

**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: 2020/62/91957/W

Site Address: 32, Longwood Gate, Longwood, Huddersfield, HD3
4UP

Description: Installation of new and replacement windows

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: 02-Sep-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91957>

Site Description

32 Longwood Gate is an end-terraced property located within area without notation on the Kirklees Local Plan. The property is positioned within a sloped site with the front elevation being 3 storeys in height and the rear elevation being 2 storeys in height. The property has a front elevation constructed from stone a rendered side and rear elevation which has been extended via a two storey extension to the rear. The terraced row sits forward of the pairs of semi-detached dwellings to the north-west and south-east and front the highway. The surrounding area is comprised of residential development to the east and west with open fields to the north and an area of woodland to the south.

Description of Proposal

Permission is sought for the installation of new and replacement windows.

It is proposed that 3 no. new windows would be located in the side elevation of the property and the 2 no. first floor windows within the rear elevation of the property would be reconfigured to be a double paned single window.

The windows within the side elevation would be a square window at ground floor level and 2 no. high level elongated windows within the first floor.

The windows would be constructed from black framed aluminium.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

2006/91957 Erection of two storey pitched roof extension to rear
Conditional Full Permission

Representations

Final publicity date expired 7th August 2020 – no representations received.

Parish/Town Council comments – not applicable

Consultation Responses

None 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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 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
- 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. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

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

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity.

2 – Impact on visual amenity:

It is proposed that 3 no. windows would be installed within the side elevation of the property along with 2 windows within the first floor of the rear extension be altered to be a double paned window. In terms of visual amenity, these would have a different finishing material than the existing openings however, these may be changed without the requirement of planning permission. The proposed openings within the side elevation would be a large window at ground floor and 2 no. high level windows at first floor. The property is not a listed building nor within a Conservation Area and therefore, the use of black aluminium is considered to be acceptable and would not be detrimental to the character of the building and the finish would retain its residential nature. As such, there are minimal concerns regarding the impact of the openings on visual amenity.

3 – Impact on residential amenity:

In terms of residential amenity, the proposed application would create new openings within the side elevation of the property. The application site sits forward and above the neighbouring property, No. 30A and No. 30 and therefore the openings would be clearly visible from the front of the neighbouring properties. However, the ground floor opening would not require planning permission and the first floor level windows are at high level and therefore the harm from overlooking is mitigated as far as practicable whilst enabling light and ventilation into the internal rooms of the property. The front of the properties adjacent to the site are parking areas for the dwellings with the main amenity areas to the rear and therefore it is not considered that there would be significant harm from overlooking. The windows within the rear elevation would be reconfigured at first floor level but it is not considered that this would result in any material change to the relationship with surrounding land.

It is therefore considered that the impact on residential amenity is acceptable.

4 – Impact on highway safety:

None.

5 – 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. Due to the size of the development proposed, it is not considered that there would be a requirement for mitigation measures to be explored.

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: 2020/91957

Officer Recommendation: Approve

Conditions

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 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 Policies LP1, LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and site plan	HD.20.48.LP.01		25 th June 2020
Existing elevations and floor plans	HD.20.48.EX.01		25 th June 2020
Proposed elevations and floor plans	HD.20.48.PP.01		25 th June 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 negotiations have taken place and no amendments have been sought.

Report Dated: 2nd September 2020

Coal - None