

**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: 2020/62/93334/W
Site Address: 17, Kaye Lane, Almondbury, Huddersfield, HD5 8XP
Description: Erection of first floor balcony over conservatory
Recommending Officer: Sam Jackman

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.

Emma Thompson

AUTHORISED OFFICER

Date: 07-Dec-2020

SITE DESCRIPTION – 2020/93334

17 Kaye Lane, Almondbury is a white rendered detached property with a stone plinth and a concrete pantile roof.

From the front the property gives the appearance of a bungalow with the rear elevation being extended to create a 2-storey rear elevation located between two bungalows and part of a ribbon development along Kaye Lane with allotments to the rear.

The property benefits from a rear conservatory.

DESCRIPTION OF PROPOSAL

The proposal is to build a steel frame around the existing conservatory to create a first floor balcony with a glass balustrade.

The balcony would be 3.4m wide by 2.55m, with access from the bedroom via sliding doors.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93334>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

89/06005 Erection of extension to create 2 no bedrooms with en-suite
bathrooms

Granted conditionally

An existing rear conservatory.

PUBLIC/MEMBERS RESPONSE

We are currently undertaking 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 which expired on the 18.11.20, whereby no representations have been received.

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP 24 – Design

LP 30 - Biodiversity and geodiversity

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, together with Circulars, Parliamentary 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 & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

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 NPPF.

Policy LP1 goes on further to stating that “the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case the application, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

Impact on visual amenity:

The proposal will introduce a balcony to the rear of the property over an existing conservatory extension.

The alteration is considered to be small in scale and relate satisfactorily to the host building using a glazed balustrade, on a steel frame, therefore will have an acceptable lightweight design that would not harm visual amenity. There are a variety of structures to the rear of these properties in the form of flat roofed extensions and dormers. In this context the proposed development would not look out of place.

The proposal is subservient to the host which helps to mitigate the impact of the structure appearing subservient to the host. It is therefore acceptable and compliant with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Impact on residential amenity:

The proposed alterations are assessed upon whether they would have a detrimental effect on adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

There will be no impact on neighbouring properties in terms of overshadowing or overbearing given the light weight nature of the development and the separation distance to its neighbours either side.

With regards overlooking the neighbour at No 19, which is situated at a higher level of approx. 1.5m than the application site where they have a large garage built on the boundary and boundary wall, providing screening between the two neighbour furthermore there is a separation distance of 7m to the boundary, therefore there would be limited scope for an overlooking impact to occur.

With regards to the neighbour at No 15, where they are at a slightly lower level with a separation distance of approx. 6, they also have a large garage built on the boundary and a single storey rear extension which bridges the gap between the property and garage. This is considered, in part to screen the balcony from the neighbour, however given that the separation distance is less and No. 15 is at a lower level it is considered that an obscure glazed privacy screen would prevent overlooking of the neighbour's property in this case. (condition 3).

With regards to the rear, the property overlooks allotments.

The proposal, subject to condition, therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan which states that development should minimise impact on residential amenity of future and neighbouring occupiers. Having considered the above factors affecting neighbouring properties and relevant policies, the proposed rear balcony is not deemed to result in any significant harm upon the residential amenity, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive is not being affected by the proposal, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the extension would have no impact on the existing roof structure of the host property as it will but up against the existing rear elevation of the property.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

It should be noted that no representations have been received as a result of site publicity.

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/93334

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 51 of the Planning and Compulsory Purchase Act 2004.

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: To ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted details shown, the balcony hereby approved shall not be brought into use until a glass balustrade measuring 1.68 metres in height from the finished floor level of the balcony on the east facing elevation has been erected. The balustrade shall be constructed from obscure glazing which shall be equivalent to, or more obscure than, Grade 4 privacy

level. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the balustrade shall be thereafter retained with the same obscure glazing privacy level.

Reason: In the interests of residential amenity, to avoid overlooking or loss of privacy to the adjoining occupiers at 15 Kaye Lane and to accord with Policy LP24 (c) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing layout & elevations	A (00)-01		6.10.20
Proposed layout & elevations	A (10)-01		6.10.20

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 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. The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated:

2.12.20

Coal – low risk