

**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: 2020/62/93138/E

Site Address: 12, Devon Walk, Eightlands, Dewsbury, WF13 2TL

Description: Erection of outbuilding

Recommending Officer: Josh Kwok

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: 24-Nov-2020

Officer Report

Site Description

12 Devon Walk, Westtown comprises a two-storey mid-terraced house with a two-storey rear extension and a single storey side extension. There is also a yard and an outbuilding at the rear of the house. The yard is enclosed by timber fencing.

Devon Walk is a pedestrianised residential neighbourhood, which comprises two rows of terraced houses: one to the north and one to the south. All houses to the north of the road are set at a higher land level than those to the south because of the natural terrain. Shared parking spaces are available on Boothroyd Lane and Lacey Street.

Description of Proposal

Planning permission is sought for erection of outbuilding. Details of this development proposal are set out as follows.

- 3.8m wide x 4.0m deep x 3.0m high
- Facing and roofing materials to be matching brick and tiles

History of negotiations/amendments received

No amendments sought in this instance.

Relevant Planning History

2013/91103 – Erection of two storey rear extension, single storey side extension and internal alterations (12, Devon Walk) – Approved

Representations

This application was publicised by neighbour letter, which expired on 11-Nov-2020. No representations were received following this publicity.

Consultation Responses

No consultations required for this application.

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).

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

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:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 –Impact on visual amenity:

The proposal is for a single-storey outbuilding. It is to replace an existing timber shed directly adjacent to the southern boundary. Although it is acknowledged that the original house has been substantially extended by virtue of planning permission 2013/91103, the current proposal only seeks to replace an existing shed and, therefore, is not considered to result in overdevelopment of the site. However, any further extension and outbuilding

should be restricted by condition for visual amenity reasons. Subject to that, the scale of development could be, on balance, supported.

The facing and roofing materials are to match those used in the construction of the existing buildings in this area. Consequently, they would not result in any adverse impact on the appearance of the main house. The outbuilding would have a dual pitched roof to match the surrounding buildings. This design would be satisfactory in terms of visual amenity. Since the proposed development would be set between two rows of terraced houses and screened entirely from the streets nearby, it would not prejudice the local street-scene.

In conclusion, the development under consideration would be of a satisfactory quality in scale, layout, design, and materials. It would not detract from the overall appearance of the existing house, nor would it prejudice the character of the surrounding area. The potential impact on the local-street scene is considered minimal. Taking account of the above, officers are satisfied that the proposal could be supported from a visual amenity perspective, in line with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The outbuilding proposed would be quite closer to the external front wall of the neighbouring houses at 14 and 16 Norfolk Walk. It would potentially affect the living conditions of the neighbouring occupiers by way of overshadowing and overbearing impacts. However, these impacts are not found to be unduly detrimental for the following reasons.

The proposed outbuilding would be a replacement of the existing shed and would remain single storey in height. It would be no closer to these houses than the existing shed. In addition, it is noted that a similar spatial relationship already exists between the adjacent houses at 1 and 6 Norfolk Walk. Having regard to these considerations, officers are satisfied that the potential of overshadowing and overbearing impacts upon the occupants of 14 and 16 Norfolk Walk could be, on balance, acceptable with respect to policy LP24(c) of the KLP. The outbuilding would not have any window in the rear elevation. As such, it would not harm the privacy of these neighbours.

No other houses in the vicinity of the application site would be adversely affected by the current proposal. In short, the development under consideration would be appropriate from a residential amenity perspective and compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The proposal would neither intensify the residential use of the existing building, nor would it affect the parking arrangement of the site. Therefore, it would accord with policies LP21 and L22 of the KLP in terms of highway safety and parking respectively.

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 is a small-scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place 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.

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Ground conditions

The site is within a "Development High Risk Area" identified by the Coal Authority. However, the proposal is for a domestic outbuilding, which falls to be considered an exemption outlined in the Coal Authority Exemption List. As such, a Coal Mining Risk Assessment is not required in this instance. To comply with policy LP53 of the KLP and chapter 15 of the NPPF, a footnote would be inserted to the decision notice, advising the applicant further on this matter.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received following the statutory publicity.

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: 2020/93138

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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the outbuilding 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 Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and to avoid overdevelopment of the application site in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing and proposed plans and elevations			29-Sep-2020
existing and proposed site plans			29-Sep-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. No amendments were sought in this instance, as the development is considered acceptable in its submitted form.

Report Dated: 23-Nov-2020