

**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: 2020/62/91871/E

Site Address: 33, Fern View, Gomersal, Cleckheaton, BD19 4PE

Description: Erection of infill extension to side, garden room to rear 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: 17-Aug-2020

Officer Report

Site Description

No. 33 Fern View is a detached dwelling which is constructed from red brick for the external walls and tiles for the roof. The property has an associated double garage to the side and an area of amenity space to the rear. Further to the northeast, there is a row of garages.

Surrounding the site is predominantly residential, with a variety of property types within the modern housing estate including those with dormers.

The site is unallocated on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of an infill extension to the side of the house and the erection of a garden room as seen on the submitted plans.

The extension would have the following dimensions and be constructed of materials to match:

Height – 3.8m (2.2m to the eaves)

Width – 0.9m – to provide an extension that will join the main dwelling with the garage

Length – 5.4m

The garden room would have the following dimensions and would be faced in grey render:

Height – 2.5m

Width – 8.8m

Length – 3.2m in projection

The garden room would be located to the rear of the garden area, adjacent to the garages in the north east corner of the site

History of negotiations/amendments received

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

Relevant Planning History

No relevant planning history

Representations

Final publicity date Expires: 31.7.2020

No representations have been received.

No parish/ town council comments are required.

Consultation Responses

No consultation responses 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
- **LP23** – Core walking and cycling network
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP51** – Local air quality
- **LP53** – Unstable and contaminated 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 8 – Promoting healthy and safe communities
- 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
- 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, 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 acceptable. The extension to the garage is acceptable; it is of a small scale and will result in an acceptable view of the dwelling as a whole. The link extension will match the eaves and ridge height of the garage and will be constructed of the same materials as garage. The impact on the street scene will be acceptable and the character of the area will not be harmed by this minor addition to the dwelling.

In terms of the garden room, this is located to the rear of the site and will be located in the north eastern corner of the site. It will be screened from the street scene by the existing garages to the east and its design is acceptable in this context. The extension is of an appropriate design, albeit flat roofed, the dwelling itself is not of architectural merit and the garden room, albeit of a reasonable footprint, will not result in overdevelopment of the site. It is noted that there is a large garage to the rear of no. 27 Fern View which takes up a significant portion of the garden space for that dwelling.

The garden room is to be constructed of block and render for the walls. Whilst the land is unallocated, consideration has been given to the harsh appearance of blockwork. For this reason, a condition has been recommended to ensure the garden room is finished in a grey colour render.

It is acknowledged that the majority of buildings within the housing estate are constructed from brick, however, within the wider area there are a variety of materials. In this inconspicuous location which is predominantly screened, this material is not considered to be harmful to visual amenity.

Chapter 12 of the National Planning Policy Framework states that developments should function well and add to the overall quality of the area and is visually attractive. Policy LP24 of the Kirklees Local Plan reiterates this and for the reasons set out above, the proposal complies with the aims of these policies.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

No. 30 Fern View

The side extension is to the north east of this neighbouring dwelling and therefore will not impact on the occupiers of this property by any way.

In terms of the garden room, it would be located in the north eastern corner of the site and therefore there would be no direct relationship and the building is set well off the boundary to result in any overbearing impact. There are no openings within the side elevation, but considering the habitable use of the garden room, consideration has been given to whether future openings would result in overlooking to the garden area of no. 30 Fern View.

In this case, the main openings are located in the front elevation and therefore any future openings would be secondary. Considering that there is a boundary fence in between the gardens, a condition has not been recommended to remove permitted development rights for new openings.

Impact on no. 3 Burnley Ville (to the rear)

The dwelling to the rear of the site is located a sufficient distance from the site to avoid any overbearing impact as a result of the side extension. In terms of overbearing from the garden room, this would be located in close proximity to the side elevation and driveway of this neighbouring property. The side elevation of no. 3 has no habitable room windows in its side elevation, and the overall height of the garden room would be 2.5m – considering this, there would be no harmful overbearing impact.

In terms of overlooking/ loss of privacy, there are no openings in the rear elevation and there is a fence between the properties. Considering this, as well as the fact that the area to the rear is not habitable, means that there is no harm in this regard.

Properties to the front

Given the extent of extensions, there will be no harm to the occupiers of the dwellings to the front of the application site which do not have a direct relationship with the application site.

The proposed development complies with Policy 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. Given the scale of the proposed development, the proposed development will not result in additional bedrooms at the site and therefore it is unlikely that there will be additional trips to the site. The parking provision at the site is acceptable as existing and the access to the site is existing. No conditions are required in this instance.

The proposed development complies with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Public Right of Way (SPE/57/20)

There is a public right of way that runs to the east of the site adjacent to the block of garages. Given that the proposed development relates to householder extensions, there will be no harm on the users of this footpath and the proposed development will protect the public right of way.

The proposed development complies with Local Plan Policy LP23 and Chapter 8 of the National Planning Policy Framework.

Contaminated Land

The site is identified as being on land which could be potentially contaminated and therefore consideration has been given to the proposed development and the contaminated land on the site.

Given that the proposed extensions are householder extensions, it is not considered necessary to request that contaminated land studies are required as conditions. Instead, a condition will be recommended to ensure that any unexpected contamination during construction is reported to the LPA. It is also noted that the development is relatively modern and therefore, as part of the planning application of the dwellings, contaminated land was reviewed.

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

Coal Mining (low risk)

The site is identified as being in a low risk area and therefore, given that the application is for householder extensions, a coal mining risk assessment has not been submitted and no consultation has been undertaken with the Coal Authority.

In this instance, it is considered sufficient to impose a footnote to advise the applicant on how to proceed should coal mining workings be found during construction.

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

Ecology

The site is within the bat alert layer on the Council's mapping system. Given that the building appears to be relatively well sealed and it does not appear that there is evidence of bats or bat roosts, along with the small scale of the extension, it is considered sufficient in this instance to include a footnote on the decision notice to provide advice to the applicant should bats or bat roosts be found during construction.

The proposed development complies with Policy LP30 of the Kirklees Local Plan and Chapter 15 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: 2020/91871

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 Policies LP1, LP21, LP22, LP23, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan and Chapters 8, 9, 12, 14 and 15 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. The approved materials shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, the external walls of the garden room hereby approved shall be finished in a grey colour render and thereafter retained as such.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the

whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Local Plan Policy LP53 and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1:1250	-	22.6.2020
Proposed garden room	2020/230/07	-	22.6.2020
Proposed section and site plan	2020/230/06	-	22.6.2020
Existing floor plan	2020/230/01	-	22.6.2020
Proposed plan and section	2020/230/08	-	22.6.2020
Proposed front elevation	2020/230/03	-	22.6.2020
Proposed ground floor plan	2020/230/05	-	22.6.2020
Existing elevations	2020/230/02	-	22.6.2020
Proposed rear elevation	2020/230/04	-	22.6.2020

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

Report Dated: 13.08.2020