

**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: 2020/62/91370/E

Site Address: 245, Roberttown Lane, Roberttown, Liversedge,
WF15 7LJ

Description: Erection of extensions, dormer window to rear,
demolition of existing garage and external alterations

Recommending Officer: Nia Thomas

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: 07-Jul-2020

Officer Report

Site Description

No. 245 Roberttown Lane is a detached two storey dwelling with a large garden space to the rear and side of the dwelling. The dwelling is constructed of bradstone for the external walls and concrete tiles for the roof. The dwelling has a side canopy and a large area of hardstanding to the side.

Surrounding the site is predominantly residential and the dwellings are a mix of house types and materials. The character of the area is mixed.

The site is unallocated on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of extensions, dormer window to the rear, demolition of existing garage and external alterations.

Extensions

Front extension to adjoin existing hall (to serve WC)

- 1.9m in projection/ width
- 1.6m in projection from rear/ length

Rear extension

- Approx. 5.9 metres in projection
- 7.5 metres in width
- Approx. 6.5 metres in overall height (3.7 metres to the eaves)

Dormer and balcony included in rear extension

The extension will project very slightly past the side elevation of the existing house.

External alterations

Changes to openings on existing front, rear and right side elevation of the dwelling

Changes to walling materials and roofing materials (as labelled on plans)

Existing window frames to be grey

Insertion of roof lights

Details shown on submitted plans

The existing dwelling and two storey rear extension would be constructed from white render (apart from the stone frontage on the front elevation of the existing dwelling). The roof would be constructed from blue artificial slate.

The existing garage/canopy will be demolished.

History of negotiations/amendments received

No amendments have been sought as the proposed development is acceptable in its current form.

Relevant Planning History

2019/91735 – Erection of extensions, dormer window to rear, erection of double garage, demolition of existing garage and external alterations REFUSED (appeal dismissed) no. 245 Roberttown Lane

Representations

Final publicity date Expires: 30.6.2020

No representations have been received.

Consultation Responses

No consultation responses are required.

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
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP 24** – Design
- **LP51** – Local air quality
- **LP53** – Contaminated and unstable land

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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- 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:

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Appeal ref *APP/Z4718/D/19/3238826* was dismissed (dated March 2020) on the grounds of visual amenity. The principle of development on the site was not raised as an issue within the previous appeal decision.

Considering this, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

The impact on visual amenity is considered to be acceptable. Each individual element of the proposed development will be assessed.

External alterations and front extension

Change to the external materials – The proposed description of development refers to external alterations – this includes a change to the materials of the existing dwelling. As indicated on the plan, part of the existing elevation will be stone, with part constructed of white render. The rear elevation and side elevations will be constructed of white render.

Considering that there are a variety of materials within the wider area and the immediate context in which the dwelling will be read, the introduction of white render is acceptable, especially given that there are various examples of render within close proximity of the site, including 'The Star' pub which is sited in a prominent location.

The proposed materials, which are considered to complement one another, would not result in an overly prominent feature in the streetscene or would not detract from the character of the dwelling itself which does not have any particular architectural merit.

The front extension would sit flush with the front elevation of the main dwelling and would not project beyond the building line of the main dwelling. The roof form of the original part of the dwelling is replicated and there is no concern with regards to the host dwelling, street scene or character of the area.

Change to the proposed openings in the existing house – these openings are acceptable. The proposed materials, scale and design are acceptable in the context of the development and the extension will relate appropriately to the host dwelling in this regard.

In the appeal decision, the openings and materials were not raised as a reason for dismissing the appeal.

Rear extension

The extension that is proposed to the rear of the site is larger in projection than what would normally be acceptable. However, in the context of this large site and the relationship of the application site with its neighbouring properties, the scale of the extension could be acceptable, subject to a design that relates appropriately to the host dwelling. As part of the previous appeal decision, the Inspector concludes that the large areas of blank wall and the lack of cohesion in the rooves of all elements of the development would result in unacceptable bulk and massing that would be visually intrusive and harm both the character of the host dwelling and the character of the area. The extensions were also previously proposed to be constructed from several different materials which did not match the host dwelling.

Since the previous appeal decision, the applicant has made the following changes:

- Removed the side extension
- Extensions and existing house will be constructed from white render which is acceptable
- Reduced the projection of the rear extension
- Introduced openings in the side elevation

Considering the above changes that have been made to the proposal since the refused application, it is considered by the case officer that the Inspector's

concerns have been overcome. As a result of the proposed openings within the side elevation of the rear extension and the reduced in its projection, along with an acceptable material, the extent of bulk and massing that is proposed is not significant enough to cause harm to the street scene or the character of the dwelling itself which does not have any architectural merit.

The extension is set down from the ridge of the host dwelling and is read as a subservient addition to the host dwelling, with materials to match and fenestration details also of an appropriate scale and design to match the host dwelling.

The proposed design comply with Chapter 12 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan which requires the form, scale, layout and details of the proposed development to respect and enhance the area and be in keeping with the existing buildings.

There are a number of dwellings with extensions, meaning that the principle of an appropriately designed extension would not result in an unusual feature in this area. There is no uniform street scene.

The dormer that is proposed to the side of the rear extension is acceptable in its design. It is centrally placed, set down from the ridge of the host dwelling and has openings which are in proportion to the openings proposed at ground floor.

Conclusion

It is important to note significant changes have been made to the proposed development from the previously refused application that was subsequently dismissed at appeal as discussed above. The main points of the dismissed appeal are as follows:

- Design and bulk of the side extension would harm street scene in a prominent location
- Rear extension would add bulk and mass to the building and would appear overly large in scale and of an unsuitable design – harm the character of the host dwelling and the street scene

For the reasons given above, it is considered that the proposed development and amended design has overcome the previous reasons for refusal and the concerns raised in the dismissed appeal decision letter.

Overall, the proposal complies with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. The following section individually assesses the relationship between the neighbouring dwellings and the proposed development.

Impact on no. 255 Roberttown Lane

The application site and the two storey element of the proposed development is considered to be located a significant distance from no.255 to avoid an overbearing impact.

In terms of overlooking/loss of privacy, there are two habitable room openings in the side elevation facing this site – one serving a kitchen/diner at ground floor, with the bedroom window at first floor also facing this site.

Consideration has been given to overlooking of the private garden area and habitable room windows. In this case, given the set back of the rear extension from the existing side elevation of the main dwelling, along with the distance to the boundary of approx 18 metres, it is not considered that there would be harmful overlooking or a loss of privacy. As well as this, the relationship between the proposed openings in the extension and the main private amenity space of no. 255 (to the rear) is not direct.

Considering the site circumstances, there would be no harm to residential amenity as a result of the proposed development.

This is consistent with the previous refusal and the appeal dismissal – neither of which raised residential amenity concerns.

Impact on no. no. 243 Roberttown Lane

It is noted that the proposed rear extension would result in additional bulk and massing in closer proximity to this neighbouring dwelling than existing – consideration has therefore been given to the relationship between the sites. There is an existing distance of over 25 metres between the sites, which would be reduced as a result of the extension. Notwithstanding this, the distance is sufficient to avoid an overbearing impact despite habitable room windows in the rear elevation of the neighbouring dwelling.

In terms of overlooking/loss of privacy, there are existing habitable room windows facing this neighbouring site. The extension to the house will not result in any additional overlooking/loss of privacy due to the fact that there are no additional openings facing this site at first floor level. The proposed ground floor double doors will not harm residential amenity significantly.

This is consistent with the previous refusal and the dismissed appeal – neither of which raised residential amenity concerns.

Impact on no. 241 Roberttown Lane

This neighbouring dwelling has no openings in its side elevation and therefore the bulk and massing of the proposed extension is not considered to cause a harmful overbearing impact. As well as this, as part of this revised application, the side extension that previously projected close to this neighbouring dwelling has been removed.

The rear extension will only slightly project beyond the side elevation of the original dwelling.

In terms of overlooking/loss of privacy, there are two habitable room windows facing this site. However, these windows are secondary to the main openings in the side and rear that serve the proposed kitchen/diner. Considering this, and the fact that any views will look onto the blank elevation and an area of hardstanding, there would be no harmful overlooking/loss of privacy.

Future first floor side openings will be controlled by the General Permitted Development Order and any future ground floor openings will serve a garage and look onto a non-private area.

No. 231 Roberttown Lane is set significantly from the application site and the area to the front is used for car parking rather than private amenity space.

Impact on dwellings on the opposite side of the highway

There will be no harmful impact on residential amenity given a distance of over 20 metres between the sites and the location of the extension to the rear.

Overall

Considering the above, the proposed development will result in an acceptable standard of amenity for neighbouring occupiers, as required by LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The impact on highway safety is acceptable. The proposed development will increase the number of bedrooms within the dwelling from 3 to 4 and therefore 3 parking spaces are required to ensure that adequate parking provision is provided on site to accommodate the occupiers of the dwelling. In this case, there is adequate parking provision within the site to the rear and the access to the site will remain as existing.

Considering this, there will be no highway safety concerns as a result of the proposed development and the proposal will comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. .

5 – Other matters:

Low/High Coal Mining Risk Area – The site is in an area of low and high risk area as defined by the Coal Authority and therefore consideration needs to be given to the impact of coal mining legacy on any further development. In this case, given that the proposed development is for householder extensions, there is no requirement for a Coal Mining Risk Assessment to be submitted, nor consultation with the Coal Authority. Instead, if the application was to be approved, a footnote would be added to the decision notice.

The proposal complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Climate change –

Chapter 14 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle.

The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.

In this case, given the small scale of the proposed extensions to an existing domestic property, the proposed development will not result in climate change impacts that need mitigation, in accordance with Local Plan Policy LP51 of the Kirklees Local Plan which states that development will be expected to demonstrate that it is not likely to result in, directly or indirectly, an increase in air pollution which would have an unacceptable impact on the natural and built environment.

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2020/91370

Officer Recommendation: Conditional Full 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 Policies LP1, LP2, LP21, LP22, LP24 LP51 and LP53 of the Kirklees Local Plan and Chapters 9, 12, 14 and 15 of the National Planning Policy Framework.

3. As labelled on the submitted plans, the extension hereby approved shall be finished in white render for the external walls and blue artificial slate for the roof. The materials shall thereafter be retained as such.

Reason: In the interests of visual amenity and to ensure that the proposed development complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. As labelled on the submitted plans, the side and rear elevations of the host dwelling shall be finished in white render and retained as such. The roofing materials shall be artificial blue slate and retained as such.

Reason: In the interests of visual amenity and to ensure that the proposed development complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site location plan	1:1250	-	12.5.2020
Existing elevations	2019/181/01	-	12.5.2020
Existing floor plans	2019/181/02	-	12.5.2020
Proposed front elevation	2019/181/03	-	12.5.2020
Proposed rear elevation	2019/181/04	-	12.5.2020
Proposed right side elevation	2019/181/05	-	15.5.2020
Proposed left side elevation	2019/181/06	-	22.5.2020
Proposed ground floor	2019/181/07	-	12.5.2020

Plan Type	Reference	Version	Date Received
plan			
Proposed first floor plan	2019/181/09	-	12.5.2020
Proposed site plan	2019/181/10	-	12.5.2020

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. Following concerns raised by the case officer, the agent has submitted amended plans showing a further reduction in the scale of the extension. The reduction of the scale of the extension does not overcome the case officer's concerns.

Report Dated: 06.07.2020