# 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:** | 2020/62/94146/E |
| **Site Address:** | 154, Hunsworth Lane, Hunsworth, Cleckheaton, BD19 4DR |
| **Description:** | Erection of two storey side extension |
| **Recommending Officer:** | Alice Downham |

**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: 22-Feb-2021**

# Officer Report

## Site Description

154 Hunsworth Lane is a two-storey semi-detached dwelling in Hunsworth, Cleckheaton. It is constructed of brick, with areas of off-white render to the front facing. The roof is a hopped design finished in blue slates. The property benefits from a single-storey rear extension. There is a driveway to the northern side of the property. There is a small garden to the front and a large garden to the rear.

Hunsworth Lane is predominantly residential. The surrounding properties are dominated by brick-built two-storey dwellings of a similar age and size to the applicant property. To the rear of the property is an area of open land designated as Green Belt.

## Description of Proposal

The applicant is seeking permission for the erection of a two-storey side extension. This would project from the northern side elevation of the host dwelling, being constructed over the existing driveway. The proposed extension would accommodate a study/hobbies room on the ground floor level and a bedroom extension and en-suite on the first-floor level. The number of bedrooms at the dwelling would remain the same. The approximate dimensions of the proposed extension are:

6.7m deep x 2.6m wide x 5.5m eaves height (7.6m maximum height).

The proposed extension would be flush with the front elevation of the host dwelling and set forward from the rear elevation by approximately 1.1m. All external materials to match existing, as indicated on the application form, including brick and render to the exterior and uPVC openings. The roof would be a hipped design finished in blue slate to match the existing and set down from the roofline of the host dwelling by approximately 0.4m. There would be openings inserted into the front and rear elevations of the proposed extension.

## History of negotiations/amendments received

Concerns were raised regarding the potential lack of off-street parking at the property post-development. Given the current parking situation of the property and the site context, amended plans were requested showing two off-street parking space within the curtilage of the property. These were provided by the agent and were considered acceptable.

## Relevant Planning History

None at the application site. At neighbouring properties:

89/06388 - Erection of single storey extension to form. Granted conditionally.

89/07348 - Erection of conservatory. Conditional full permission.
2000/92992 – Erection of 2 storey extension. Conditional full permission.
2001/91180 - Erection of single storey rear extensions and conservatories. Conditional full permission.
2004/90881 – Erection of 2 storey side extension. Conditional full permission.
2004/93447 - Erection of two storey extension, canopy and formation of new drop crossing and access. Conditional full permission.
2010/93563 - Erection of front extension. Conditional full permission.

**Representations**

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 12th February 2021.

As a result of the above publicity, no representations have been received.

No parish/town council comments were required in this instance.

**Consultation Responses**

None were considered necessary in this instance.

**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 unallocated on the Kirklees Local Plan.

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 under other matters.

**Kirklees Local Plan (KLP):**

- **LP 1** – Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 31** - Strategic Green Infrastructure Network
- **LP 51** – Protection and improvement of air quality

**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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 9** – Promoting sustainable transport
- **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
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
7) Conclusion

<u>1 – Principle of development</u>:

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.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

Hunsworth Lane is predominantly residential. The surrounding properties are dominated by brick-built two-storey dwellings of a similar age and size to the applicant property. It is important to note that several of the properties on this street have been extended or altered in some way and it is, therefore, considered that dependent on design, scale, and detailing, it may be acceptable to extend the host property.

The proposed two-storey side extension would be less than 50% of the width of the host dwelling and would be set down at the roofline. Therefore, it is considered subservient to the host dwelling, which would remain the dominant feature following development, and an undesirable terracing effect would be avoided. The development would be in-keeping with the existing property in terms of design and materials. The host dwelling and associated curtilage are of a size, which supports the proposed extension, whilst retaining a good quantity of amenity space and without amounting to overdevelopment. Due to the location of the proposed extension to the side of the property, it would be visible from the road and the adjoining property to the north. However, it is noted that other dwellings in the area have erected similar two-storey side extensions (for example, 2000/92992 and 2004/90881). Therefore, the erection of a two-storey side extension at 154 Hunsworth Lane would not look out of place within the street scene.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of Policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

*Impact on 152 Hunsworth Lane*

This is the adjoining property to the south of the application site. The extension would be located on the opposite side of the adjoining property and, as such, would have no impact upon the amenities of the occupiers of the adjoining 152 Hunsworth Lane.

*Impact on 156 Hunsworth Lane*

This is the adjoining property to the north of the application site. This neighbour benefits from a single-storey extension to the rear. There are windows in the side elevation of the neighbouring property on both the ground

floor and the first floor. However, these seem to be smaller secondary windows. There would be no windows inserted into the side elevation of the proposed extension, so there would be no impact from overlooking. The side extension would reduce the space between the host property with a structure of some height given the two-storey nature of the proposal, resulting in overbearing and loss of light. However, given that the width of the proposed extension is only 2.6m, and that the driveway of the adjoining property would provide separation, it is considered that the overbearing and overshadowing impact would not be significant over and above the existing arrangements on site. It is considered, therefore, that the harm to 156 Hunsworth Lane would not be so significant as to justify refusal of the scheme.

*Impact on 129 & 131 Hunsworth Lane*

These are the neighbouring properties to the front elevation of the application site, on the opposite side of Hunsworth Lane. There would be no significant impact upon the amenities of the occupiers of 129 & 131 Hunsworth Lane, given the separation provided by the front gardens of the dwellings and the road between. Furthermore, the existing windows in the front elevation already look towards these neighbours. Therefore, the new windows would have no further impact over and above the existing arrangements on site.

There are no neighbouring properties to the rear of the application site.

Having reviewed the above, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

<u>4 – Impact on highway safety</u>:

The proposed extension would project from the northern side elevation of the host dwelling, being constructed over the existing driveway. The proposed extension would accommodate a study/hobbies room on the ground floor level and a bedroom extension and en-suite on the first-floor level. The number of bedrooms at the dwelling would remain the same. The extension is, therefore, unlikely to result in an increase in the domestic use of the dwelling but it would affect the existing parking arrangements at the site. A parking plan was requested and submitted, showing that the front garden at the property would be converted into hardstanding parking measuring approximately 7.3m x 6.3m, sufficient for at least two cars. A condition will be attached to the decision notice specifying the standards for resurfacing the off-street parking area. Subject to the above condition, the proposal would not represent any additional harm in terms of highway safety and would accord with Policies LP21, LP22, and LP28 of the KLP and Chapter 9 of the NPPF.

<u>5 – Other matters</u>:

*Carbon Budget*

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application, with regards to carbon emissions. However, there are controls in terms of Building Regulations, which would need to be adhered to as part of the construction process and which would 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.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans, to ensure the development is carried out in line with the officer's assessment.
- Matching materials, to ensure that the extension harmonises with the host dwelling.
- Accordance with government guidance for surfacing of the vehicle parking area, to ensure highway safety and a satisfactory layout.

Notes will also be added regarding the hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application to erect a two-storey side extension at 154 Hunsworth Lane, Hunsworth, Cleckheaton, 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 development 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**: 2020/94146
**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, LP21, LP22, LP24, LP28, LP31, and LP51 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. The development shall not be brought into use until all area indicated to be used for parking on the approved plan has been laid out with 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/turning thereafter.
**Reason**: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21, LP22, and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

**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** |
|---|---|---|---|
| Grouped Plans and Elevations | 20/185 - Proposed | - | 04/01/2021 |
| Grouped Plans and Elevations | 20/185 - Existing | - | 04/01/2021 |
| Proposed Site / Block Layout | 20/185 Site Plan (Revised) | - | 18/02/2021 |
| Location Plan | | - | 21/12/2020 |

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 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.

Concerns were raised regarding the potential lack of off-street parking at the property post-development. Given the current parking situation of the property and the site context, amended plans were requested showing two off-street parking space within the curtilage of the property. These were provided by the agent and were considered acceptable.

**Report Dated:** 19/02/2021