

**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: 2021/62/91734/E

Site Address: 6, Tinker Lane, Lepton, Huddersfield, HD8 0LR

Description: Erection of front porch

Recommending Officer: Katie Wilson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 11-Jan-2022

Officer Report – 2021/91734

Site Description

The application site is 6, Tinker Lane, Lepton. It is a relatively recently built 2-storey semi-detached house. The walls are natural stone and it has a dual pitched roof surfaced in artificial stone tiles. It is located with a small residential cul-de-sac off Tinker Lane, where there are several other detached houses arranged around a central courtyard, with garden and open land at the back.

Description of Proposal

Planning permission is sought for erection of a porch.

- Rectangular footprint 1.9m wide x between 0.5 and 1.4m projection from stepped front building line.
- Mono-pitched roof surfaced in artificial stone slates.
- Dwarf stone wall with timber framework above. Glazed to sides with further glazing and oak timber door to front.

History of negotiations/amendments received

The application was acceptable as submitted.

Relevant Planning History

2011/93391 – erection of two dwellings (plots 3 & 4) – conditional full permission.

[Planning application details | Kirklees Council](#)

Conditions 9 removed PD rights for extensions or buildings without prior written approval. To prevent overdevelopment, overlooking and overshadowing.

Condition 10 removed PD rights for additional openings in the external walls at any time. To prevent invasion of privacy.

Condition 16 removed PD rights for conversion of integral garage, for highway safety reasons.

Representations

Final publicity date Expires: 21st June 2021. No representations received.

Kirkburton Town Council comments: No comments received.

Consultation Responses

No consultations took place.

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 unallocated on the Kirklees Local Plan. Area of adjacent field at the back, in applicants ownership but outside domestic curtilage, is in wider green belt allocation.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** – Biodiversity and geodiversity

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. 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 this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety

- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. This should be assessed in conjunction with the House Extension SPD and chapter 12 of the NPPF.

In this case, the principle of extending the existing dwelling is considered acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district. Regarding extensions, it states under part c, that proposals should promote good design by ensuring *‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’*.

Key design principles 1 (local character and street scene) and 2 (impact on the original house) given in the Kirklees Householder extensions SPD reflect the above.

In this instance, the original part of the building is as it currently stands, and it is considered that the proposed porch would be subservient to the original building.

Turning to materials and details, although the proposal would introduce a timber framework extension to a largely natural stone building, in this case it would be restricted to above a dwarf wall in stone to match the existing, and it would be largely glazed. Furthermore, it would have a mono-pitched roof design, sympathetic to the existing roof and it would be surfaced in matching stone slates.

Overall, it is considered that the proposal would promote good design and is in keeping with the host dwellinghouse and the character of the surrounding area. This is considered compliant with policy LP24 of the KLP and relevant key design principles in the Kirklees house extensions SPD.

3 – Impact on residential amenity:

Policy LP24, part c, goes on to stipulates that extensions should *minimise the impact on residential amenity of future and neighbouring occupiers*.

Key design principles 3 (privacy), 5 (overshadowing/loss of light), 6 (preventing overbearing impact) and 7 (outdoor space) of the Kirklees householder extensions SPD expand upon LP24 and are discussed below.

In this instance, the proposed porch would be on the front elevation of the house and set in from any boundary at least 3.5m. It would be single storey, small scale and regarded as a non-habitable room. As such it is considered that it would have very limited, if any, overshadowing, overbearing or overlooking impacts upon neighbouring properties and is compliant with policy LP24 of the KLP together with the above key design principles of the Kirklees house extensions SPD.

With regards to Key Design Principle 7 - Outdoor space. Extensions and alterations should ensure an appropriately size and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals. In this proposal, the garden area would be reduced by approximately 2.6sqm, which is a very small faction of the private outdoor space, and so the proposal is considered to comply with key design principle 7.

4 – Impact on highway safety:

The house is in a small residential cul-de-sac off Tinker Lane, shared with three other houses. It is a 4-bed house with integral single garage and off street parking on paved area at the front for two or three other cars.

The proposed porch would be on a small area of the front paved area, but it would retain access to the integral garage and parking space in front. It is also considered that it would be possible to still park a third car on the remaining paved area. This would ensure highway safety and comply with policy LP21 & 22 of the KLP together with Key Design Principle 15 of the Kirklees House extensions SPD.

With regards to Key Design Principle 16 - Provision for waste storage. Extensions and alterations should maintain appropriate storage arrangements for waste.

Given the scale and position of the proposed development it is considered that it would allow retention of existing storage and collection arrangements for household wastes from the property.

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 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 a small scale domestic development to an existing dwelling. As such, no special measures were 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 which will require compliance with national standards

Biodiversity

With regards to Key Design Principle 12 - Natural Environment. Extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Given the scale of the proposal it is considered that biodiversity enhancement is not required in this instance.

Permitted Development rights:

The house is relatively recently built following planning permission 2011/93391 for erection to two dwelling (plots 3 & 4). This approval removed permitted development rights as detailed below:

Conditions 9 removed PD rights for extensions or buildings without prior written approval. To prevent overdevelopment, overlooking and overshadowing.

Condition 10 removed PD rights for additional openings in the external walls at any time. To prevent invasion of privacy.

Condition 16 removed PD rights for conversion of integral garage, for highway safety reasons.

The overshadowing, overlooking and overdevelopment aspects of the proposed development have been assessed section 3 above and found to be acceptable. Any further extensions or outbuildings would require planning permission and be assessed on their own merits.

In officers' opinion conditions 10 and 16 of planning permission 2011/93391 do not affect the current proposal.

6 – Representations:

No representations were received during the course of this planning application.

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: 2021/91734

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension Supplementary Planning Document and the aims of the National Planning Policy Framework.

3. The external dwarf walls and roofing materials of the porch hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions Supplementary Planning Document and the aims of the National Planning Policy Framework.

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	Version	Date Received
Location plan	Dwg no. 0S1 Rev A		27 th April 2021
Block Plan	Dwg no. BP01		27th April 2021
Plans and elevations as existing	Dwg no. S1		27th April 2021
Plans, elevations and	Dwg no. P1 rev C		27th April 2021

Plan Type	Reference	Version	Date Received
section as proposed			

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. The application was acceptable as submitted.

Report Dated: 10.1.2022