

**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: 2021/62/91234/W

Site Address: 123, Meltham Road, Lockwood, Huddersfield, HD4 7BG

Description: Erection of balcony to rear

Recommending Officer: Laura Yeadon

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 11-Jun-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91234>

Site Description

123 Meltham Road is a semi-detached dwelling located within the defined Green Belt. The property is two storeys in height to the front elevation and three storeys in height to the rear. The property has a stone frontage with a red brick side and rear elevation with a tiled roof and uPVC windows and doors. Garden areas are located to the front and rear of the property with a driveway located adjacent to the front garden. Residential properties are located along Meltham Road with Lockwood Cemetery to the west and Industrial Units to the east beyond a wooded area.

Description of Proposal

Permission is sought for the erection of a balcony and would be located on the rear elevation at upper ground floor level set above the lower ground floor level. The balcony would project 1 metre from the rear elevation of the property and would be a width of 3 metres. The balcony would be set up from the ground level by 1.5 metres. The balcony would have a galvanised box section with toughened glass balustrade and stainless steel handrail to the open 3 sides. The balcony would be supported by brackets.

History of negotiations/amendments received

None

Relevant Planning History

No history

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 11th May 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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 within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP57 – The extension, alteration or replacement of existing buildings

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-designed places
- Chapter 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

House Extensions and Alterations Supplementary Planning Guidance

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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

Assessment

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the NPPF regarding design. These require, in general balanced

considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 145 and 146 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 145, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

In this instance, the works would be to construct a modest balcony onto the rear elevation of the property. As such, the square floor area of the property would be increased by only 3 square metres. As such, this is not considered to result in disproportionate additions to the property which has not been previously extended.

The works are considered to be minimal and would add a 1 metre projection structure to the rear elevation of the property. No ground works are required to enable the construction and due to small scale of development proposed, it is not considered that the openness of the Green Belt or the appearance of the area would be compromised. The development would comply with LP57 of the Local Plan and Chapter 13 of the NPPF.

Impact on visual amenity:

In terms of visual amenity, the proposed balcony is at the rear of the property and would serve a pair of pre-existing patio doors. It is only 1.5m above the lower ground level and centrally placed on the elevation. It would be supported by brackets and have a toughened glass and steel balustrade so

would appear as a lightweight and simple in terms of design. It would not appear overly prominent or visually intrusive.

It is considered that the scale and design of the balcony would not be out of keeping with the design or scale with the host property or wider area and is compliant with Policy LP24 of the Kirklees Local Plan.

Impact on residential amenity:

The property is semi-detached. It is proposed that the balcony would be slightly off-centre to be located to be accessed from the existing patio doors. Whilst there would be some harm from overlooking due to the very nature of a raised platform, due to the limited projection of 1 metre and width of 3 metres, it is considered that the harm would be marginally greater than the existing situation. This is due to the limited space to utilise the structure over and above the impact from overlooking from the existing patio doors. It is considered that the projection is modest such that it would unnecessary to attach a condition relating to a privacy screen. In addition, the platform is set at a lower height than the openings within the attached neighbouring property. The adjacent property is separated from the balcony by a sufficient distance so as not to cause a significant degree of harm in term of overlooking. In turn, it is not considered that there would be a material impact from overshadowing or by being overbearing.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Impact on highway safety:

None

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. Due to the small scale nature of works proposed, it is not considered that specific mitigation measures are required in this instance.

Representations:

None

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 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: 2021/91234

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 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(100)02		25 th March 2021
Existing and proposed elevations and floor plans	(100)01		25 th March 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 Authority have, 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 10th June 2021

Coal – none