

**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: 2021/62/90129/E

Site Address: 136, Hunsworth Lane, Hunsworth, Cleckheaton, BD19
4DR

Description: Erection of two storey side 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: 15-Mar-2021

Officer Report

Site Description

136 Hunsworth Lane is a two storey, semi-detached dwelling in Cleckheaton. It has a driveway at the front of the property, which leads to a detached garage and there is a garden to the front and rear. The exterior of the proposed development is comprised of red brick and pebbledash walling, concrete tiled roofing and UPVC windows and doors. It appears the property has already had a single-storey rear extension erected.

The proposed development is located on a residential street, with properties of a similar style, age, and design.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey side extension.

It would project 3.6 metres from the side elevation of the existing property, partly sharing a footprint with the existing detached garage. It would share a front elevation with the existing principal elevation and would have a depth of 5.3 metres. It would have a pitched roof, the height to the eaves would match the existing and the total roof height would be set down from the existing at 7.1 metres. There would be a bay window, similar in design to the existing, on the ground floor front elevation and the existing canopy would be continued onto the extension. There would be a rear ground floor door and a window in both the front and rear elevation of the first floor.

The materials used in construction would all match the existing dwellinghouse.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

2015/94050 Erection of two storey side extension. Conditional full permission. The plans submitted for this application are very similar in design and scale to those proposed in 2015.

Representations

Final publicity date: 8th March.

The application was advertised by neighbour letter. Final publicity expired 8th March 2021.

One representation was received following the above publicity.

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

Consultation Responses

Kirklees Council's Strategic Waste officers were consulted due to the proximity of this site to a historic landfill site. Based on the information regarding the historic landfill site, no comments or actions were deemed necessary.

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 two-storey side 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 remain subservient to the host property and would be located within 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 be set down from the existing dwelling roof height, so would remain the dominant feature following development. The development would be in-keeping with the existing property in terms of design and materials. There are several other properties on the street that have had both single storey and two-storey side extensions erected, so the proposed development would be in-keeping with the character of the street scene.

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

3 – Impact on residential amenity

Impact on 134 Hunsworth Lane

The proposed development would project towards this neighbouring property by 3.6 metres. The neighbouring property is angled away from the application site and the proposed extension would not be the full depth of the existing house. It would not project closer than the existing double garage but would be two storeys in height, rather than one. There would be no openings in the proposed side elevation. 134 Hunsworth Lane has a window in its first-floor side elevation but this appears to be obscurely glazed, so it is unlikely it serves a primary inhabited room, and it would remain separated from the proposed extension by the property's driveway. It is, therefore, considered that no significant overshadowing, overbearing or overlooking harm would be caused to the neighbouring property, as a result of the proposed development.

Impact on 138 Hunsworth Lane

The host dwellinghouse is semi-detached but the proposed development would be on the side elevation on the opposite side of the host property to this

neighbouring property. It is, therefore, considered that no significant harm to the amenity of the neighbours at 138 Hunsworth Lane would be caused by this 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, complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The extension would serve a hobbies room and a bedroom and, so, would result in the intensification in the domestic use of the dwelling. The proposed development would also include the demolition of the detached garage. There would remain parking provision for one vehicle on the driveway. Normally, in these circumstances, an additional parking space would be requested. However, due to a very similar sized and styled two-storey side extension being previously approved at this property (2015/94050) and given the other properties on the street with large extensions and similar parking, it would be unreasonable to refuse this application based on these grounds. It is considered that the proposed extension would 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

One representation was received that did not raise concerns with the proposed extension but objected to building work being done outside of normal working hours and to the parking of skips and construction vehicles on Greenwood Avenue.

These issues are civil matters to be discussed between the neighbour and the applicant and are not planning considerations as adequate road access is provided to the site. There is a footnote included in the decision notice with recommended hours for construction work.

7 – Conclusion

This application to erect a two-storey extension to the side of 136 Hunsworth 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: 2021/90149

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		26/01/2021

Grouped existing plans and elevations	21/8	26/01/2021
Grouped proposed plans and elevations	21/8	26/01/2021

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: 12/03/2021