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:	2020/62/91342/W
Site Address:	36, Pennine View, Linthwaite, Huddersfield, HD7 5SD
Description:	Erection of single storey extension to side (within a Conservation Area)
Recommending Officer:	Laura Yeadon

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: 21-Aug-2020

Application: 2020/62/91342/W

Site: 36 Pennine View, Linthwaite, HD7 5SD

Proposal: Erection of single storey extension to the side (Within a Conservation Area)

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91342

Site Description

36, Pennine View, Linthwaite is a semi-detached two storey property located on a housing estate of similar properties. It is constructed of part render/brick walls and the roof is concrete tiles. The dwelling has a front and rear garden, and a dedicated off-road parking space. To the rear, there is a detached garage and the property backs onto a wooded recreation area.

The site is within a residential area, there are neighbouring residential properties to the north and south. The property is located within the Linthwaite Conservation Area.

Description of Proposal

The new extension is to provide a new utility room and is proposed to project 1.9m from the side wall. It is to be 4m wide and set in from the shared boundary by approx. 1m.

All materials are to match the host building. Openings are proposed on the front and rear elevation including a doorway and small utility room window overlooking the rear garden.

Relevant Planning History

Application Site

None.

Surrounding Area

42 Pennine View,

87/02840 – Extension to form granny flat, approved

31A Pennine View,

91/01625 – Erection of single storey extension, approved

History of Negotiations

None required.

Representations

The application has been advertised by Neighbour Notification Letter(s) to premises sharing a boundary with the application site, press notice and site notice. This is in accordance with the requirements of S15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the statutory requirements outlined within Table 1 of the Kirklees Development Management Charter.

Final publicity date expired: 06-07-2020

No public representations were received.

Consultation Responses

None requested.

Planning Policy

Kirklees Local Plan (KLP)

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 LP Policies Map but located within the Linthwaite Conservation Area.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP35** – Historic Environment

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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 16 –** Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity and Conservation Area
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land allocation

The site is without notation on the KLP Policies Map. LP2 states that;

> *All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*

The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

2 – Impact on visual amenity

The scale of the extension is subservient and proportionate to the scale of the host dwelling: sufficient garden space will be retained to prevent concerns of overdevelopment. Located on the side elevation, it would be a subservient feature to the host building and not cause the dwellinghouse to appear incongruous within the streetscene. The architectural features of the extension mimic those of the host building, which is welcomed, and the materials – brick and concrete tiles – are to match the host building, securable via condition.

It is considered the proposal would not detract from the overall street scene and townscape of the Linthwaite Conservation Area due to the subservient nature of the proposal. The would cause no harm to the significance of the Conservation Area. In this the Council's duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act has been taken into account.

The proposed development's visual impacts comply with the aims and objectives of LP24 and LP35 of the Local Plan.

3 – Impact on residential amenity

Consideration is given to the nearest neighbour, no 34. No. 34 has a doorway opening and first floor secondary window to the side elevation. The proposed extension has no windows to the side elevation that is along the shared boundary and is set appropriate distance from the boundary line.

The extension would not impede upon no.34 residents' enjoyment of their garden or driveway and would only be impactfully visible from the one secondary first floor side window.

Weighing the above factors, on balance the impact is not considered to amount to material harm of their residential amenity which justifies refusal of the application.

A condition is to be imposed removing PD rights for side facing windows. This is to prevent new side windows being installed which could cause harmful overlooking of neighbouring land.

Subject to the above conditions, on balance officers are satisfied that the proposal would not cause material harm to the amenity of neighbouring residents, in accordance with LP24.

4 – Impact on highway safety

While increasing the size of the dwelling the extension will not create additional bedrooms: officers are satisfied that the proposal would not increase the dwelling's demand for car parking. There would be sufficient remaining space to park a car on the existing driveway once the extension has been built.

The proposal will not harm the safe and efficient operation of the highway, in accordance with LP21.

5 – Other matters

5.1 – 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.

The extension shall be built to modern building regulation standards. Due to the small scale of the development being considered, officers are satisfied that this is sufficient to demonstrate that the proposal would not harm the climate change agenda.

6 – Representations

No public representations were 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

Application Number: 2020/91342
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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 Chapter 12 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 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 elevation of the extension hereby approved.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web Ref.	Date Received
Grouped Plans and Elevations – Existing and Proposed	Drg No. 01B	807092	15/05/2020
Heritage Statement			15/05/2020

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.

No negotiations were required as the plans as originally submitted were deemed acceptable.

Report Dated: 20.08.2020