

**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: 2021/62/91235/E

Site Address: 20, Cross Bank Street, Mirfield, WF14 8JH

Description: Erection of raised decking area

Recommending Officer: Lyle Robinson

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: 07-Jul-2021

Officer Report

Site Description

The site is that of a two-storey detached dwellinghouse and associated residential curtilage at the head of a cul-de-sac in the settlement of Mirfield. The house sits at an elevated position relative to the cul-de-sac, with levels rising quite sharply southwards, towards the rear of the site. There is an existing mono-pitched roof extension at the eastern facing side elevation of the property.

Description of Proposal

Planning permission is sought for the construction of a 22m² area of raised decking. The platform would sit some 0.4m below the finished floor level (FFL) of the ground floor of the property, at a height of some 2.5m from natural ground level at the bottom of the steps leading up to the front/side amenity space. A timber fence, some 1.1m in height from the deck would be erected.

History of negotiations/amendments received

This planning application has been assessed based on the drawings originally submitted with the current application. No further details or amendments were sought thereafter.

Relevant Planning History

None.

Representations

This application was publicised by neighbour letter, site notice and news advert, which expired on 28-May-2021. Following this publicity, no representations were received from neighbours or members of the public.

Consultation Responses

Mirfield Town Council – no consultation response

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 in the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- • **LP 52** – Protection and improvement of environmental quality

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 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP), which stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application is for an alteration to a residential property within a settlement boundary, where development such as this is acceptable, subject to a satisfactory assessment of the material planning considerations.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the KLP, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed timber materials would assimilate acceptably into the surrounding development. The relatively unassuming character of the house itself would not be affected and the retained landscaping would assist the decking in avoiding any undue visual prominence. The proposed fence would, at just over 1m, not appear out of place in the context of the house and extension immediately behind it, as it would be viewed from below on the cul-de-sac.

The development, therefore, would be acceptable in terms of visual amenity and would accord with policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Land levels rise southwards affording this site a prominence in relation to the rest of the houses on the cul-de-sac. Careful regard, therefore, has been paid to the residential amenity of the scheme by the case officer in terms of occupants and neighbours, given the potential increase in overlooking.

As the decking would sit approximately flush with the existing ground level about the front elevation there would be no further overlooking to the neighbouring western property, no. 18 Cross Bank Street, than exists at present. This is also assisted by the set back of no. 18 relative to the application site, and the decking's siting towards the eastern part of the plot.

The neighbouring property to the east, no. 21 Cross Bank Street, would not be overlooked to any material degree greater than the existing situation, given the orientation of that dwellinghouse relative to the amenity space of the application site, whereat the side gable end of no. 21 faces south diagonally across from the decking; with no overlook to or from habitable room windows. The existing space about the side extension to the host dwelling already has some overlook to the neighbouring eastern garden, were it not for the tall coniferous hedge, which would not materially worsen as a result of approval of this decking area. The interface between the front elevation of no. 21 Cross Bank Street would not be affected any more than the existing possibility of

overlook from the amenity area about the front entrance and side extension of the house at the application site.

There are no overshadowing implications owing to the form of the proposal and the relatively low height of the timber fence.

All told, therefore, the proposal would comply with policy LP24, in terms of residential amenity.

4 – Impact on highway safety:

There are no material highways implications resulting from this proposal.

The development concerned is acceptable in terms of highway safety and parking and consistent with policies 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 for the erection of a decking in the curtilage of a dwellinghouse, to be built of natural timber materials. Further conditions attendant to the climate change agenda are not necessary in this instance.

Public Right of Way (PROW)

There is a public footpath beyond the southern boundary of the curtilage. This application proposal would not interfere with this. However, a footnote shall be appended to the Decision Notice advising of the existence of this.

6 – Representations:

None received.

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 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: 2021/91235

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 in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Public Footpath MIR/71/10 is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

Plan Type	Reference	Version	Date Received
Location Plan	4557-L-1		25/MAR/2021
Proposed Elevations	4557-P-1		25/MAR/2021
Proposed Block Plan	4557-P-1		25/MAR/2021
Proposed Floor Plans	4557-P-1		25/MAR/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 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.

In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.