

**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: 2020/62/94162/E
Site Address: 40, Child Lane, Roberttown, Liversedge, WF15 7LZ
Description: Erection of single storey rear extension
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: 28-Jan-2021

Officer Report

Site Description

40 Child Lane is a two-storey mid-terraced dwelling in Roberttown, Liversedge. It has a garden to the front and rear. Next to the property is a single-storey archway, which has a driveway leading through it to a shared parking area at the rear. The exterior of the property comprises coursed stone walling, a concrete tiled roof and brown UPVC windows and doors.

This house is located on a residential street, with properties of a variety of sizes, ages and designs.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey rear extension to create a dining area. The proposed extension would project 3 metres from the rear elevation of the property, with a width of 3.8 metres, almost the entire width of the existing dwelling. The proposed development would have a pitched roof, with a height to the eaves of 2.4 metres, creating a total height of 3.7 metres.

The proposed works would be built from materials that match the existing dwellinghouse.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

No relevant planning history.

Representations

Final publicity date: 22/01/2021.

The application was advertised by neighbour letter. Final publicity expired on the 22nd January 2021.

No representations were received.

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

Consultation Responses

No consultations were considered necessary for this application.

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.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – 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
- 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 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 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 with 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.

2 – Impact on visual amenity

The proposed development would extend from the rear elevation of the property by 3 metres. Due to it being at the rear of the property, it would not be visible from the street scene. 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.

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

3 – Impact on residential amenity

Impact on 42 Child Lane

The proposed development would extend from the rear elevation shared with this adjoining neighbour by 3 metres. This may cause some overshadowing to 42 Child Lane. However, the proposed works are small-scale, single-storey and due north of the neighbouring garden. Because of this and the existing, large, fence separating the two properties, the proposal is considered to not cause any significant overshadowing harm to the neighbouring property. There are no proposed openings in the side elevation of the proposed extension, so no harmful overbearing or overlooking will be caused by this development.

Impact on 38 Child Lane

There is a driveway separating the proposed development with the neighbouring garden of this house. As a result of this separation distance, and because there are no openings in the side elevation of the proposed development, no harmful overbearing or overshadowing harm is considered caused by the development.

Having reviewed 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 extension would serve a dining area and is, therefore, considered not to result in any intensification in the domestic use of the dwelling, so the existing parking provision is acceptable. It is considered that the proposed extension will not cause any additional harm in terms of highways safety and the proposal complies with LP21 and LP22 of the KLP.

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.

The proposal is a small-scale domestic development to an existing dwelling. As such, no specific measures are 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 rear extension to 40 Child Lane 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: 2020/94162

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 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.

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	Date Received
Location Plan	1502/01	04/11/2020
Grouped proposed plans and elevations	1502/09	04/11/2020
Grouped existing plans and elevation	1502/02	04/11/2020

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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated: 26/01/2021