

**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: 2020/62/94069/E

Site Address: 119A, Station Road, Shepley, Huddersfield, HD8 8DU

Description: Formation of new window openings

Recommending Officer: Callum Harrison

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: 20-Jan-2021

Officer Report

119A, Station Road, Shepley, Huddersfield HD8 8DU

Site Description

The application relates to a two-storey detached dwelling faced in stone, with a blue slate roof. The property benefits from an integral garage and driveway to the front and a garden to the rear.

The south-east facing dwelling is set towards the north of a residential estate and is bound by other residential development to the south-west, north-west and north-east, whilst Station Road runs to the south-east of the site.

Description of Proposal

The application is seeking permission for the formation of new window openings. The proposal sees the installation of three velux windows to the rear and one, fixed/non-opening window to the gable in the north-east facing side elevation. The windows are to be Upvc, with no colour specified. These windows would serve a home office and gym in the roof space. The application has been made due to the permitted development rights for the provision of new windows being removed via the permission for the erection of the dwelling.

History of Negotiations

No amendments or negotiations were sought.

Relevant Planning History

2011/91470 - Erection of three detached dwellings with garages and outbuildings was granted (pd rights removed for the provision of additional windows).

Representations

The application was advertised by neighbour notification letters. Publicity expired on 13th January 2021. No representations were received.

Consultation Responses

Kirkburton Parish Council – no comments received.

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 in the Kirklees Local Plan 2019.

Kirklees Local Plan (KLP):

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 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

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 (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.

1. Impact on Visual Amenity

Policy LP24 of the KLP states that *“proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape”*.

The proposed windows will have minimal impact of the visual amenity of the application site and wider street -scene. They are proposed to be located in balanced and even positions, whilst being the scale and quantity is appropriate to the size of the host dwelling. However, given that no colour has been proposed for the Upvc, a condition should be added for the windows to match the existing windows of the host property. This is to ensure the design details respects the style and character of the host dwelling and townscape.

Given the above, the application meets policy LP24 of the KLP and Chapter 12 of the NPPF, regarding visual amenity and design.

2. Impact on Residential Amenity

Policy LP24 of the KLP states that proposal should *“provide a high standard of amenity for future and neighbouring occupiers’ and that development should ‘minimise any impact on residential amenity of future... occupiers”*.

The installation of additional windows has the potential to cause significant impact on the residential amenity of neighbouring occupiers through the loss of privacy and overlooking. This concern is the reason permitted development rights were removed for each of the three dwellings approved under 2011/91470. It should be noted that the pd rights were not removed specifically because of concerns relating to additional windows being installed on this dwelling.

The three proposed velux windows to the rear face towards the stable block to the rear. This stable block is single storey in height and is set 14m away from the rear elevation of 119a. Whilst 119 Station Road is also set to the rear of the application site, the rear elevation of the dwelling does not face directly towards it. Furthermore, the gable in the rear elevation is set between the velux window closest to the dwelling of 119. Given this, the proposed velux windows will not cause material harm to the residential amenity of no.119 in respect of overlooking and privacy.

The proposed fixed window is to be set on the gable of the north-east facing side elevation. The driveway, which serves no.119 runs parallel to this elevation, with no.121 Station Road located on the opposite side of the driveway. No.121 Station Road is a bungalow with a very shallow pitched roof. Given the significant height difference (6m) between the windows of no.121 and the proposed window being discussed, there would be little privacy lost due to the inability to see within the dwellings from the windows in question. Furthermore, the fixed nature of the window restricts the ability to view down towards no.121. A condition will be added to the proposal to ensure that this window is non-opening and retained thereafter. The garden of no.121 is located to the opposite side of no.119a and, therefore, the privacy of the garden would not be harmed materially.

For the reasons above, it is considered that the application adheres to Local Plan Policy LP24 and Chapter 12 of the NPPF regarding residential amenity.

3. Impact on Highway Amenity

The proposal for the installation of windows will not materially impact on highway amenity in any way.

4. Other matters

There are no other matters for consideration.

5. Representations

None.

6. 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.

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: 2020/94069

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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The window hereby approved on the north east facing side elevation as shown in dwg 2078 01 shall be non-opening and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity of neighbouring occupiers and as to accord with Policy LP24 of the Kirklees Local Plan.

4. The Upvc of the windows hereby approved shall match the existing Upvc windows in respect to colour and style and be retained thereafter.

Reason: In the interest of visual amenity and as to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan		1	27/11/2020
Grouped Plans and Elevations	2078 01	1	27/11/2020

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 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. No amendments were sought on this application.

20.01.2021