

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: 2021/62/90944/E

Site Address: 78, Hopton Lane, Mirfield, WF14 8JS

Description: Erection of single storey extension to rear with raised patio and balustrade, demolition of existing conservatory

Recommending Officer: Callum Harrison

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: 05-May-2021

Officer Report

2021/90944 - 78, Hopton Lane, Mirfield, WF14 8JS

Site Description

82 Hopton Lane is a semi-detached property constructed from brick and stone at ground floor and render at first floor with a tiled roof. The property benefits from an area of hardstanding to the front and a medium sized garden to the rear. Vehicular and pedestrian access can be taken from the front boundary at the application site onto Hopton Lane. To the rear, boundary treatment consists of fencing. Alongside this, the property benefits from single lean-to extension and conservatory as well as a raised patio to the rear.

The wider area is predominantly dominated by residential buildings, most of which are constructed from similar construction materials. The neighbouring properties at 84 and 80 Hopton Lane also benefit from extensions.

Description of Proposal

The application is seeking permission for the demolition of the existing lean-to and conservatory extensions and the erection of single storey extension to rear with raised patio and balustrade.

The lean-to extension would have a projection of 2.65m with the proposed raised patio projecting a further 2m. The rear extension would run the full width of the dwelling, whilst the raised patio would be set in by 0.7m on the south-west facing side and 0.3m on the north-east facing side. The maximum height of the extension would be 4.4m, with the eaves of the lean-to set at 3.4m. The raised patio would be set at a maximum height of 1m, with the balustrade extending up another 1.1m. Due to land sloping down from west to east, these height proposed heights are notably lesser above the ground level on the south-western side.

The lean-to extension would have 3no. rooflights and be faced in white render with a tiled roof. The balustrade would be glass.

History of Negotiations / Amendments Received

Initially, the proposal saw a 3m raised patio proposed, which ran the full width of the dwellinghouse. Officers considered that this would detriment the residential amenity of the attached neighbour given it provides the ability to look back into the neighbouring dwelling. Furthermore, this size of raised patio could facilitate intense usage which would, again, impact on the amenity of the neighbour dwellings through loss of privacy and noise. After discussions with the agent, Officers requested the agent reduced the size of the deck to 2m and set it in off the side closest to the attached neighbour. The agent made these amendments, as shown on the plans received on 23/03/2021.

Relevant Planning History

2019/90826 - Erection of single storey rear extension and patio to rear –

Granted (82 Hopton Lane)

2017/94059 - Erection of extensions – Granted (80 Hopton Lane)

2014/91536 - Erection of non-illuminated sign – Granted (86 Hopton Lane)

2007/90414 - Erection of two storey and single storey and first floor extension

– Granted (82 Hopton Lane)

2006/95357 - Erection of single storey extensions – Granted (78 Hopton

Lane)

2004/93744 - Erection of two storey and single storey extensions- Granted

(82 Hopton Lane) 1999/91669 - Erection of two storey side extension and

single storey rear – Granted (84 Hopton Lane)

Representations

The application was advertised by neighbour notification letters. Final publicity expired on 23rd April 2021. No representations were received.

Consultations

No consultations were required or sought.

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 located within the Green Belt in accordance with the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- PLP 1 – Achieving sustainable development
- PLP 2 – Place shaping
- PLP21 – Highway safety
- PLP22 – Parking
- PLP 24 – Design
- PLP 57 – Extension, alteration or replacement within Green Belt

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 12 – Achieving well design places
- Chapter 13 – Protecting the Green Belt Assessment

Assessment

1. Principle of development

As set out above, the site is located within the Green Belt and, therefore, the principle of extending an existing a dwelling within the Green Belt needs to be considered. Policy LP57 of the KLP states that extensions within the Green Belt, are normally acceptable, providing that the host property remains the dominant element in terms of size and overall appearance. The policy further states that the cumulative impact of previous extensions and other associated buildings should also be considered when new development within the Green Belt is put forward.

These aims are also justified in Chapter 12 of the NPPF, which states that the Government considers the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence.

Paragraph 145 of the NPPF also outlines the fact that alterations and extensions to an existing building could be supported development, providing that they do not result in disproportionate additions over and above the size of the original building.

The host property is positioned within a row of similar residential development and, as such, there would be minimal impact on the openness of the character of the area and the Green Belt. Nonetheless, it is apparent that the host property has already been previously extended. However, this proposal is for a single-storey rear extension and raised patio, which replaces the existing extensions. Therefore, it is considered that the original dwelling would remain the dominant element at the site. For these reasons, the proposed extension and patio, on balance, are not considered to result in disproportionate additions to the host property.

2. Impact on visual amenity and the openness of the Green Belt

It has been established that the proposed extension would appear subservient to the host property. Nonetheless, there would be a significant amount of amenity space developed under this proposal. However, due to the size of the plot, it is considered that the application would not result in the overdevelopment of the site.

Single storey rear extension

Policy LP24 states that new proposals should promote good design by ensuring the development will enhance and respect the character and landscape of an area. Alongside this, LP57 also states that the design proposed should be sensitive to character of the Green Belt setting. As shown on the submitted plans, the extension would be single storey in scale and would have a 2.65m projection. In terms of the main bulk of the extension, this will be to the rear of the application site and, therefore, would not be visible from public vantage points.

In terms of the design and siting of the extension, the submitted plans show the proposed materials would match the host property and existing extensions. Nonetheless, large bi-fold doors will be inserted into the rear elevation of the extension. Whilst this is not ideal from a visual perspective, the harm would not warrant a refusal for the application and, therefore, on balance, can be accepted. The plans also show a high-level window to be inserted into the east-facing elevation. There would be no additional windows inserted into the west-facing elevation of the extension. The maximum projection of the rear extension will be 2.65m from the original rear elevation. Whilst the overall projection of development would be larger than what is normally permitted, given the nature of this proposal and the limited harm on the openness of the Green Belt, on balance, this extension can be supported.

Raised Patio

The proposed raised patio has been considered to have an acceptable impact on visual amenity, as the patio will be will not be visible from public vantage points. In addition, it is considered that the patio would have a minimal impact on openness, as it is located within the curtilage of the dwellinghouse. For these reasons, this element can be supported. On balance, the proposed extension and rear patio would be of a satisfactory design quality and, therefore, for such reasons, would accord with policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on Residential Amenity

80 Hopton Lane is the adjoining neighbouring house to the west of the application site. This house already benefits from a single storey rear extension and raised platform very similar to what is being proposed under this application.

It is considered that there would be some impact on the amenity of these neighbours, given the fact that the proposal would intensify development to the rear of the application site. However, amendments were sought to inset the patio in from the shared boundary by 0.7m and reduce the projection of the patio. The lean-to roof form and modest projection of the extension also mitigates any harm. The proposal is, therefore, considered acceptable and no harm to residential amenity, on overbearing or overshadowing grounds, would be caused to no 80. The existing boundary treatment will also mitigate any harm.

There would also be no undue harm on overlooking as the plans show there to be no additional windows inserted into the western-facing element of the extension. The inseting and reduction in size of the patio also restricts the ability to look back into the windows on no.80.

Regarding the proposed patio, it is considered that there would be some potential for overlooking. However, the host property already benefits from an existing patio, whilst no.80 also benefits from a raised platform. Therefore, it is considered that any harm would not be significant over and above the existing situation. Therefore, it is considered that a privacy screen would not be necessary, as the proposed patio will be inset 0.7m from the boundary at these neighbours. The existing boundary treatment will also be retained as part of this application.

76 Hopton Lane is the neighbouring property to the north-east of the application site. This house already benefits from extensions, whilst also being detached and set in a larger plot. It is considered that there could be some potential harm to be caused to this property by the proposal. However, the extension would be single storey in scale and inset from the boundary with No.80. The impact of the proposal due to these factors is considered not to be significantly detrimental. Regarding overshadowing, any impact would be minor and only occur during the evening. There are no proposed windows in the side elevation facing no.76 and, therefore, the impact on this neighbour would be minimal. Regarding the proposed decking, it is considered that there could be some potential for overlooking. However, given the reasons above, such as the inseting and the large plot that no.76 is set within, the harm would not be significant enough to warrant a refusal of this application.

In summary the proposed rear extension and decking would be of a satisfactory design quality and would be in keeping with the character of the area. Therefore, the proposal would accord with LP24 of the KLP.

4. Impact on highway safety

The proposal will not result in the intensification of the domestic use at the host property. Therefore, it is considered that there would be no undue harm to highway safety. As such, the application is considered to comply with policies LP21 and LP22 of the KLP.

5. Other matters

There are no other matters for consideration.

6. Representations

None.

7. Conclusion

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. This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is, therefore, recommended for approval.

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 LP21, LP22, LP24 and LP57 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan		1	12/03/2021
Grouped Plans and Elevations	2021 282 01	1	12/03/2021
Proposed Elevations	2021 282 03	2	23/03/2021
Proposed Elevations	2021 282 04	2	23/03/2021
Proposed Floor Plans	2021 282 05	2	23/03/2021
Proposed Section	2021 282 06	2	23/03/2021

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.

Initially, the proposal saw a 3m raised patio proposed, which would have run the full width of the dwellinghouse. Officers considered that this would be detrimental to the residential amenity of the attached neighbour, given it would provide the ability to look back into the neighbouring dwelling. Furthermore, this size of raised patio could facilitate intense usage, which would also impact on the amenity of the neighbouring dwellings, through loss of privacy and noise. After discussions with the agent, Officers requested the agent reduce the size of the deck to 2m and set it in off the side closest to the attached neighbour. The agent made these amendments as shown on the plans received on 23/03/2021.