

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: 2020/62/93295/E

Site Address: 193, Upper Lane, Gomersal, Cleckheaton, BD19 4JF

Description: Erection of first floor extension above existing garage and ground floor rear extension (within a Conservation Area)

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: 05-Jan-2021

Officer Report

Site Description

193 Upper Lane is a two-storey detached dwelling in Gomersal. It is constructed from stone for the external walls, with render to the northern side elevation at ground floor level and concrete tiles for the roof. The property is orientated to the east and is accessed via a small access road that leads off Upper Lane, with a driveway to the front elevation and a large, stepped, garden area to the rear.

The location of the site is within a residential area, which comprises properties, which vary in terms of their type, style and designs. Despite this, the predominant material of construction within the surrounding area is stone. The site is located within the Little Gomersal Conservation Area and to the west of footpath SPE/66/50. The rear-most element of the rear amenity space of the property is located within the Green Belt.

Description of Proposal

The application seeks planning permission for the erection of a first-floor level extension above the existing garage and ground floor rear extension (within a Conservation Area). Amendments have been made to the scheme, which is being assessed based on the following:

The first-floor level extension would be located above the garage to the north of the dwelling, sitting flush with its front and rear elevations. The extension would be designed with a gable roof form, which would have an eaves height to match existing and a ridge height, which would be set down from the main dwelling by 0.10m.

The ground floor extension would project 5m from the rear elevation of the existing garage and 4.55m from the rear of the host dwelling, with a width of 4m. It would be designed with a parapet roof form, which would have a maximum height of 3.4m.

The extensions would be finished in natural stone for the external walls with render to the northern side elevations and concrete roof tiles to match existing.

History of negotiations/amendments received

Amendments were sought and received during consideration of the application, to set the proposed first floor level extension down from the ridge of the dwelling. This amendment is set out above. Due to the nature of the revised plan, which reduced the height of the first-floor level extension, the amended plans were not advertised in this instance.

Relevant Planning History

No planning history at the application site.

At 191 Upper Lane –

2019/92572 – Erection of extensions and alterations to roof to create first floor accommodation and balcony. Granted.

Representations

The application was advertised by site notice, neighbour letter and in the press. Final publicity expired on 4th December 2020.

No representations were received following this publicity.

Town/Parish Council comments: not applicable.

Consultation Responses

KC Conservation & Design – Informal discussion, in which no objections were raised.

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 rear-most area of the application site is located within the Green Belt. However, the application dwelling, and most of its amenity space, including the location of the proposed extension, is unallocated on the Kirklees Local Plan. The application site is also located within the Little Gomersal Conservation Area.

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 23 – Core walking and cycling networks
- LP 24 – Design
- LP 35 – Historic environment
- LP 51 – Protection and improvement of local air quality

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 the Conservation Area and 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.

The site is also within the Little Gomersal Conservation Area and, as such, Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan are applicable. The impact of the proposed development on the Conservation Area will be assessed below.

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

2 –Impact on the Conservation Area and visual amenity:

The proposed extensions, given their overall scale, design and positioning on the property, are considered subservient to the host dwelling, which would remain the dominant feature following development.

The first-floor level extension would sit flush with the front elevation of the existing dwelling. However, it would be set down from its ridge. It is considered that this, along with the width of extension, would be sufficient to prevent it from appearing overly dominant against the principle elevation. The extension would be finished in stone, with render to the side elevation to match the existing ground floor level and is considered in-keeping with the host dwelling in terms of its design.

The rear extension would be relatively large in terms of its projection. However, it is considered that the existing dwelling would be able to accommodate an extension of this scale. The extension would be finished in materials to match existing and, whilst it would be designed with a parapet roof form, given its overall scale, it is considered that this would not be detrimental to the host property by way of visual amenity, nor would it look out of place on the rear elevation of the dwelling.

Whilst the first-floor extension would be visible from the street scene, given its scale and design, it is considered that it would not be out of keeping with the character of the street scene or the wider area. Whilst there would be some visibility of the render for the side elevation, there is some existing render within the street scene. Views of this material would be limited, and it is considered appropriate to condition that this shall be stone coloured to match existing, which would further reduce its prominence. Whilst the side extension

would be located within close to the adjacent property, it would be set down from the ridge of the host dwelling. Taking this into consideration, along with the fact that the ridge height of the adjacent property sits at a lower level than that of the application dwelling, it is considered that the proposal would not result in the creation of an undesirable terracing affect in this instance. The rear extension would have limited visibility from the surrounding area.

Following an informal consultation with the Council's Conservation and Design team, no objections were raised. For the reasons which have been set out above, it is considered that the proposal would result in less than substantial harm to the significance of the Conservation Area and would not significantly impact on its character and amenity.

Having taken the above into account, the proposed extensions 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 and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

Impact on 191 Upper Lane

The first-floor level extension would be located along the side of the adjacent property, which does not benefit from openings in this elevation. The rear extension would also project along this side elevation, sitting in line with the existing rear elevation of the dwelling. Taking the above into consideration, along with the single storey nature of the proposed rear extension, it is considered that the proposal would not have a harmful overbearing or overshadowing impact. Whilst no openings are proposed for the side elevation of the extension, any future openings would face onto the blank side wall of the property, which would prevent harmful overlooking. First floor level openings in the side elevation of the first-floor extension would be restricted by the limitations of the General Permitted Development Order.

Impact on 8 Parkside

The proposed first floor level extension would not project any closer to this dwelling, which is located to the front of the site, than existing. It is considered that this would be sufficient to prevent the proposal from having a harmful overbearing or overshadowing impact on the dwelling and would prevent harmful overlooking into either the property or its associated amenity space.

Impact on Royds Hill, 73 Gomersal Lane

The application dwelling shares a boundary with the amenity space of the neighbouring property, Royds Hill, 73 Gomersal Lane. It is considered that the distance retained, as well as the changing land levels and substantial boundary treatment between the two sites, would be sufficient to prevent the proposal from having a harmful impact on the amenity of the occupiers of the property, including harmful overlooking from any potential future openings in the rear elevation of the ground floor rear extension.

Impact on Royds Farm, 81 Gomersal Lane

It is considered that sufficient distance would be retained between the proposed rear extension and the property, which is located to the south to prevent this element of the proposal from having a harmful overbearing or overshadowing impact. Whilst openings are proposed for the side elevation of the extension, it is considered that this distance would be sufficient to prevent harmful overlooking into the property.

It is considered that no other properties would be impacted by the development.

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

4 – Impact on highway safety:

The proposed first floor level extension would introduce an additional bedroom to the property which may result in an intensification in its domestic use. Notwithstanding this, it is noted that the dwelling currently benefits from a large driveway to the front, which is considered to offer sufficient parking provision. As such, the scheme would not represent additional harm in terms of highway safety complying with Policies LP21 and LP22 of the KLP.

5 – Other matters:

Public Right of Way

Public Right of Way footpath SPE/66/50 runs to the east of the application site. The proposed first floor extension would not project beyond the front elevation of the existing dwelling. It is considered that this, along with the distance retained between the footpath and the proposed extension, would be sufficient to prevent the proposal from having a significant impact on the

amenity of the users of the footpath. As such, the proposal is considered to accord with Policy LP23 of the KLP.

Listed Building

A Listed Building, Royds Barn 81A Gomersal Lane, is located to the south-west of the application dwelling. Given the existing relationship between the two dwellings, as well as the distance that is retained, it is considered that the proposal would not impact on its setting. As such, the proposal is considered to comply with Policy LP35 and was not advertised as affecting the setting of a Listed Building in this case.

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 KLP and Chapter 14 of the NPPF.

6 – Representations:

No representations 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: 2020/93295

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 of the extensions hereby approved shall be finished in natural stone and render as indicated on the approved plans. The render shall match that used on the northern elevation of the existing garage in terms of its colour and shall be applied before the development is first brought into use.

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. The external roofing materials of the first-floor side 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: 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 may 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 & Proposed Plans	2020 03 P1	E	30/12/2020
Heritage Statement	October 2020	-	19/10/2020

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.

Amended plans were sought and received during consideration of the application to reduce the impact of the proposed development with regards to visual amenity.

Report Dated: 04/01/2021