

**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: 2020/62/92373/W

Site Address: 28, Briarlyn Avenue, Birchencliffe, Huddersfield, HD3
3NN

Description: Erection of single storey rear extension

Recommending Officer: Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 25-Nov-2020

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92373>

Site Description

28 Briarlyn Avenue is a two storey semi-detached property located within an area without notation on the Kirklees Local Plan. The property is two stories in height and is constructed from stone and brick for the walls with a concrete tiles roof. To the front of the property is a small garden and area of hardstanding and to the rear is a larger garden area. The topography of the area is such that the adjacent pair of semi-detached properties are set on a higher ground level then the application site and the attached properties is set on a sloping lower ground level. The surrounding area is predominantly residential and the property hosts full Permitted Development Rights.

Description of Proposal

Permission is sought for the erection of a single storey rear extension.

The proposed extension would lie flush with the side elevation of the property and would be set in from the shared boundary with No. 30 by 0.6 metres spanning the rear elevation of the property. The eaves height would be 2.7 metres rising to a total of 3.9 metres to the ridge of the lean-to roof. The proposed extension would be constructed from brick with a grey tiled roof. The proposed openings would be set within white uPVC frames. In addition, it is also proposed to alter a door to a window within the side elevation of the existing property however this element of the proposal does not require planning permission.

History of negotiations/amendments received

No negotiations have taken place and no amendments sought.

Relevant Planning History

1986/00557 First floor extension to form bedroom and en-suite bathroom
Granted Conditionally

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 11th September 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 and highway safety.

2 –Impact on visual amenity:

The proposed extension would be located on the rear elevation of the property and would be subservient due to being a single storey structure which would be attached to the two storey dwelling. The design is simplistic being a simple lean-to structure and is of a size and scale which is considered appropriate within its context. It is not considered that the development would result in an overdevelopment of the plot. In addition the walls would be constructed from brick to match the host property.

The works to alter a door to a window within the side elevation of the existing property is considered to cause minimal harm.

The proposal is therefore considered to be acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

In terms of residential amenity, there are no openings within the side elevations of the extension that would face the neighbouring properties. Openings would be located within the rear elevation of the extension which would face the garden area of the application site. The opening would reduce the separation distance between the property and the dwellings to the rear to approximately 30 metres which is considered to be acceptable.

With regard to overshadowing and/or being overbearing the extension would be set in from the shared boundary with No. 30 which and would be limited in projection to 4 metres. Due to the orientation of the extension to the north-west of the attached dwelling, it is not considered that there would be a significant loss of direct sun light and it is not anticipated that the extension would cause significant overshadowing to this property.

No. 30 sits to the west of the application site and has a footprint which is set back from the front elevation of the application site and similarly, the rear elevation also sits back from the rear elevation of the application. The difference between the two property is approximately 2.5 metres which reduces the impact of the 4 metre projection and therefore, the extension would project further than the rear elevation of No. 30 by approximately 1.5 metres. Given the difference in levels with the neighbouring property being set on a higher ground level with a small degree of separation between the two properties, it is not considered that the proposal would cause undue harm to this property.

Taking into account all the above, it is considered that the proposal is acceptable from a residential amenity perspective and would accord with both local and national policy.

4 – Impact on highway safety:

The proposed development is to the rear of the property and therefore there would be no loss of parking for the property. There would be no increase in bedroom accommodation and therefore no requirement to increase the parking provision available.

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. The proposal would be constructed from brick which is considered to be thermally efficient and a sustainable material, therefore meeting criteria.

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: 2020/92373

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.

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 and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed elevations and floor plans	JG01		24 th July 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 it was considered that the proposal was acceptable as submitted.

Report Dated: 24th November 2020

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