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:	2021/62/90284/E
Site Address:	49, Stocks Way, Shepley, Huddersfield, HD8 8DL
Description:	Erection of single storey side and rear extension and single storey porch to front
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: 23-Mar-2021

Officer Report

Site Description

49 Stocks Way is a two-storey, semi-detached dwelling in Shepley. It has a garden to the front and rear and a driveway, which runs along the full length of the site to a detached garage located to the rear of the property. It appears from site photos and the submitted plans that a sunroom has been erected to the rear of the property. The exterior of the property is comprised of feature brickwork on the front elevation and buff brick to the side and rear. Concrete tiled roofing and white UPVC windows.

The property is located on a residential street, with other properties of a similar age, design and size but a variety of materials.

Description of Proposal

The applicant is seeking permission for the erection of a single-storey side and rear extension and a single-storey porch to the front of the property.

Side and rear extension
The proposed side extension would project 2.7 metres from the side elevation of the property. It would be the entire width of the existing dwelling plus an additional one metre projection from the rear elevation, creating a total depth of 8.5 metres. It would have a hipped-style roof, with a height to the eaves of 2.4 metres and a total roof height of 3.6 metres. The proposed extension would be built from buff brick to match the side and rear of the existing property. It would serve a garage and a utility room and would include a garage door on the front elevation and a door on the rear elevation.

Front porch
The proposed porch would project from the front elevation by 1.8 metres, with a width of 2.5 metres. The porch would have a gable-style roof, with a height to the eaves of 2.4 metres and a total height of 3.4 metres. It would also be built from buff brick to match the side and rear of the existing property and would have one window on the side elevation as well as a door on the front elevation.

History of negotiations/amendments received

The description was amended to include the rear extension, to cover the proposed one metre projection past the existing rear elevation.

Relevant Planning History

2006/90881 Erection of single storey extension. Full conditional permission.

Representations

Final publicity date: 16/03/2021.

The application was advertised by neighbour letter. Final publicity expired 16/03/2021.

No representations were received.

No comments were received from Kirkburton Parish Council.

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

Consultation Responses

No consultees were considered 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 single storey side and rear extension and front porch 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 subservient to the host dwelling and would be located within an existing garden area. In this case, the principle of development is considered acceptable and it 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

Side and rear extension
The proposed side extension would alter the appearance of the front elevation of the property. There are several neighbouring properties with side extensions of a similar size and design and, so, the proposal would not be out of character with the wider street scene. It would be built from buff brick, which differs from the existing front elevation but matches the side and rear of the property, so it would still be in keeping with the host dwelling in terms of materials and design.

Front porch
The proposed front porch would project from the front elevation of the host dwelling. It would be in keeping with the proposed development and is considered acceptable in terms of size. The proposed would be built from buff brick, which differs from the existing front elevation but matches the side and rear of the property. Given the variety in materials in the wider street scene and considering the proposed materials would be acceptable for a front porch built under permitted development, this is considered acceptable, in this instance.

As such, it is considered 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 47 Stocks Way
The proposed side elevation would be on the opposite side of the host property to this adjoining neighbouring property. Therefore, it is considered that no harm would be caused by the proposed side extension to the amenity of the residents at 47 Stocks Way.

The proposed front porch would be small in scale and would remain at a significant distance to prevent any overshadowing or overbearing harm. It would include a window in the side elevation. It would be 3.5 metres from the neighbouring boundary and would face the front garden of 47 Stocks Way, which is not a primary inhabited space. Therefore, it is considered that no harmful overlooking would be caused by the proposed extension.

Impact on 51 Stocks Way
The proposed side extension would project towards this neighbouring property by 2.7 metres. This may cause some overbearing impact to the neighbouring property, but this is considered acceptable, in this instance, as it would face a driveway and it would be single storey in height and would have a hipped-style roof, which would reduce the overbearing impact of the proposed side elevation. There are no windows on the side elevation of either the proposed extension or the neighbouring ground floor side elevation, so no additional overlooking harm would be caused by the proposed development.

The proposed front porch would be small in scale and would remain at a significant distance to prevent any overshadowing or overbearing harm. There would be no openings in the side elevation facing 51 Stocks Way, so no overlooking harm would be caused by the proposed development.

Having reviewed the above, 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 and chapter 12 of the NPPF.

4 – Impact on highway safety

The proposed development would not result in any intensification in the domestic use of the dwelling but would prevent access to the existing garage and would be built on some of the existing driveway. A new garage would be included in the proposed development, which would be slightly smaller than recommended workable dimensions but, given the proposed development also includes a utility room, this is considered acceptable, in this instance. Parking provision for one vehicle would remain unaffected on the driveway to the front of the property.

It is, therefore, considered that the proposed parking provision is acceptable. It is considered that the proposed extension would not cause any additional harm in terms of highways safety and the proposal complies with policies 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 side and rear extension and a single-storey front porch to 49 Stocks Way 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: 2021/90284

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
Grouped plans and elevations	01C	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.

The description was amended to include rear extension to cover the proposed one metre projection past the existing rear elevation.

Report Dated: 18/03/2021