

**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: 2020/62/93856/E

Site Address: 201, Latham Lane, Gomersal, Cleckheaton, BD19 4AR

Description: Erection of side extensions

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-Feb-2021

Officer Report

Site Description

201 Latham Lane is a detached bungalow in Gomersal. It is constructed from stone for the external walls and is designed with gable roof forms, which are finished in roof tiles. The dwelling benefits from an existing extension to the rear. It is noted at the time of visit that two side extensions and a porch, which were granted under Lawful Development Certificate reference (2020/91577), and a single-storey rear extension (2020/91581) were under construction. Whilst it appeared that work was being carried out to the front of the site, the dwelling previously benefited from a driveway to the front elevation and a garden area to the rear.

The site is located within the Green Belt on the Kirklees Local Plan, with the surrounding area being predominantly residential in nature. The properties within the vicinity vary in terms of their type, style and design.

Description of Proposal

The application seeks planning permission for the erection of two side extensions.

The single-storey extensions would be located to either side of the dwelling, sitting flush with its existing front and rear elevations. The extension to the north-western elevation would have a projection of 5.8m, whilst the extension to the south-eastern elevation would have a projection of 4.5m.

The extensions would be designed with gable roof forms, which would form a continuation of the roof form of the existing bungalow.

A Lawful Development Certificate (2020/91577) has been granted for the proposed extensions. The extensions vary from as shown on the granted certificate by virtue of the height of their ridges, which would be increased by approximately 0.6m.

History of negotiations/amendments received

No amendments were sought or received during the course of the application.

Relevant Planning History

2020/91581 – Prior notification for single storey extension of 6m projection. Granted.

2020/91577 – Certificate of Lawfulness for erection of single storey side extensions and front porch. Granted.

2005/94590 – Certificate of lawfulness for existing use of farmworkers dwelling as private dwelling. Granted.

Representations

The application was advertised by neighbour letters, which expired on 26th January 2021. No representations have been received following this publicity.

Town/Parish Council comments: not applicable.

Consultation Responses

No consultation responses were considered necessary.

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 located in the Green Belt on the Kirklees Local Plan.

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 51 – Protection and improvement of local air quality
- LP 57 – The extension, alteration or replacement of existing buildings within the Green Belt

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 character of the Green Belt 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 application site is located in the Green Belt on the Kirklees Local Plan (KLP). The proposal is for the erection of side extensions.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the KLP states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend

buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

In this instance, the application dwelling has previously been extended to the rear. Whilst individually, the proposed extensions would be of a relatively limited scale, when considered together and alongside the existing additions to the original dwelling, which is of a relatively modest footprint, it is considered that the proposal would amount to disproportionate additions to the dwelling. For the development to be supported, very special circumstances need to be demonstrated.

In this instance it is noted that the property currently benefits from full permitted development rights. A Lawful Development Certificate (2020/91577) has been granted for two single-storey extensions, which, at the time of site visit, were under construction. The current application varies from the granted Certificate by virtue of the ridge heights of the extensions, which would be increased by approximately 0.6m. This is considered a very special circumstance in this instance, and is considered to represent a realistic fall-back position, should this application not be accepted. It is considered that the additional impact on the Green Belt resulting from the increased ridge height of the proposed extensions would not be sufficient to warrant refusal of the application.

In the context of the above, the proposal is considered, on balance, acceptable. However, this is subject to the imposition of a condition removing permitted development rights at the property for the erection of extensions or outbuildings, to ensure that the openness of the Green Belt is protected from any future development.

To summarise, the principle of development is considered acceptable and would comply with the overall aims and objectives of Chapter 13 of the NPPF together with Policy LP57 of the KLP.

The impact of the proposed development on the character and openness of the Green Belt shall now be assessed in the following section of this report.

2 –Impact on the character of the Green Belt and visual amenity:

Part of policy LP57 of the KLP stipulates that ‘the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.’

On this occasion, the application site is located within a cluster of development, which is predominantly residential in nature. The extensions, by virtue of their projection and overall scale, are considered subservient to the host dwelling, which would remain the dominant feature following development. The extensions are considered in-keeping with the host dwelling in terms of their design. Whilst the extensions would be designed with a gable roof form, which would form a continuation of that of the existing dwelling, it is considered that this would not have an additional impact on the visual amenity of the host dwelling, which would be sufficient to warrant refusal of the application. For these reasons, the impact on the visual amenity of the host dwelling is considered, on balance, acceptable.

The proposed extensions would be visible from the Latham Lane. Notwithstanding this, it is noted that the host dwelling is set back in relation to the access road and, as such, it is considered that this would reduce the prominence of the extensions within the street scene to some degree. Whilst the extensions would be located to either side of the dwelling, increasing its footprint, they would be located within the curtilage of the existing residential property and, as such, the impact on the openness of the Green Belt is considered acceptable. To preserve the character of the Green Belt, it is considered acceptable to condition that the extensions shall be finished in materials to match those used in the construction of the host dwelling. For the above reasons, the impact on the street scene and wider area is considered acceptable.

In this respect, it is considered that the proposal would accord with all these requirements for the reasons given above and, as such, is compliant with policies LP57 and LP24 of the KLP.

3 – Impact on residential amenity:

It is considered that sufficient distance would be retained between the proposed extensions and the nearest residential properties, which are located to the north-east and west of the application site, to prevent the proposal from having a harmful impact in terms of overbearing, overshadowing and overlooking.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding

neighbouring occupants, complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposed development would introduce additional bedrooms to the property, with the dwelling benefiting from four bedrooms following development. At the time of visit, it was unclear whether the previous parking arrangements would be retained following development. The applicant's agent has submitted an amended site plan during consideration of the application showing three parking spaces to the front of the dwelling, which are considered sufficient to serve the property following development. 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 bridleway SPE/14/40 is located to the north-west of the application site. The proposed extensions would not project beyond the front elevation of the host dwelling and it is considered that sufficient distance would be retained to prevent the proposal from having a significant impact on the amenity of the bridleway and its users. As such, the proposal is considered to comply with Policy LP23 of the KLP and was not advertised as affecting a PROW 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 comprises domestic development to an existing dwelling. As such, no special measures are 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 have been 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: 2020/93856

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 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions/outbuildings do not have an unacceptable impact on the openness and character of the Green Belt in accordance with the guidance of Chapter 13 of the National Planning Policy Framework.

5. The area indicated for parking on the submitted/listed plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

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
Proposed Plans	(18635) 50	-	30/01/2021
Planning Statement	-	-	11/11/2020

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 submitted during consideration of the application, showing the proposed parking arrangements at the site following development.

Report Dated:

01/02/2021