

**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: 2021/62/90117/E

Site Address: 213, Moor Lane, Birkenshaw, BD11 2NX

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: 09-Mar-2021

Officer Report

Site Description

213 Moor Lane is a two-storey semi-detached property in Birkenshaw. It is constructed of brick, with a gable roof finished in concrete pantiles. The property benefits from an attached garage and utility to the side. There is a driveway and hard standing parking to the front, and gardens to the front and rear.

The location of the site is within a residential area. The surrounding properties to the west and south are similar in terms of age, style, and materials. To the north, stone-built detached properties are predominant. To the east of the property, on the opposite side of Moor Lane, 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. The proposed extension would replace the existing garage and utility to the side of the property and would accommodate a utility, office, and garage/store on the ground floor, and a fourth bedroom with en-suite on the first floor. The approximate dimensions of the proposal are as follows:

8.6m deep at the ground floor level (flush with porch at front elevation), 7.4m deep at the first-floor level (flush with front elevation of host dwelling at first floor level). 2.7m wide x 7.7m maximum height (5.4m eaves height).

Proposed materials consist of facing brickwork and uPVC openings to match the existing. The garage door would be re-used. The roof would be a gable design, flush with the roofline of the host dwelling, finished in concrete pantiles to match the existing. There would be openings inserted into the front, rear, and side elevations of the proposed extension.

The canopy roof to the front of the property over the porch and existing garage would be changed from a flat roof to a mono-pitch design, finished in concrete tiles to match the existing.

History of negotiations/amendments received

Concerns were raised regarding the potential lack of off-street parking at the property post-development. Amended plans were requested showing three off-street parking spaces within the curtilage of the property. Plans were provided by the agent showing that off-street parking for 3 cars is currently available at the property. This is considered acceptable.

Relevant Planning History

None at the applicant property. At neighbouring properties:

99/91725 - Erection of 2 storey extension. Refused.
99/92629 - Erection of 2 storey extension. Conditional full permission.
2005/91718 - Erection of 2 storey extension. Conditional full permission.
2011/91284 - Erection of single and two storey extensions and porch.
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 5th March 2021.

Following the above publicity, no representations were received.

No parish/town council comments are 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 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

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 location of the site is within a residential area. The surrounding properties to the west and south are similar in terms of age, style, and materials. To the north, stone-built detached properties are predominant. It is important to note that several 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 side extension would be less than 50% of the width of the host dwelling and is considered subservient to the host dwelling, which would remain the dominant feature following development. It is considered that, although the proposed extension would be flush with the roofline and front elevation of the host dwelling, there would not be a terracing effect, due to the relationship with the neighbouring property, which is at a slightly higher elevation and set forward. Given the site-specific circumstances, the extension being flush with the roofline and front elevation of the host dwelling is considered acceptable from a visual amenity perspective. The development would be in-keeping with the existing property in terms of design and materials. Due to the location of the proposed extension to the side of the property, it would be visible from the road and the neighbouring property to the north. However, it is noted that other dwellings in the area have erected similar two-storey side extensions. Therefore, the erection of a two-storey side extension at 12 Woodlands Crescent 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 211 Moor Lane

This is the adjoining property to the south of the application site. This property benefits from a conservatory to the rear. 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 211 Moor Lane.

Impact on 215 Moor Lane

This is the adjoining property to the north of the application site. This property benefits from a detached garage and single-storey extension to the rear. This property is at a slightly higher elevation and set forward from the applicant property. There would be two obscurely glazed windows inserted into the proposed side extension at the ground floor level. It is considered that the new

windows would have no significant impact over and above the existing arrangements on site. The proposed two-storey side extension would be constructed on the same footprint as the existing attached garage and development would come no closer to this neighbour than at present. There is a driveway to the side of the neighbouring property, which would maintain the separation distance. The proposed extension would be two-storey, meaning there would be an additional impact from overshadowing and overbearing compared to the existing situation, particularly given the location of the applicant property to the south of this neighbour. However, it is considered that the harm would not be so significant as to justify refusal of the scheme.

Impact on 1 Norwood Crescent

This is the neighbouring property to the rear elevation of the application site. This property benefits from a detached outbuilding to the rear. There would be no significant impact upon the amenities of the occupiers of 1 Norwood Crescent, given the separation provided by the rear gardens of the dwellings and the screening effect provided by detached outbuildings/garages at 1 Norwood Crescent and 215 Moor Lane. Furthermore, the existing windows in the rear 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 front elevation.

Having reviewed the above factors, 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.

4 – Impact on highway safety:

The proposed two-storey side extension would replace the existing garage and utility to the side of the property and would accommodate a utility, office, and garage/store on the ground floor, and a fourth bedroom with en-suite on the first floor. The extension is, therefore, likely to result in a modest increase in the domestic use of the dwelling and would not affect the existing parking arrangements at the site. Plans were provided by the agent showing that off-street parking for 3 cars is currently available at the property. The current parking arrangements are considered sufficient. Therefore, the scheme would not represent any additional harm in terms of highway safety and, as such, it complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

5 – Other matters:

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 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.

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 for the erection of a two-storey side extension at 213 Moor Lane, Birkenshaw, 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: 2021/90117

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, 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.

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	GAP01- FLOOR	-	14/01/2021

Plan Type	Reference	Version	Date Received
Elevations	PLANS		
Existing Elevations	EXE01	-	14/01/2021
Proposed Elevations	GAE01	-	14/01/2021
Location Plan	EXP01	-	14/01/2021
Proposed Site / Block Layout	EXP02	-	14/01/2021
Proposed Site / Block Layout	GAP90 – CAR PARKING ARRANGEMENT	-	23/02/2021

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 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. Amended plans were requested showing three off-street parking spaces within the curtilage of the property. Plans were provided by the agent showing that off-street parking for 3 cars is currently available at the property. This is considered acceptable.

Report Dated: 08/03/2021