92779/W

Site Address: 336, New Hey Road, Oakes, Huddersfield, HD3 4GQ

Description: Erection of first floor extension over car port and detached garage

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: 31-Oct-2019

Officer Report

Site Description

336 New Hey Road is a two storey semi-detached property located within a predominantly residential area. The property is constructed from pebbled render above a stone plinth. There is a porch and dormer extension within the front elevation and within the rear is a single storey rear extension. The rear of both the application site and the neighbouring property are characterised by two storey flat roofed elements. There is a small garden area to the front of the property with a garden area to the rear and to the side is a driveway which leads to a detached single garage.

Description of Proposal

Permission is sought for the erection of a first floor extension over a car port and a detached garage.

Car port and extension

The proposed car port and first floor extension would be located on the side elevation of the property. The structure would be set back from the front elevation of the property by 1.7 metres and would be a total width of 3.5 metres. The eaves of the extension would be set up from the existing eaves on the front elevation by 1.3 metres and set down from the flat roof on the rear elevation by 1.5 metres with the roof line being a continuation of the existing with a half hipped roof replicating the existing. The proposed construction materials would be render to match the existing with a concrete tiled roof.

Garage

The proposed garage would be set forward of the existing garage and would be a width of 3.5 metres and length of 6.2 meters attaching to the rear of the car port. The roof design would be flat at a total height of 2.8 metres. The proposed construction materials would be render to match the host property.

History of negotiations/amendments received

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

Relevant Planning History

No history

Representations

Final publicity date expired 1st October 2019 – 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
- **LP21** – Highway Safety
- **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 visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 visual amenity:

In terms of visual amenity, the first floor extension and car port would be located on the side elevation of the property set within the residential curtilage. The extension and car port would be set back from the front elevation of the property with an eaves height higher than the existing to the front elevation and down from the flat roof to the rear elevation with the roof line being a continuation of the existing. This clearly demonstrates that the development is an extension to the property. This is also evident with the proposed garage as this would be single storey in height. Whilst attached to the side extension its single storey height would ensure that it is subservient. The use of a flat roof for the garage whilst not ideal would not adversely impact on the street scene and it is noted that rear door has a flat roof so would not be out of keeping with the wider character or appearance of the local area.

As the adjacent land occupies garages with a good level of separation between the site and the adjacent property, it is not considered that a terracing effect would occur should the neighbour also extend to the side. It is however considered that the with the construction of the proposed car port, first floor extension and garage that the property could have reach its maximum in terms of built development that requires planning permission, however it is noted that would only be limited option of further additions and the impact of the development in terms of overdevelopment is therefore considered to be acceptable.

The proposed materials of construction would be to match the existing with the use of render and concrete tiles which are considered to be acceptable with fenestration details in keeping. As such, it is therefore considered that the proposal is acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

With regards to overlooking, there are proposed openings within the front and rear elevations. The opening within the front elevation would be set back from the existing front elevation of the property and within the rear elevation is a roof light. It is not considered that either of these openings would give rise to harm from overlooking.

In terms of overshadowing and/or being overbearing, there are minimal concerns regarding the proposed garage which is single storey in height. The first floor extension would be located on the western elevation of the property and would be set back from the front elevation. There is a good level of separation between the proposed extension and neighbouring dwelling and due to being located on the western elevation, it is not anticipated that the extension would create significant undue harm from overshadowing and/or being overbearing.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with current local and national policy guidance.

4 – Impact on highway safety:

Whilst the existing garage would be removed from the site, it is proposed to be replaced with a garage of adequate dimensions to accommodate a vehicle. In addition, there is space on the driveway to accommodate further vehicles and therefore, it is considered that there is sufficient space to accommodate 2 no. vehicles within the site. The proposal would therefore accord with Policy LP21 of the Local Plan.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been 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: 2019/92779

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 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 and LP24 of the Kirklees Local Plan and advice within 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.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed elevations and floor plans	1929-01		2 nd September 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 negotiations have taken place as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 30th October 2019

