

**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: 2020/62/94384/E

Site Address: 72, Station Lane, Birkenshaw, BD11 2JE

Description: Erection of extensions to front and rear

Recommending Officer: Jennifer Booth

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: 09-Mar-2021

OFFICER REPORT

Site Description

72 Station Lane is a brick built, detached dwelling, with a large garden and drive to the front and a larger enclosed garden to the rear. The property has an existing conservatory and a single storey extension to the rear.

The property is within a row of similarly aged dwellings, with older stone properties on the opposite side of the road. The property backs onto a wooded area.

Description of Proposal

The applicant is seeking permission for a single storey extension to the front and single and two-storey extensions to the rear.

The front extension is proposed to project 1.5m from the front wall of the dwelling and would have a width of 6.3m with a lean-to roof form.

A two-storey extension would replace the existing conservatory with a projection of 2.7m and a width of 3.7m with a hipped roof form. This would infill the rear corner of the property.

The existing single-storey rear extension would be replaced with a single and two-storey rear extension. The extension would project 3m from the original rear wall of the dwelling and would extend across the width on the ground floor and 4.4m at first floor level. The roof over the first floor would be hipped, with a flat roof with parapet and a lantern over the ground floor.

The extensions are proposed to be constructed using brick for the walling with tiles for the roof covering.

Relevant Planning History

87/03687 - erection of kitchen extension and conservatory - approved

Representations

The application was advertised by site notices and neighbour letters, which expired on 03/03/2021

Following the above publicity, one representation has been received. The following material considerations have been summarised below: -

- Overshadowing,
- Overlooking,
- Overbearing impact.

Any other issues raised are considered not to be material and, as such, have not been included within the report.

Consultation Responses

None.

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 Proposals Map.

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 KLP policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity

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, and 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 12 – Achieving well-designed places

- Chapter 15 – Conserving and enhancing the natural environment

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) Negotiations
- 7) Conditions
- 8) 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.

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

2 –Impact on visual amenity:

The host property is located on a residential street with properties of a similar age, although there are some variances in terms of style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises two distinct elements, which shall be addressed below.

Front extension

Given the limited scale of the front extension together with the use of appropriate materials, the front extension is considered acceptable in terms of visual amenity.

Rear extension

The host property and its associated curtilage are of a sufficient size to support the proposed extension without amounting to overdevelopment. Furthermore, the dwelling would retain a reasonably sized amenity space. As

such, the scale is considered acceptable. The materials proposed would match the main house on the side walls with render on the rear. Given the mixed palette in the wider area, this is considered acceptable. It is further noted that there are varying extensions in the wider area. The rear extension is considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the KLP (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in-keeping with the existing building 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, extensions minimising impact on residential amenity of future and neighbouring occupiers.

There are no properties directly to the front or rear of the dwelling, which could be affected by the works proposed. The front extension is of a limited scale, which would have no effect on either of the neighbouring properties.

Impact on 70 Station Lane

This neighbouring dwelling has recently constructed a side and rear extension, which will screen much of the proposed rear extension. Given this, officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 70 Station Lane.

Impact on 74 Station Lane

The extension to the rear would be close to the shared boundary with this adjacent property. However, the projection is limited to 3m, which is generally considered to be acceptable. Furthermore, the roof form would be hipped, which would result in a limited massing and the vertical emphasis being taken up and away from the adjacent neighbour. It is also noted that there are no openings proposed in the side elevation. Although there would be windows at first floor, the scope of these in terms of view, is similar to the existing arrangements. Although there will be some impact on the amenities of the occupiers of the adjacent dwelling, this would not be so significant as to justify refusal.

Having reviewed the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP (b) in

terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient parking provision. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with Policy LP22 of the KLP.

5– Other matters:

Biodiversity

After a visual assessment of the building, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small-scale 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.

There are no other matters for consideration.

6 – Representations:

None.

7 – Negotiations:

One representation has been received. The following material considerations have been summarised below: -

- Overshadowing,
- Overlooking,
- Overbearing impact.

The issues have been addressed within the residential amenity section of this report.

Any other issues raised are no considered to be material and, as such, have not been included within the report.

8 – Proposed 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 extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.

9 – Conclusion:

This application to erect a single storey extension to the front and single and two-storey extensions to the rear of 72 Station 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: 2020/94384

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 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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 they 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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	Web ID	Date Received
Location plan	-	849593	15/01/2021
Block plan	-	849594	15/01/2021
Existing plans	-	849592	15/01/2021
Proposed plans	-	849591	15/01/2021

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

08/03/2021