

**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: 2020/62/92684/E

Site Address: 44, Westerley Lane, Shelley, Huddersfield, HD8 8HP

Description: Erection of single storey front extension and alterations to convert garage to living accommodation

Recommending Officer: Olivia Roberts

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.

Paul Dowd

AUTHORISED OFFICER

Date: 09-Oct-2020

Officer Report

Site Description

44 Westerley Lane is a two-storey mid-terraced dwelling in Shelley. It is constructed from brick for the external walls and concrete tiles for the roof. The property is set back from the access road with a driveway and small garden area to the front and a garden to the rear. There is a single-storey extension and outbuilding to the rear.

The location of the site is within in a residential area. Whilst the adjoining house to the west is of a similar appearance, the other properties along Westerley Lane vary in terms of their design.

Description of Proposal

The application seeks planning permission for the erection of a single-storey front extension and alterations to convert the garage to living accommodation. The adjoining dwelling, 46 Westerley Lane is currently the subject of an application for a similar proposed development (2020/92678).

The extension would project 2.3m from the front elevation of the property and would be set back from the front most elevation by 0.15m. It would extend up to the boundary shared with the adjoining property. It would be designed with a lean-to roof form which would have an eaves height of 2.4m and a maximum height of 3.4m.

The opening to the rear of the existing integral garage, which the submitted plans show is currently used as a snug/playroom, would be replaced with a window.

All external materials would match existing.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

No relevant planning history at the site.

At 46 Westerley Lane –

2020/92678 – Erection of singles storey front extension and alterations to integral garage to form office/treatment room for hairdressing – Decision pending

Representations

The application was advertised by neighbour letters which expired on 2nd October 2020.

No representations were received following the above publicity.

Kirkburton Parish Council comments: responded with no comments.

Consultation Responses

KC Minerals & Waste – No objections however have suggested a footnote regarding to the location of the site within the vicinity of a closed landfill site.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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
- LP 21 – Highway and access
- LP 22 – Parking
- LP 23 – Core walking and cycling network
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 53 – 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The proposed extension would be located to the front of the dwelling and is substantially larger than what would usually be supported on the principle elevation of a dwelling. In this case, it is noted that the front elevation of the property is staggered, and the extension would not project beyond the front-most elevation of the property. The extension would be finished in materials to match existing and is considered in-keeping with the host dwelling in terms of its design. It is considered, due to its overall scale and design, that the extension would not appear overly dominant on the front elevation and would remain subservient to the existing dwelling.

Whilst the extension would be visible within the street-scene, the extension would not project beyond the front-most element of the property, which is set back in relation to Westerley Lane. This, along with the fact that extension would sit roughly in line with the principle elevations of the dwellings to the north of Westerley Lane, is considered to reduce its prominence within the street-scene and the surrounding area.

Having taken the above into account, the proposed extensions and alterations would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 46 Westerley Lane

The proposed extension would project 2.3m along the boundary shared with the adjoining property. The extension would be located alongside existing garage doors and back slightly in relation to the habitable ground floor openings of the property. Taking this into consideration, along with the projection and single-storey nature of the extension, it is considered that there would be no harmful overbearing or overshadowing impact. Whilst no openings are proposed for the side elevation of the extension, it is considered appropriate to condition that no openings shall be installed in the future to prevent harmful overlooking. It is noted that application reference 2020/92678 for a similar development is currently being considered at this property.

Impact on 42 Westerley Lane

The extension would not project beyond the front-most elevation of the application dwelling and, as such, it is considered that the proposal would not impact on the amenity of this adjoining property.

Impact on 83 & 85 Westerley Lane

The proposed extension would not project beyond the front-most elevation of the property and, as such, it is considered that any overbearing or overshadowing would not be detrimental to these properties, which are located to the front of the site. It is considered that the distance retained would be sufficient to prevent harmful overlooking from the openings proposed for the front elevation of the extension.

Impact on 162 Hawthorne Way

The door to the rear of the integral garage would be replaced with an opening to serve a WC. It is considered that this use, as well as the distance retained, would be sufficient to prevent harmful overlooking to the property to the rear.

No other properties would be impacted by the proposed development.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The extension would result in the loss of the integral garage. However, this is shown on the submitted plans to be used as a snug/playroom. The plans indicate that the driveway would be extended to accommodate two off-street parking spaces following development. As the existing parking provision would be retained, this is considered acceptable. As such, the scheme would not represent additional harm in terms of highway safety complying with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Public Right of Way

Public Right of Way footpath KIR/124/10 is located to end of Westerley Lane. As the footpath is located approximately 40m to the west of the proposed extension, it is considered that the proposal would not have an impact on the amenity of its users in accordance with Policy LP23 of the Kirklees Local Plan. As such, the application was not advertised as affecting a Public Right of Way, in this instance.

Contaminated Land

The application site lies 204m away from a closed landfill site. KC Environmental Health - Strategic Waste and KC Minerals & Waste have been consulted and no objections have been raised. A footnote however has been suggested which shall be attached to the decision notice in accordance with Policy LP53 of the Kirklees Local Plan.

Carbon Budget

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 is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards. For this reason, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the NPPF.

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: 2020/92684

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims 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 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 single storey front extension hereby approved.

Reason: To not detract from the amenities of adjacent property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Before the extension is first brought into use, the area indicated for parking on the submitted/listed plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking thereafter. **Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

FOOTNOTE: The applicant is hereby advised that the site lies within 204m of a closed landfill site. It is, therefore, advised that the applicant should consider carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are significant. In the event significant levels are discovered appropriate mitigation measures shall be included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00 hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Plans & Elevations	44WLS-20-PL01		17/08/2020
Proposed Plans & Elevations	44WLS-20-PL02	A	17/08/2020
Location Plan	44WLS-20-PL03		17/08/2020

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 has, 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.

As the submitted plans were considered acceptable, no amendments were sought.

Report Dated: 09/10/2020

