

**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: 2021/62/91547/E

Site Address: 23A, Barnsley Road, Flockton, Huddersfield, WF4
4DP

Description: Erection of extensions and alterations and detached
garden room

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: 07-Jul-2021

Officer Report

2021/91547 - 23A, Barnsley Road, Flockton, Huddersfield, WF4 4DP

Site Description

23a Barnsley Road is a substantial detached dwelling located on the edge of the Green Belt in a semi-rural area. The property is set back off Barnsley Road and accessed along a shared drive. The property has parking to the front and gardens to the side and rear. To the north of the site are open fields, to the east is 21a Barnsley Road and the Zion United Reformed Church, to the west is 25 Barnsley Road and to the south is 23 Barnsley Road.

Description of Proposal

The application is seeking permission for the erection of extensions and alterations and a detached garden room. The proposed development would

see the existing glazed porch to the front replaced with an open stone porch, which would connect the front entrance and a new doorway, which leads out from the dining area and kitchen. The porch would be of an 'L' shape and connect to a bay window formed through the removal of the existing porch. The porch would have a width of 6.2m, a height of 2.8m and a projection of 2.9m to fall flush with an existing hipped roof protruding development at the front.

The development would also see a two-storey rear extension to vertically extend the existing bay window. This development would have a width of 4.5m, a projection of 1.85m and a height of 5.3m, with a flat roof to fall flush with the eaves. This element will be mostly glazed.

A small bandstand type structure is also proposed as a play structure. It would be a stained timber structure that would sit in the south-west corner of the garden. The structure would have a maximum height of 2.5m and a floor space of approximately 14m².

Other minor works are proposed, such as the removal of walls and doors and resizing of windows.

History of Negotiations

The proposal initially sought the proposed rear extension to extend above the eaves. By proposing to extend above the eaves of the dwellinghouse, the proposal failed to respect the form, scale or character of the host dwelling. The agent was informed about officers' concerns with the proposed height and subsequently amended the design of the rear extension to sit flush with the existing eaves. No other amendments were sought.

Relevant Planning History

1998/92308 – detached dwelling – approved

2012/91965 - Erection of first floor extension supported by brick pillars – approved

Consultations

Kirkburton Parish Council – No comments received.

Representations

The application was advertised by neighbour notification letters. Final publicity expired on 8th June 2021. No representations were received.

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 2019.

Kirklees Local Plan:

LP1 – Achieving sustainable development

LP2 – Place shaping

LP21 – Highway safety

LP22 – Parking

LP24 – Design

Supplementary Planning Documents (SPDs)

Kirklees Council has adopted (as of 29th June 2020) supplementary planning documents for guidance on house building, house extensions and open space. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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 of the host property and the wider street scene. As such, it is anticipated that these SPGs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the 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 12 – Achieving well-designed places.

Assessment

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 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.

2. Impact on Visual Amenity

Policy LP24 of the KLP states 'Proposals should promote good design by ensuring:

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and detail'

Whilst the host dwelling is traditional in style, it is of no significant age given it was constructed in the 2000s. Furthermore, elements and details such as the existing extension of stilts give the dwelling a slight contemporary feel also.

The proposed open porch to the front is modest in scale and would not detract from the principal elevation in terms of character or design. It would respect the form of the host property by connecting to existing parts of the dwelling on three sides, whilst being of a modest height. The scale of the proposed porch is clearly subservient to the main house. Given this, the porch is considered acceptable regarding visual amenity.

The proposed rear extension would be mostly glazed, offering a lightweight finish. The proposed projection and width are modest meaning the extension will appear as a feature as opposed to dominating the rear elevation, thus, it can be considered subservient. This contemporary addition still respects the form, scale and details of the host property and wider area. For this reason, the proposed rear extension is also considered to be acceptable regarding visual amenity.

The proposed playhouse 'bandstand like' structure would be sited in the south-western corner of the garden, secluded behind mature hedging and boundary treatments. This structure is well designed and, again, respects the character of the host dwelling. This element is also acceptable regarding visual amenity.

For the reasons above, the proposal is considered to accord with policy LP24 of the KLP and Chapter 12 of the NPPF regarding visual amenity.

3. Impact on Residential Amenity

Policy LP24 of the KLP states "*Proposals should promote good design by ensuring:*

- b. they provide a high standard of amenity for future and neighbouring occupiers.'*

The proposed porch would not materially harm the residential amenity of any neighbouring dwellings. The proposed rear extension has been designed to provide it with outward views to the rear. The existing extension, on piers, will obscure any views to the eastern neighbours. The rear of the site is open Green Belt land, thus, there are no dwellings that can be impacted upon to the rear. The extension is set 28m from the boundary with no.21a located to the west, meaning the extension does not overlook, overshadow or appear overbearing in terms of this neighbouring dwelling either. The bandstand is very modest in height and will mostly be screened by boundary treatments. For these reasons, the proposed development is considered to ensure a good standard of amenity for neighbouring dwellings, thus, according with policy LP24 of the KLP regarding residential amenity.

4. Impact on Highway Safety

The proposal will not materially intensify the site, nor interfere with any existing parking arrangements. Given this, the proposal is considered to accord with policies LP21 and LP22 of the KLP regarding highway safety.

5. Other Matters

Carbon Budget

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 KLP 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. As the proposal is an extension to an existing dwelling, no specific requirements are required in relation to carbon budget.

6. Representations

None.

7. Conclusions

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

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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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, and 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 table:

Plan Type	Reference	Version	Date Received
Location Plan	JTD_245_02_001	1	15/04/2021
Existing Site / Block Layout	JTD_245_02_002	1	15/04/2021
Block Plan	JTD_245_02_003	1	15/04/2021
Proposed Site / Block Layout	JTD_245_02_004	1	15/04/2021
Existing Floor Plans	JTD_245_02_010	1	15/04/2021
Existing Floor Plans	JTD_245_02_011	1	15/04/2021
Existing Floor Plans	JTD_245_02_012	1	15/04/2021
Existing Elevations	JTD_245_02_013	1	15/04/2021
Existing Elevations	JTD_245_02_020	1	15/04/2021

Existing Elevations	JTD_245_02_021	1	15/04/2021
Existing Elevations	JTD_245_02_022	1	15/04/2021
Existing Elevations	JTD_245_02_023	1	15/04/2021
Proposed Floor Plans	JTD_245_02_100	2	11/05/2021
Proposed Floor Plans	JTD_245_02_101	1	15/04/2021
Proposed Floor Plans	JTD_245_02_102	1	15/04/2021
Proposed Elevations	JTD_245_02_103	1	15/04/2021
Proposed Elevations	JTD_245_02_200	1	15/04/2021
Proposed Elevations	JTD_245_02_203	1	15/04/2021
Proposed Elevations	JTD_245_02_302	1	15/04/2021
Proposed Elevations	JTD_245_02_201	2	11/05/2021
Proposed Elevations	JTD_245_02_202	2	11/05/2021
Proposed Site / Block Layout	JTD_245_02_004	1	22/04/2021
Proposed Site Sections	JTD_245_02_303	1	15/04/2021
Covering Letter	JTD_245	1	15/04/2021
Design and Access Statement	0245_Flockton_	1	15/04/2021

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.

Officers contacted the agent outlining several concerns with the proposal. Officers stated that the proposal would be refused based upon visual amenity and design concerns. Before the decision was made, the agent submitted amended plans, which were notably different but still within the scope of the description of development. The amended plans are now what will be determined in this report.

