

**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: 2020/62/90363/E

Site Address: 34 , The Crescent, Kirkburton, Huddersfield, HD8 0TP

Description: Erection of single storey side extension, access ramp and formation of parking space

Recommending Officer: Jennifer Booth

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: 30-Mar-2020

OFFICER REPORT

Site Description

34 The Crescent is a brick built semi-detached two storey dwelling. The property is located on a corner with access roads to the side and rear with the main road to the front. The property has gardens to the front, side and rear.

The property is located on a residential street with similarly aged domestic properties although there are some variances in terms of size and design.

Description of Proposal

The applicant is seeking permission for the erection of a single storey side extension, an access ramp to the rear and formation of a parking space to the rear accessed from Royds Mount.

The single storey side extension would be set back 0.3m from the front elevation of the dwelling with a projection of 3.6m from the original side wall of the dwelling and with a depth of 8m projecting out 1m beyond the rear elevation of the dwelling. The roof form over the extension would be pitched.

The extension is proposed to be constructed using brick for the walling and tiles for the roof covering.

The ramp would provide access from the rear boundary along the shared boundary with the adjoining property and the side of the parking bay. The ramp would be concrete with a hand rail.

The parking bay would be located to the rear of the property with access taken from Royds Mount with a width of 3.6m and a depth of 6m.

Relevant Planning History

None

Representations

The application was advertised by site notices and neighbour letters, which expired on 03/03/2019

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

Kirkburton Parish Council has been consulted and responded with 'no comment'.

Consultation Responses

KC Highways DM (informal): no objection subject to condition

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 Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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 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
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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 Crescent is a residential street with similarly aged properties although there are some variances in terms of the size and design. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of three distinct elements which shall be addressed below.

Single storey side extension

The host property and its associated curtilage are of a sufficient size to support the proposed extension without amounting to overdevelopment of the site and would allow for the retention of a reasonable amenity space. The scale is therefore considered to be acceptable. The walls are proposed to be constructed using brick with tiles for the roof covering and the detailing including the fenestration and roof form are considered to form an appropriate relationship with the main house. Therefore, the proposed side extension is considered to be acceptable in terms of visual amenity.

Access ramp to rear

The limited scale of the access ramp to the rear would have no significant impact in terms of the character of the host property or the wider area and as such is considered to be acceptable in terms of visual amenity.

Parking bay to rear

Similarly, the level of development is low for the formation of a parking bay. Although it is appreciated that there are no other such developments to the rear of the properties on this row, the formation of a parking bay would not be considered to be unacceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extension, ramp and parking bay 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 (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties directly to the rear which could be affected by the proposed extension.

Impact on 33 The Crescent

The side extension would be located on the opposite side of the property to the adjoining dwelling and as such would have no significant effect upon the amenities of the occupiers of the adjoining 33 The Crescent.

The ramp and parking bay are physically low level developments which would have little effect upon the amenities of the occupier of the adjoining 33 The Crescent.

Impact on 35 The Crescent

The area to be extended does not align with the neighbour to the front and as such would have no effect upon the amenities of the occupiers of the neighbouring 35 The Crescent.

Impact on 41 & 42 Paddock Road

The side extension would reduce the space between the host property and the neighbours to the side. However, a degree of separation is provided by the gardens between the neighbours, the access road and the outbuildings of the neighbouring properties, which provide some screening. I am satisfied therefore that the proposed side extension would cause no significant harm to the amenities of the occupiers of the neighbouring 41 & 42 Paddock Road.

Impact on 39 & 40 Paddock Road

The works to the rear garden including the provision of a ramp and parking bay would constitute low level developments which would have no significant impact upon the amenities of the occupiers of the neighbouring 39 & 40 Paddock Road.

Summary

Having considered the above factors, the proposals are 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 (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, they also include the provision of a new parking area for one vehicle to the rear of the dwelling is considered to be an enhancement as there is no parking at present and would represent a sufficient provision.

Given its corner location and the fact that the extension would be brought up to the side boundary adjacent an access road, KC Highways DM have reviewed the proposal. They are satisfied that it would have an acceptable impact on highway safety. A condition will be added relating to the surfacing.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5– Other matters:

Biodiversity

The development is for a single storey extension to the dwelling. Whilst the property is sited in area which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

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.

There are no other matters for consideration.

6 – Representations:

None

7 – Negotiations:

None

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a single storey extension to the side of 34 The Crescent along with the formation of a parking bay and ramp to the rear of the dwelling has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

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. As set out above, 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: 2020/90363

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 Policy LP24 of the Kirklees Local Plan, and the aims of 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 Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. The parking bay shown on the approved plan shall be surfaced and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance.

Reason: In the interests of highway safety and drainage, in accordance with Policies LP 21 and LP22 of the Kirklees Local Plan.

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.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior

to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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	Web ID	Date Received
Location plan	2001	792718	04/02/2020
Existing plans	2001 01	792720	04/02/2020
Proposed plans	2001 02	792719	04/02/2020

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 Planning 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 to be acceptable, no changes were sought.

Report Dated 24/03/2020