

**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: 2021/62/90836/E

Site Address: 47, Town Moor Lane, Thurstonland, Huddersfield,
HD4 6XF

Description: Erection of side extension, raised deck to rear and
new entrance

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: 26-Apr-2021

OFFICER REPORT

Site Description

47 Town Moor Lane is a semi-detached dwelling with artificial stone and timber detailing on the front elevation and brick to the side and rear. The property has an attached single storey garage to the side, a garden and drive to the front and an enclosed garden to the rear.

The property has similar dwellings to each side, older stone cottages on the opposite side of the road and it backs onto a similarly aged, detached bungalow to the rear.

Description of Proposal

The applicant is seeking permission for a side extension to the side, a raised deck to the rear and a new entrance to the front.

The side extension would project 0.7m beyond the front wall on the ground floor, projection between 3.4m and 3.7m from the original side wall of the dwelling and would lie flush with the rear wall of the dwelling. The first floor would lie flush with the front wall of the main house and would project at the same level down the depth of the dwelling. The roof form over the two-storey element would be pitched with a small flat roof over the projecting element to the front.

The walls of the extension would be artificial stone with timber cladding on the front elevation and brick to the side and rear, with tiles for the roof covering.

The plans include a raised deck, which would be constructed using timber and would have a height of between 0.5m and 0.65m from the ground level, with a projection of 2.5m and a width of 3.6m with a 1.1m balustrade.

Relevant Planning History

None.

Representations

The application was advertised by site notices and neighbour letters, which expired on 19/04/2021

Following the above publicity, no representations were received.

Kirkburton Parish Council has been consulted, although no comments have been received.

Consultation Responses

None.

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 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 Local Plan 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 35** - Historic Environment

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 16 – Conserving and enhancing the historic 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.

It is noted that the property faces onto the boundary with the Thurstonland Conservation Area. However, as this property is part of a modern row of dwellings and the design and materials of the extension would match the existing properties in the row, there are no concerns in terms of the character of the Conservation Area.

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 and style on either side. 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.

Side extension

The host property and its associated curtilage are of a sufficient size to support the proposed side extension, without amounting to overdevelopment. The materials proposed will match the main house, with the use of artificial stone and timber on the front elevation and brick to the side and rear and with the proposed roof covering of tiles. There are also other similar side extensions further along the row and, as such, this would not be out of character with the wider area. The new entrance on the front is similar in its

proportions to the existing and, as such, would not appear out of place. The side extension is, therefore, considered acceptable in terms of visual amenity.

Decking

The decking proposed is of a reasonable size and would be constructed using timber, which is appropriate for that type of development. As such, the decking is considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extension, exterior alterations and the raised deck 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 (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.

Impact on 45 Town Moor Lane

The side extension would be on the opposite side of the host property to the adjoining dwelling and, as such, would not affect the amenities of the occupiers of the adjoining 45 Town Moor Lane.

The decking proposed would have a minimal height in terms of the platform and would be set back from the shared boundary with the adjoining neighbour by the width of the main house. Officers are satisfied that there would be no significant loss of privacy in terms of the adjoining 45 Town Moor Lane.

Impact on 49 Town Moor Lane

The adjacent neighbour does occupy a lower position than the host property and there is a window in the first-floor side elevation. However, the window serves a landing area, which is not a habitable space. Furthermore, the neighbour's own garage is positioned between the properties. Given this relationship, officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 49 Town Moor Lane.

Although the decking would be close to the shared boundary with the adjoining property, the height of the platform is limited and would offer little additional opportunity for overlooking than the existing garden area.

Impact on 92 & 96 Town Moor Lane

The separation between the host property and these neighbouring houses opposite is more than 25m. Given this substantial separation, officers are satisfied that the side extension would have no significant effect on the amenities of the occupiers of the neighbours opposite.

Impact on 14 Town Moor Avenue

The side extension would not reduce the space between the host property and this neighbouring house to the rear and, although, there would be a new window at first floor, this would be no closer than the existing windows. As such, the side extension would have no significant impact on the amenities of the occupiers of 14 Town Moor Avenue.

The raised platform would be only 0.5m above the existing garden and would not have a significant effect upon the amenities of the occupiers of the neighbouring 14 Town Moor Avenue.

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 (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 and the loss of the garage. 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 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:

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:

None.

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 side extension and a raised decking to the rear of 47 Town Moor 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: 2021/90836

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: 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	11	857944	01/03/2021
Existing elevations – side	05	857958	01/03/2021
Existing elevations – front	04	857956	01/03/2021
Existing elevations – rear	03	857954	01/03/2021
Existing floor plans – ground	01	857948	01/03/2021
Existing floor plans – first	02	857947	01/03/2021
Proposed elevations – side	10	857959	01/03/2021
Proposed elevations – front	04	857956	01/03/2021
Proposed elevations – rear	08	857955	01/03/2021
Proposed floor plans – ground	06	857949	01/03/2021
Proposed floor plans – first	07	857950	01/03/2021
Proposed site plan	12	857945	01/03/2021

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

21/04/2021