

**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: 2020/62/93535/W

Site Address: 29, Meadow Lane, Slaithwaite, Huddersfield, HD7
5EX

Description: Erection of raised decking

Recommending Officer: Laura Yeadon

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 05-Feb-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93535>

Site Description

29 Meadow Lane is a semi-detached property constructed from stone with a concrete tiled roof. The design features include a projecting rear element. Hardstanding is located to the front elevation and to the rear is a lawned garden and decking. The property is three storeys in height to the rear elevation and two storeys from the front. Boundary treatments consist of fencing and balustrade. The surrounding area is predominantly residential comprised of mainly terraced and semi-detached properties.

Description of Proposal

Permission is sought for the erection of raised decking.

The existing decking would be replaced with composite and glass would replace the existing balustrade. The decking projects 3.5 metres and a width of 7.6 metres and is at the current garden level being 1.9 metres at the point where the posts meet the ground level.

It is proposed that a lower level area would be created which would be set down from the existing decking by 1.6 metres. It is proposed that the decking would project 4.2 metres and would be 8.5 metres in width and would accommodate a staircase. The post height to support the deck would be 2 metres. It is proposed that the void under both platform would be composite cladding.

The glass panelling to enclose the decked areas would be a height of 1 metre.

History of negotiations/amendments received

No amended plans have been requested or submitted.

Relevant Planning History

1987/02056 Outline application for residential development
Granted Conditionally

1991/01122 Erection of residential development
Refused

1991/01123 Renewal of outline permission for residential development
Conditional Outline Permission

1993/03162 Erection of residential development

Approval of Reserved Matters

- 1996/90026 Variation of Condition 1b relating to expiry dates on previous approval 94/61/03162/W1 for erection of residential development
Conditional Full Permission
- 1996/91180 Renewal of unimplemented outline permission for residential development
Conditional Outline Permission
- 2003/94380 Erection of 62 dwellings
Withdrawn
- 2004/90156 Erection of 61 dwellings with garages
Section 106 Full Permission
- 2005/93524 Erection of 6 no. dwellings with garages (amended house types)
Conditional Full Permission
- 2012/93226 Compliance conditions on previous permission 2004/90156 for erection of 61n dwellings with garages
Compliance with Conditions Refused
- 2014/93745 Certificate of lawfulness for existing erection of 4 dwellings
Withdrawn

Representations

We are currently undertaking the legal 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.

Final publicity date expired 9th December 2020 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

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).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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. 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

In terms of visual amenity the decked areas would be in the form of two separate areas linked by steps. The upper level would replicate the existing with the timber being replaced with composite and enclosed with glass balustrade. It is proposed to form a lower decked area which would utilise the overgrown steeply sloped section of garden. Due to the support posts for the decking being exposed, it is considered that to clad the voided sections would be a visual improvement to the existing layout for the site.

Due to the topography of the area the rear gardens to the properties can be seen not only from the cricket ground below but also from beyond. A number of properties along Meadow Lane have created decked and terraced areas and therefore, to create an additional lower decked area would not be out of keeping within the street scene. In addition, the use of glass for the balustrade would assist with the softening of the structure and would not create an obtrusive feature when viewed from public vantage points.

It is not considered that the proposal would result in an overdevelopment of the site.

As such, in terms of visual amenity, the proposed decking is considered to be acceptable and would accord with both local and national policy.

3 – Impact on residential amenity:

In terms of residential amenity, the upper deck would be a replacement of the existing with a lower deck created below. It is not considered that the lower decking would have a detrimental impact on the cricket ground as the existing relationship between the ground and the dwellings would remain unchanged. There would be no material difference to the potential for ball strike. The neighbouring dwellings utilise their rear gardens in different ways, including upper and lower sections of their gardens. This has resulted in a variety of terraces and decking being constructed over the years. In general, the provision of new lower terrace areas would not result in undue overlooking of neighbouring gardens, over and above that already possible from the upper deck. No. 27 also utilises the lower part of the garden. As such, the formation of a lower deck is not considered to impact on this neighbour over and above the existing situation in terms of overlooking. The attached neighbouring property No. 31 does not utilise the lower garden area as intensively and therefore there would be no further impact on this property. It is not considered that the proposal would result in undue overshadowing or be an overbearing structure which would cause significant harm; this again takes into account the existing relationship between gardens and the extensive open outlook the gardens enjoy over the cricket ground that would remain unchanged.

It is therefore concluded that the proposal is acceptable in terms of residential amenity.

4 – Impact on highway safety:

None

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. Due to the small scale nature of the proposal it is not considered that specific mitigation measures are required.

6 – Representations:

None 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: 2020/93535

Officer Recommendation: Approve

Conditions

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 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			19 th October 2020
Proposed floor plan	1		19 th October 2020
Proposed side elevation	2 – right elevation		19 th October 2020
Proposed side elevation	3 – left elevation		19 th October 2020
Photographs			19 th October 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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 4th February 2021

Coal - none