

**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: 2019/62/93364/E

Site Address: 6, Barnsley Road, Flockton, Wakefield, WF4 4DW

Description: Erection of two storey extension with balcony,
detached garage, porch and external alterations

Recommending Officer: Josh Kwok

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Dec-2019

Officer Report

Site Description

This application relates to no.6 Barnsley Road, Flockton. It consists of a two storey stone built detached property with various extensions, a parking and turning area and a garden. The site is enclosed by dry stone walls to the side and the rear. The property concerned appears to be a pair of semi-detached properties originally but later converted to a detached property.

The site and its surrounding area are predominately residential characterised by two storey detached and semi-detached properties. To the south of the site is an open field, which falls within the allocated Green Belt. Due to the changing land level, the application property is situated on elevated ground; this makes it prominently visible from the adjoining field.

Description of Proposal

Planning permission is sought for the erection of a two storey side extension with balcony, a detached double garage and a porch. The details of the proposal are set out as follows:

- 7.8m wide x 6.5m high x 6.0m wide (two storey extension)
- 7.0m wide x 7.0m deep x 3.7m high (detached double garage)
- 2.3m wide x 1.0m deep x 2.5m high (porch)
- Facing and roofing materials to be matching stone and tiles (with oak beam for decoration)

History of negotiations/amendments received

The design of the proposal has been amended significantly as it was not acceptable in its original form. The amended drawings have been received on 16-Dec-2019. No further amendments have been sought thereafter.

Relevant Planning History

2003/92028 – Erection of two storey extension and dormer window (4, Barnsley Road) – Refused

2003/93291 - Erection of two storey extension (4, Barnsley Road) – Approved

Representations

This application was advertised by site notices and neighbour letters, which expired on 27-Nov-2019. As a result of the above publicity, no representations have been received from the occupants of the neighbouring residential properties. However, Kirkburton Parish Council objects to the proposal on the grounds that the development would be detrimental to visual amenity.

Consultation Responses

No consultation required for this application.

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. It is adjacent to the Green Belt boundary however.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity

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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 –Impact on visual amenity:

The development proposal comprises a two storey side extension, a porch and a double garage. With regard to the porch as proposed, it would appear modest in scale and as such subservient to the host property. The double garage is admittedly a large building that would be visible from Barnsley Road. Nonetheless, given the garage is to be situated at a lower land level than the road, it is considered that the visual impact on the street scene is likely to be fairly limited. The garage would be approximately 7.0m by 7.0m; the scale of which would be no greater than necessary for accommodating two vehicles. For these reasons, officers are satisfied that the scale of the garage is, on balance, acceptable from a visual amenity perspective. Concerning the two storey extension, it would modestly increase the footprint of the host property; the ridge of which would be set down from that of the application property. It would still appear a subordinate element while looking from the eastern aspect, consistent with policy LP24 of the KLP.

The planning history reveals that the application property has been extended substantially by virtue of permission granted in 2003 for the erection of a two storey side extension. However, noting the fact that the application property consists of formerly a pair of semi-detached property with a reasonable amount of amenity space to the front and the side, officers consider the scale of development, on balance, acceptable on this occasion, subject to a condition to withdraw the permitted development rights for the erection of extensions and outbuildings within the curtilage of the property under consideration.

The facing and roofing materials would be stone and tiles to match the host property. The use of limited organic materials such as oak beam and timber frame would add character of the host property and enhance its visual quality

consequentially. The proposed materials of construction would be satisfactory in respect of visual amenity. The proposed development would establish an appropriate relationship with the host property in terms of its built form and architectural details. Although the southern aspect of the two storey side extension would have a relatively contemporary appearance with a large amount of glazing and a balcony, it is felt that the extension has been designed in such a manner that it would retain the overall character of the application property and its immediate surroundings.

In short, the development proposal would be of a satisfactory quality in scale, design and materials. It would be sympathetic to the appearance of the application property and the character of its immediate surroundings. There would be no harm to the amenity of the street scene as a consequence of the proposal. Subject to the recommended condition, officers are satisfied that the proposal as amended would comply with the aims of policy LP24 of the KLP and chapter 12 of the NPPF and achieve a satisfactory design with regard to the context of the site and its surroundings.

3 – Impact on residential amenity:

The proposed development would be in close vicinity to the neighbouring property at no.2 Barnsley Road and its garden. It is therefore capable of affecting the living conditions of its occupiers. For a similar reason, the neighbours living at no.8 Barnsley Road might be affected but to a lesser degree. The impact on these neighbours are considered below.

In relation to no.2 Barnsley Road, it is a two storey detached property to the west of the application site with a separation distance of roughly 7.8m when measuring from the external wall of the application property. It has some habitable room windows in the eastern aspect facing the application site.

The proposed two storey extension could result in an overshadowing and overbearing impact on the garden of this neighbouring property. The impact of the proposal would not be unduly detrimental as it would not reduce the separation distance between the two properties under consideration. This extension seeks to partly replace an existing two storey extension, which has already had an impact on this property and its garden. Officers consider with regard to this existing relationship that the residential amenity impact arising from the proposed development would not warrant a reason for refusal.

In terms of impact on privacy, this is again not expected to be significantly harmful despite the presence of few large openings in the rear elevation facing towards no.2 Barnsley Road. This is because the view from these openings would be obstructed by the existing dry stone wall at the shared boundary. To avoid a directly overlooking relationship with the garden of this neighbouring property, a condition would be inserted to remove the permitted development rights for the insertion of openings in the rear (west) elevation of the side extension.

Concerning the double garage as proposed, this would only have very limited impact on the occupants of this property as the bulk of it would be largely screened from the view of these occupants by mature trees at the shared boundary. These neighbours would not experience a significant greater impact on their amenity compared to the existing situation.

With regard to the property at no.8 Barnsley Road, it is a two storey detached property to the east of the application site. The main elevation of this property faces toward the south. This property has no side facing window which would be affected by the proposed development in terms of overshadowing, overbearing or overlooking. There is also an appropriate distance between the proposal as a whole and this neighbouring property and its garden. Thus, officers do not find there to be material harm to the amenity of these neighbours.

No other residential properties in the vicinity of the application site would be affected by the proposed development.

In all, the development proposal, subject to the recommended condition, would be acceptable from a residential amenity perspective. It would be in conformity with the aims of policy LP24 of the KLP in terms of preserving the amenity of the neighbouring occupiers.

4 – Impact on highway safety:

The proposal would not intensify the residential use of the application property nor would it affect the parking arrangement of the site. It would not therefore give rise to highway safety, efficiency and parking issues. The scale of the garage as proposed would be sufficient for accommodating two vehicles. As part of the erection of this garage, a hardstanding area would be created to facilitate access. A condition would need to be inserted to the decision notice to ensure that this area is appropriately surfaced and drained in accordance with the guidelines of the Environment Agency. Although the proposed development is situated on a classified road, it is unlikely to cause disruptions to the flow of traffic. There would still be adequate space for internal turning and parking. In this respect, the proposal would fit with policies LP21 and LP22 of the KLP.

5 – Other matters:

Ecology

The site is located within a bat alert layer as identified on the Council's mapping system. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts nor bat roost potential found. 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 policy LP30 of the KLP and chapter 15 of the NPPF.

Green Belt setting

Since the application site is situated in close proximity to the Green Belt boundary, the development proposal needs to be design in such that it contributes to the preservation of the Green Belt setting. In this case, the proposal would increase the bulk of the application property, which could be readily visible from the adjoining open field. However, officers recognise that the proposed development would be situated within the curtilage of a residential property and it would not reduce the separation distance with the Green Belt. The height of the extension would drop modestly from that of the host property, which would consequently alleviate its prominence. The property as extended would roughly align with the established building line on this stretch of Barnsley Road. Accordingly, the proposal would not harm the setting of the Green Belt nor would it conflict with chapter 13 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the statutory publicity. In light of the objection received from the parish council, officers have requested a number of amendments be made to the original proposal to make it acceptable in visual amenity terms. The amended drawings have been received on 16-Dec-2019. The proposal as amended appears more sympathetic to the host property in terms of its built form, design and materials. Hence, officers are satisfied that the amendments as show on these drawings have adequately addressed the concerns raised by the parish council. The proposal is now considered to be satisfactory from a visual amenity perspective and consistent with the relevant design policy and guideline in the KLP and the NPPF. No further amendments have been sought thereafter.

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: 2019/93364

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 Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The facing and roofing materials of the two storey side extension and the detached double garage hereby approved shall be regular coursed natural stone with decorative oak beam and natural stone slate tiles to match the existing property at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The porch hereby by approved shall be constructed in oak beam and natural stone slate tiles to match the existing property at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the rear (west) elevation of the two storey side extension at any time without the prior written approval of the local planning authority.

Reason: So as not to detract from the amenities of the occupants of the adjoining property no.2 Barnsley Road, by reason of loss of privacy and to accord with Policies Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to ensure a satisfactory appearance of development on completion and to avoid the overdevelopment of the application site in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The detached double garage hereby approved shall not be brought into use until all areas indicated to be used for accessing the garage as shown on the approved site plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for accessing of the garage thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 10 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.

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.

NOTE: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			13-Dec-2019
Existing and proposed ground floor plans			13-Dec-2019
Existing and proposed first floor plans			13-Dec-2019
Proposed elevations			16-Dec-2019
Existing elevations			14-Oct-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. In this case, the development proposal has been amended to address the concerns raised by Kirkburton Parish Council. The amended drawings have been received on 13-Dec-2019. Officers consider the proposal as amended satisfactory with regard to the relevant design policy. Hence, no further amendments have been requested thereafter.

Report Dated: 16-Dec-2019