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:	2021/62/90408/E
Site Address:	107, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Erection of two storey side and single storey rear extensions
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: 27-Apr-2021

Officer Report

Site Description

107 Marsh Lane is a two-storey, detached dwelling in Shepley. The property has a garden to the front and rear and a driveway, which runs along the side of the property to a detached garage. The exterior of the property is constructed from coursed natural stone walls, natural blue slate tiled roofing and uPVC windows.

The property is located on a residential street, with properties of a variety of styles, ages and designs.

Description of Proposal

The applicant is seeking permission for the erection of a two-storey side and single storey rear extensions.

Two-storey side extension
The proposed extension would project 4 metres from the side elevation of the existing dwelling. It would be set back from the principal elevation of the property by 1.2 metres and would share the same rear elevation as the existing dwelling, a total depth of 7.3 metres. It would be two-storey with a pitched roof design that would be set down from the existing roof height by 0.5 metres. The proposed side extension would serve a study, W.C. and utility space on the ground floor and a bedroom with an en-suite bathroom on the first floor.

Single-storey side extension
The proposed rear extension would project 3 metres from the rear elevation of the host dwelling, with a width of 7.6 metres, the same as the original dwelling. It would have a shed style roof with a total height 4.5 metres, due to the elevation difference between the front and rear or the property. The proposed extension would serve an extension to the existing kitchen, dining area and would have 5 metre-long bi-folding doors in the rear elevation and three velux style windows in the roof.

The proposed would be constructed from coursed natural stone walls, natural blue slate tiled roofing and uPVC windows and doors, all the match the existing.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

No relevant planning history.

Representations

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

No representations were received.

No comments received from Kirkburton Parish Council.

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

Consultation Responses

No consultees were considered necessary for this report.

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 and 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 set back and down from 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 be in keeping with the existing property in terms of design and materials. It would be visible from the street. However, it is considered not to cause significant harm to the visual amenity of the street scene due to the large variety in styles, ages and materials of the neighbouring properties. The proposed development would be set back from the principal elevation and set down from the existing roof height, so, it would be considered subservient to the host dwelling, which would remain the dominant feature following development.

Therefore, 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 109 Marsh Lane

The proposed rear extension would project 3 metres from the rear of the existing dwelling. Due to the location of both the host dwelling and this neighbouring property, the proposed extension would remain a significant distance from 109 Marsh Lane and would be separated by an unadopted road. There would be no openings on the side elevation of the proposed

extension and, so, it is considered that no significant overbearing, overshadowing or overlooking harm would be caused to the amenity of the neighbouring property.

The proposed side extension would be on the opposite side of the application dwelling to the neighbouring property and so would not cause significant harm to the amenity of 109 Marsh Lane.

Impact on 105 Marsh Lane
The proposed side extension would project towards this neighbouring property by 4 metres but would be adjacent to 105 Marsh Lane's driveway and so it is considered no significant overbearing or overlooking harm would be caused to the amenity of this neighbouring property. There would be one opening proposed in the side elevation of the proposed extension, which would serve a W.C. and so would be obscurely glazed and, therefore, no overlooking harm would be caused by the proposed development.

The proposed rear extension would remain a substantial distance from this neighbouring property and so would not cause significant harm to the amenity of the neighbouring property.

Impact on 105b Marsh Lane
The proposed rear extension would have bi-folding doors in the rear elevation which could cause some overlooking to the neighbouring property but the proposed would-be single storey and there remains significant boundary treatment between the properties. The closest elevation of 105b Marsh Lane would remain 18 metres from the proposed extension and so no harm is considered caused to the neighbouring property.

The side extension would share a rear elevation with the existing dwelling, which also includes openings, so no additional harm is considered 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, complying with Policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety

The extension would serve and additional bedroom, taking the property from a two-bedroom to a three-bedroom dwelling. Adequate parking provision has been provided on the submitted plans, which shows parking provision for two vehicles. It is considered that the proposed extension will not cause any additional harm in terms of highway 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 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 and two-storey side extension to 107 Marsh 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: 2021/90408

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 12of the National Planning Policy Framework.

4. The development shall not be occupied until the WC window in the side elevation of the extension hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims 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 existing plans and elevations	20138D-01-P01	03/02/2021
Proposed floor plans	20138D-11-P01	03/02/2021
Proposed elevations	20138D-12-P01	03/02/2021

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 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: 26/04/2021