

**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: 2020/62/93240/E

Site Address: 4, Fall Lane, Hartshead, Liversedge, WF15 8AR

Description: Erection of single storey front extension

Recommending Officer: Jennifer Booth

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: 23-Nov-2020

OFFICER REPORT

Site Description

4 Fall Lane is a semi-detached bungalow, with a drive to the front and side, an existing car port to the side, a single-storey extension to the rear and an enclosed rear garden.

The property backs onto open fields, with a similar dwelling attached to the north-west. An older, two-storey, dwelling is located to the south-east and a modern detached brick-built dwelling on the opposite side of the road.

Description of Proposal

The applicant is seeking permission for a single-storey extension to the front.

The extension would have a projection of 3m out from the original front wall of the dwelling and width of 3.4m and is proposed to have a pitched roof form with roof lights.

The extension is proposed to be constructed using blockwork and render, with tiles for the roof covering.

Relevant Planning History

90/02175 - erection of single-storey extension to form store, car port and 1st floor extension - granted

2006/92680 - erection of two-storey extension - granted although not built

Representations

The application was advertised by neighbour letters, which expired on 09/11/2020

As a result of the above publicity, one representation has been received. However, this is not objecting to the proposal and is questioning the arrangements in terms of drainage.

Consultation Responses

None.

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 mostly UNALLOCATED on the Kirklees Local Plan Proposals Map, although the rear garden is part of the Green Belt. As the works proposed are to the front, the proposal will not be assessed against Green Belt policy.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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, and 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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 property is sited within a residential area with a diverse pallet of properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The extension is proposed to the front of the dwelling where it would be prominent within the street-scene. However, the proportions are considered acceptable. The materials proposed would match the main house with the use of render, which would match the existing front of the dwelling. The front extension is, therefore, considered acceptable in terms of visual amenity.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street-scene, thus complying with Policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 8 Fall Lane

The adjacent dwelling is set closer to the road. Given the spatial position, the proposed front extension would have no effect upon the amenities of the occupiers of the adjacent 8 Fall Lane.

Impact on 2 Fall Lane

The extension would be set back from the shared boundary with the adjoining property. Given this separation, the proposed front extension would cause no harm to the amenities of the occupiers of the adjoining 2 Fall Lane.

Impact on 23 Fall Lane

The property opposite is some 20m from the host property. Given the separation between the dwellings together with the limited proportions of the front extension, officers are satisfied that there would be no harm caused to the amenities of the occupiers of the neighbouring 23 Fall Lane.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thus complying with Policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use and the loss of some of the front drive. However, the parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient parking provision. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, complies with Policy LP22 of the KLP.

5– Other matters:

Carbon Budget

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.

There are no other matters for consideration.

6 – Representations:

One letter has been received from a neighbouring property expressing concerns that the extension would cause drainage and flooding issues.

Response: *This area is not known to be a flood zone. Drainage details on this type of development would not be a requirement.*

7 – Negotiations:

None.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.
- Matching materials, to ensure that the extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a single-storey extension to the front of 4 Fall Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2020/93240

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 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 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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	Web ID	Date Received
Location plan	-	831342	28/09/2020
Existing plans	01	831338	28/09/2020
Proposed front elevation	-	831341	28/09/2020
Proposed side elevation	-	831340	28/09/2020
Proposed floor plans	-	831339	28/09/2020

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 Planning 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 changes were sought.

Report Dated

11/11/2020