

**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: 2020/62/93899/E

Site Address: 1, Dunstan Grove, Cleckheaton, BD19 3LE

Description: Erection of single storey rear extension, associated work and partial conversion of garage to living space.

Recommending Officer: Nina Sayers

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: 04-Jan-2021

Officer Report

Site Description

1 Dunstan Grove is an end of terrace, three-storey dwelling in Cleckheaton. It has a driveway to the front, leading to an integral, single garage and there is a garden to the rear. The exterior of the property consists of coursed stonework, roof tiles and white UPVC windows.

The house is located on a residential street, with properties of a similar age, style and design. The entirety of this property and neighbouring houses are in a TPO area, so there are multiple protected trees in the vicinity.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey rear extension, associated work and partial conversion of garage to living space. The extension will serve a dining room and utility room.

The rear extension would project 4 metres from the rear elevation of the property. It would have a shed-style roof measuring 2.1 metres to the eaves and 3.3 metres total roof height. Its width would cover the entire width of the property, at 5.4 metres. The proposed development would also include the reduction in the size of the parking area contained within the garage, to create a larger utility room.

The proposed development would be built using materials that match those existing.

History of negotiations/amendments received

An amended plan of a 4 metre (rather than 3 metre) projection was submitted. This was considered acceptable by the officer. And was not re-advertised due to the small-scale nature of the changes.

An Arboricultural Impact Assessment and Tree survey were provided at the request of Kirklees Council Trees officer.

Relevant Planning History

2020/93317 – application for prior notification for a single storey rear extension refused due to removal of PD rights.

Representations

Final publicity date: 26/12/2020.

The application was advertised by neighbour letter. Final publicity expired 26/12/2020.

Officer comments will be made in section 6 of this report.

Consultation Responses

Kirklees Council's Highways officer was informally consulted regarding the reduction in size of garage and, therefore, concerns over parking provision.

Kirklees Council's trees officer was consulted regarding the proximity of the development to protected trees.

Comments regarding both consultations are discussed in section 6 of this report.

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 unallocated on the Kirklees Local Plan. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The proposal is for the erection of a single-storey rear extension and partial conversion of a garage to living space to an existing residential property. 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.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the KLP.

LP31 of the KLP states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for an extension within the curtilage of an existing residential property. The extension would be relatively small in scale in relation to the host property and would be located within an existing garden area. 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 proposed development is small in scale and is considered subservient to the host dwelling, which would remain the dominant feature following development. The development would be in-keeping with the existing property, in terms of design and materials, and it can be seen from previous planning history that other neighbouring properties have built similar rear extensions to the proposed. Due to the development being at the rear of the property, and surrounded by protected trees, this development would not be visible from the street scene and, so, it would not cause significant harm to the visual amenity of the street scene.

As a result, this development would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, thus complying with policy LP24 in the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity

Impact on 2 Dunstan Grove.

The proposed extension would project 4 metres from the rear boundary shared with 2 Dunstan Grove. This would likely cause some overshadowing to the neighbouring garden. However, the proposed extension would be single storey in nature and the applicant property is to the east of the neighbouring garden and, so, any overshadowing would not cause significant harm. There would be no proposed openings on the adjacent side of the proposed extension, so the development is considered not to cause any significant overbearing harm.

Impact on 14 and 16 Valley Road

The proposed development would project 4 metres towards 14 and 16 Valley Road. However, given the proposed distance and road separating the properties, it is considered not to cause any significant overbearing or overshadowing harm to these properties.

Due to the location of the host property on the end of a terrace, the proposed development will not cause significant harm to any other neighbouring properties.

Having considered the above factors, the proposals are considered to not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The proposed extension would reduce the size of the garage to non-workable dimensions. This raised concerns regarding the parking provision of the property. There would remain one parking space on the driveway of the property and some parking provisions opposite the property. However, this is designed to be guest parking. The extension would serve a kitchen, dining area and utility room and is, therefore, considered not to result in any intensification in the domestic use of the dwelling. After an informal consultation with Kirklees Council's highways officer, it is considered that the proposed parking is acceptable due to other properties on the street having similar parking provision after conversion of their garages to living space. It is considered that the proposed extension will not cause additional harm in terms of highways safety and, therefore, the proposal complies with LP21 and LP22 of the KLP.

5 – Other matters

Trees

Protected trees are located on this application site, so an Arboricultural Impact Assessment and Tree Survey were submitted as part of the application. After consulting with Kirklees Council's trees officer, it was concluded that the information provided was adequate and the development is considered acceptable, as long as it is completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference James Royston 201204. Therefore, the proposed development complies with LP33 of KLP. Please note the relevant footnotes in the decision notice.

Ecology

The site is located within a bat alert layer. A footnote has been added to the decision notice to provide the applicant with advice, should bats, or evidence of bats, be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application, with regards to carbon emissions. However, there are controls in place 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.

6 - Representations

No representations were received.

7 – Conclusion

This application to erect a single-storey extension to the rear of 1 Dunstan Grove 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: 2020/93899

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31 and LP33 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 development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference James Royston 201204. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan.

NOTE: Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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
Location Plan	2220/01/LP1	-	16/11/2020
Block Plan	222/01/BP1	-	16/11/2020
Grouped plans and elevations	2220/01/P2	-	11/12/2020

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.

Report Dated: 04/01/2021