

**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: 2020/62/90285/E

Site Address: 9, Tailor Close, Scholes, Cleckheaton, BD19 6AT

Description: Erection of single storey rear extension

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: 03-Jun-2020

Officer Report

Site Description

9 Tailor Close is a two storey detached property in Cleckheaton. It is constructed from brick and features an area of render on the front elevation at first floor level. It is designed with a gable roof form which is finished in concrete roof tiles. The property benefits from a two storey extension which is located to the rear. The dwelling is set back from the access road with a driveway and amenity space to the front and a garden area to the rear.

The site is located in a residential area which comprises two and three storey detached and terrace properties of a similar character to the application property. Despite this, there is some variation in terms of style and design.

Description of Proposal

The application seeks planning permission for the erection of a single storey rear extension. The extension projects 5.30 metres from the rear elevation of the dwelling and 2.00 metres from the rear elevation of a two storey rear element to which it is adjoined. The extension is finished in materials to match existing and is designed with a flat roof form which has a height of 3.00 metres.

It is noted that at the time of visit, the proposed development had been completed.

History of negotiations/amendments received

No amendments were sought or received during the course of the application.

Relevant Planning History

2019/92162 – Prior notification for single storey rear extension. Refused.

2018/91181 – Erection of two and single storey rear extension. Granted.

Representations

The application was advertised by site notice and neighbour letter which expired on 7th April 2020.

As a result of the above publicity, no representations have been received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary.

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.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality

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 14 – Meeting the challenge of climate, flooding and coastal change
- 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:

Whilst the single storey extension is of a relatively large projection, it is considered to be subservient to the host property by virtue of its scale. The extension is finished in materials to match existing and is considered to be in keeping with the design of both the existing dwelling and the existing two storey extension which is located to the rear of the property. A substantial amount of the rear amenity space has been retained, and as such it is not considered that the proposal would amount to an overdevelopment of the site. The extension would be located to the rear of the dwelling and would therefore not be visible from Tailor Close. Taking this into consideration, the impact on visual amenity is considered to be acceptable.

Having taken the above into account, the 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 7 Tailor Close

Whilst the extension projects 5.30 metres from the rear elevation of the host dwelling, it does not project beyond the rear elevation of an existing single storey element at the adjacent property. Taking this into consideration, it is not considered that the proposal would have a significant overbearing impact. Whilst the property benefits from an opening within the side elevation which would be overshadowed by the extension, it is noted to serve a non-habitable room. In addition, a similar relationship has already been established, as a similar single storey extension of a 3.00 metre projection has been approved at the application site (reference: 2018/91181). The potential overshadowing impact is not considered to be significantly greater under the current application, and it is therefore not deemed that this impact would be detrimental to the amenity of the property in this instance. Whilst no openings are proposed for the side elevation of the extension, in the interest of residential amenity, it is considered acceptable to condition that no openings shall be installed in this side elevation in the future. The impact on the amenity of the neighbouring property is considered to be, on balance, acceptable.

Impact on 11 Tailor Close

The proposed extension is set in from the shared boundary, located to the east of an existing two storey rear element at the host property. It is therefore not considered that the proposal would have a significant impact on the amenity of the property. Whilst there is a window within the side elevation of the extension, this serves a secondary opening. In addition, it is considered that the distance retained, as well as the existing boundary treatment is sufficient to prevent harmful overlooking into the rear amenity space of the property.

Impact on 12 & 14 Spinners Avenue

Given the distance that would be retained between the extension and the properties which are located to the rear of the site, it is not considered that the proposal would have a significant impact on their amenity. The existing boundary treatment is considered acceptable to prevent harmful overlooking.

The extension is located to the rear of the property, as such it is not considered to have an impact on the amenity of the properties located to the front of the site.

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 extension would serve a study and would therefore be unlikely to result in an intensification in the domestic use of the dwelling. The extension is located to the rear of the property and would not affect the existing parking arrangements at the site. As such, it is not considered that the scheme would represent any additional harm in terms of highways safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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: 2020/90285

Officer Recommendation: Approve

Conditions and Reasons

1. 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.

2. The external walling 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 Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

3. 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 allowed by this permission) shall be created in the side (eastern) elevation of the single storey 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: 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
Location Plan			12/02/2020
Block Plan			12/02/2020
Existing Side Elevations			27/02/2020
Existing & Proposed Plans			27/02/2020

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.

As the submitted plans were considered acceptable, no changes were sought.

Report dated: 3rd June 2020