

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No: 2021/70/91072/E

Site Address: 6, Barnsley Road, Flockton, Huddersfield, WF4 4DW

Description: Variation of conditions 2. plans and 3. materials on previous permission no. 2019/93364 for erection of two storey extension with balcony, detached garage, porch and external alterations

Recommending Officer: Jennifer Booth

DECISION – VARIATION OF CONDITIONS 2 & 3 APPROVED

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: 11-Jun-2021

OFFICER REPORT

Site Description

This application relates to no.6 Barnsley Road, Flockton. It consists of a two-storey stone built detached property with various extensions, a parking and turning area and a garden. The site is enclosed by dry stone walls to the side and the rear. The property concerned appears to be a pair of semi-detached properties originally but later converted to a detached property.

The site and its surrounding area are predominately residential characterised by two-storey detached and semi-detached properties. To the south of the site is an open field, which falls within the allocated Green Belt. Due to the changing land level, the application property is situated on elevated ground; this makes it prominently visible from the adjoining field.

Description of Proposal

The applicant is seeking permission to vary conditions 2 (accordance with the approved plans) and condition 3 (materials) on the previous planning permission, 2019/93364.

Permission was granted for the erection of a two-storey side extension with balcony, a detached double garage and a porch. The details of the proposals and the alterations are set out as follows:

- 7.8m wide x 6.5m high x 6.0m wide (two storey extension – balcony has been removed)
- The single storey element to the side of the two-storey extension, which was approved with a width of 2.8m and a depth of 6m would be increased in terms of the depth to 8.5m.
- 6.35m wide x 6.0m deep x 3.7m high with a 1m by 3.2m glazed link between the garage and the house
- 2.3m wide x 1.0m deep x 2.5m high (porch – re-sited under the existing small dormer)
- The addition of small dormers on the east elevation over the three windows.
- Facing and roofing materials to be matching stone and tiles (with oak beam for decoration except for the two-storey glazed feature which will now be black aluminium)
- The roadside boundary is proposed to be a stone and rendered wall with railing detail to a height of m and recessed electric gate set back 5m from the road

The submitted plans also show some changes to the position and size of the openings from the approved plans.

Relevant Planning History

2019/93364 – two storey side extension with balcony, detached garage and porch - approved

2003/92028 – Erection of two storey extension and dormer window (4, Barnsley Road) – Refused

2003/93291 - Erection of two storey extension (4, Barnsley Road) – Approved

Representations

The application was advertised by neighbour letters, which expired on 02/06/2021

Following the above publicity, no representations were received.

Kirkburton Parish Council was consulted, although no comments were received.

Consultation Responses

K.C. Highways – informal discussions around the boundary wall and electric gates. Although the initially requested height of 1.8m with a 4.5m recess for the vehicle access with an electric gate, was considered unacceptable, this was amended to a 1m-high wall and a 5m recess.

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 30** – Biodiversity

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the 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 15 – Conserving and enhancing the natural 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 KLP, policy LP1 of which 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 the approved scheme, 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.

The majority of the works have already been assessed and agreed. This assessment will only consider the proposed changes which are the attachment of the garage, the repositioning of the porch and the use of aluminium for the two-storey glazed feature.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The double garage is still proposed to be a large structure, albeit now to be attached to the dwelling with a glazed link and it would be visible from Barnsley Road. Nonetheless, given the garage is still to be situated at a lower land level than the road, it is considered that the visual impact on the street scene is likely to be fairly limited. The garage would be approximately 6.3m by 6m; the scale of which would be not significantly greater than necessary for accommodating two vehicles, the use of materials would be to match the main house and the detailing will form an acceptable appearance relative to the host property. It is considered therefore that the attached garage is, on balance, acceptable from a visual amenity perspective.

The scale of the rear extension has been agreed for the most part. The additional depth to the single storey element would not substantially increase the extensions. The current proposal would remove the balcony and alter the glazed feature from oak beams to black aluminium. The framing would not be as thick and would afford a more contemporary appearance. However, this is considered to form an acceptable relationship with the house and its surroundings.

The porch would be repositioned. However, the scale is the same as approved and would still form an appropriate feature.

The use of small, pitched roof dormers over the first-floor windows in the west side elevation would make modest additions to the property, in keeping with the style of the property.

The submitted details also show other minor variances in terms of the position of openings and the style. These are considered inconsequential in terms of their appearance and would not negatively affect the finished appearance.

The plans now also show a 1m boundary wall at the front which is angled from the road with a recessed electric gate to a height of 1.8m. this are does have a mix of stone and timber boundary treatments, albeit at a low level of 1m or less adjacent to the road. As such, this would not be out of character with the area.

Having taken the above into account, the proposed alterations would not cause any significant harm to the visual amenity of either the host dwelling or

the wider area, thus complying with Policy LP24 of the KLP 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.

The impacts of the works proposed in terms of the neighbouring properties has been addressed as part of the previous application. The attachment of the approved garage, the change to the materials for the two-storey glazed feature, the minor variances in terms of the position and size of the openings and the repositioning of the porch would have no significant effect upon the amenities of the occupiers of any of the neighbouring properties. Neither would the proposed boundary treatment to the roadside.

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 level of accommodation was assessed as part of the previous application and there were no issues. The alterations proposed to the building itself would not alter this view. It is appreciated however that there would now be a 1m boundary wall in a new position to the front and a recessed vehicle access with an electric gate. The 1m wall is not considered to infringe upon visibility as it is replacing the existing wall and angling away from the road. The recessed electric gate would allow a vehicle to leave the highway and wait safely on the 5m area. 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:

Biodiversity

After a visual assessment of the building, it appears to be in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

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:

Negotiations took place around the boundary wall and electric gates. Although the initially requested height of 1.8m with a 4.5m recess for the vehicle access with an electric gate, was considered unacceptable, this was amended to a 1m-high wall and a 5m recess, which Highways DM considered acceptable.

8 – Proposed conditions

Along with the standard timescale condition – in this case 3 years from the date of the original permission under 2019/93364, 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.
- A modification to the original materials condition, to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the wider area.

All other conditions including originally shall be included.

Given the new boundary treatment and electric gate, it is considered reasonable and necessary to include conditions regarding the sightlines and gates/barriers for the vehicle access must be set back a minimum of 5m and any gates shall open inwards in the interest of highway safety.

9 – Conclusion:

This application to vary conditions 2 and 3 of planning permission 2019/93364 at 6 Barnsley Road, Flockton 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: 2021/91072

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of the original permission for 2019/93364, that is 18 December 2022.

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 facing and roofing materials of the two-storey side extension and the detached double garage hereby approved shall be regular coursed natural stone with Black Aluminium Framing for the glazed feature and natural stone slate tiles to match the existing property at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The porch hereby by approved shall be constructed in oak beam and natural stone slate tiles to match the existing property at the application site.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the rear (west) elevation of the two storey side extension at any time without the prior written approval of the local planning authority.

Reason: To not detract from the amenities of the occupants of the adjoining property 2 Barnsley Road, by reason of loss of privacy and to accord with Policies Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no buildings or extensions other than

those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and to ensure a satisfactory appearance of development on completion and to avoid the overdevelopment of the application site in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The attached double garage hereby approved shall not be brought into use until all areas indicated to be used for accessing the garage as shown on the approved site plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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) this shall be so retained, free of obstructions and available for accessing of the garage thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 10 of the National Planning Policy Framework.

8. Before development commences, the sightlines of 2.4m x 43 metres shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 5m from the carriageway edge of Barnsley Road and shall be hung as to only open inwards. For as long as such gates or barriers are in position, they shall be retained so that they open inwards only.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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
Existing plans	3	860438	15/03/2021
Proposed plans	1E	875893	04/06/2021

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.

Negotiations took place around the boundary wall and electric gates. Although the initially requested height of 1.8m with a 4.5m recess for the vehicle access with an electric gate, was considered unacceptable, this was amended to a 1m-high wall and a 5m recess.

Report Dated

07/06/2021

