

**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: 2020/62/90453/W

Site Address: 23A, Field Head, Bankfield Lane, Kirkheaton,
Huddersfield, HD5 0JH

Description: Demolition of existing conservatory and erection of
single storey rear extension

Recommending Officer: Alice Huxley

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Apr-2020

Officer Report

Site Description

23A Field Head, Bankfield Lane, Kirkheaton, Huddersfield.

23A Field Head is a two-storey, stone constructed, detached dwelling that is located down an un-adopted road (Field Head) just off Bankfield Lane. The property benefits from a detached garage on site and a conservatory to the rear. It is also noted that public footpath KIR/254/10 runs adjacent to the site's western boundary.

Description of Proposal

Demolition of existing conservatory and erection of single storey rear extension and decking.

The proposed rear extension would replace the existing conservatory and project approximately 3.9 metres from the rear elevation of the dwelling at a width of approximately 5.6 metres, an eaves height of approximately 2.6 rising to an overall height of 3.7 metres. Proposed materials include, stonework walls and a tiled pitched roof with four roof-lights in to match the host property.

The proposed decking would project approximately 1 metre from the rear elevation of the proposed rear extension and have a height of approximately 0.7 metres with steps down into the rear garden given the change in land levels.

History of negotiations/amendments received

No amendments were sought in this instance.

Relevant Planning History

None at application site.

2014/92535 – outline application for residential development for 48 dwellings, land to south and east of the application site granted 2018.

Representations

Final publicity date Expires:

Neighbour letters expire 31st March 2020; site notice expires on 3rd April 2020; press advertisement expires on 10th April 2020.

No representations were received.

Parish/Town Council comments:

Kirkburton Parish council were informed on 6th March 2020 and no comments have been received to date.

Consultation Responses

Health and Safety Excusive – no objections.

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 but is adjacent to a housing allocation to its eastern and southern boundaries.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 23 – Core Walking and Cycling Network**
- **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 2 – Achieving sustainable development**
- **Chapter 9 – Promoting Sustainable Transport**
- **Chapter 12 – Achieving well-designed places**

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions...’

Chapter 2 of the NPPF goes onto further state that objectives should:

‘support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...’

In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:

‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.’

LP1 goes further and states:

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

In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

‘124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape..’ and ‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

In regards to visual amenity, the proposed extension would be replacing the existing conservatory with a slightly larger structure however would incorporate materials to match the host dwelling in all respects. Additionally, given that the proposed extension would be located to the rear and there is sufficient boundary treatment present on site and that this detached dwelling is situated in a large curtilage, the rear extension is not considered to form a prominent feature of the street scene/ viewed against the host property. Furthermore, the raised decking would be small in scale and would simply provide access to the rear extension from the garden given the changes in land levels. For the reasons above the proposal, is considered acceptable in terms of visual amenity.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Given the nature of the proposal and location of the applicant site, it has been considered that the proposed development would not impact on the nearby properties on Stead Lane as they are situated approximately 20 metres from the applicant dwelling which is considered sufficient enough to mitigate any potential overlooking, overbearing or overshadowing.

It is noted there is a housing allocation to the south and east of the site, and outline planning permission for development. The scale and design of the proposed extension would not adversely impact on the development of this adjacent site.

Impact on highway safety:

The proposed development does not interfere with any areas of parking or access. The provision of parking therefore remains unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Climate Change

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.

In terms of this application the insulation of the building envelope would be improved by the erection of a stone and tile extension. It would still contain substantial amounts of glazing to capture passive solar gain. The use of natural stone is a durable and recyclable material that is available locally.

Public Footpath

Public Footpath KIR/254/10 runs adjacent to the site's west boundary.

Chapter 9 of the NPPF states that planning policies should:

'd) provide for high quality walking and cycling networks...'

In line with the NPPF, policy LP23 states that:

'proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted.'

The proposal would not interfere or obstruct the footpath as the proposed development would sit well within the site boundary approximately 4 metres from the footpath.

As such, the proposal would not obstruct the core network or continuity of the public footpath and therefore comply with Chapter 9 of the NPPF and LP23 of the Kirklees Local Plan. However a note will be added to the decision notice highlighting the position of the PROW and that it should not be obstructed at any time.

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: 2020/90453

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 Policy LP24 of the Kirklees Local Plan.

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.

NOTE: Public Right of Way number KIR/254/10 which runs adjacent to the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority. For further information please contact publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	PL01	RevA	05/03/2020

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. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

Report Dated: 27/04/2020

