

**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: 2021/62/91899/E

Site Address: 274, Hunsworth Lane, Hunsworth, Cleckheaton, BD19
4DT

Description: Erection of single storey rear and two storey side
extension and rear dormer and alterations to roof

Recommending Officer: Jennifer Booth

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: 30-Jun-2021

OFFICER REPORT

Site Description

274 Hunsworth Lane is a brick and rendered, semi-detached dwelling with gardens and drive to the front. The drive leads down the side of the house to a detached garage at the rear and a larger rear garden.

There are similar properties to each side and open fields to the front and rear.

Description of Proposal

The applicant is seeking permission for a hip to gable enlargement, two-storey side extension with a canopy at the front, a single storey rear extension and a rear dormer.

The side extension would be set back by 0.5m from the front, albeit with a small canopy and it would project by 2.2m from the original side wall of the dwelling. It would extend the full depth of the dwelling, with a hipped roof form.

The rear extension would project 3m from the original rear wall of the dwelling and would extend across the width of the property including to the rear of the proposed side extension. The roof form would be a parapet style.

The side extension would be brick on the ground floor front elevation with render to the first floor, side and rear. The rear extension would be constructed using blockwork and render.

The rear dormer would have a width of 5.7m with a height of 2m. The dormer would be clad with dark grey uPVC cladding.

Relevant Planning History

None.

Representations

The application was advertised by neighbour letters, which expired on 24/06/2021.

Following the above publicity, no representations were received.

Consultation Responses

None.

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 Green Belt 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
- **LP 57** – Extension, alteration or replacement within Green Belt

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it needs 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 of 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 13 – Protecting green belt land

- 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 within the Green Belt on the KLP Proposals Map. As such, it will be assessed having regard to policy PLP57 and NPPF chapter 13, which advise that development in such areas should be considered having regard to impact on the openness of the Green Belt and the extent to which the existing building remains the dominant element following development. Proposals should not create disproportionate additions.

The NPPF and the KLP both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be considered acceptable, it is essential that they should neither prejudice its open character, nor be discordant in themselves or in relation to the host property.

The properties on this section of Hunsworth Lane form a ribbon of development and, therefore, greater discretion on development proposals is possible in terms of Green Belt policy. As such, the proposed extensions may be acceptable in terms of the Green Belt policy, providing they are appropriately designed and sized to be compatible with the size of the site and other properties in the street scene. In terms of this proposal, there is a variety of different elements, which include a two-storey side extension, a single storey rear extension and a rear dormer. However, the hip to gable enlargement of the original house, the rear dormer and most of the rear extension would meet the criteria of permitted development. Furthermore, the layout of surrounding development would allow the proposed extensions to be constructed without forming disproportionate additions. The scheme is, therefore, considered acceptable in terms of Green Belt policy.

All development should be assessed in terms of visual amenity, residential amenity and highway safety along with other matters such as biodiversity and climate change with respect to the KLP and the NPPF. These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The host property is located on a residential section of Hunsworth Lane, with open fields to the rear and opposite the front. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration comprises four distinct elements, which shall be addressed below.

Hip to gable enlargement

It is noted that the proposal includes a change to the roof of the original house, from a hipped roof to a gable. Whilst not ideal, given the property is one a pair where the other property will be retaining its hipped roof form and indeed the group of four pairs all have similar hipped roof forms, it is noted that this could be carried out under permitted development. It is also noted that the roof over the proposed side extension would be hipped, which would go some way to mimicking the prevailing style of roof and, as such, in this instance, the change to the roof of the original house is considered acceptable in terms of visual amenity.

Two storey side extension

The scale of the side extension would fill the area to the side of the dwelling with a continuation of the canopy across the front. However, the materials would match the main house and the roof detailing, with the use of a hipped roof form together with the overall design and scale, would allow the original house to remain the dominant element and form a subservient addition to the dwelling. On balance, the side extension is considered acceptable in terms of visual amenity.

Single storey rear extension

The host property and its associated curtilage are of a sufficient size to support the proposed rear extension, whilst retaining a reasonable amenity space. Furthermore, the materials proposed would form an acceptable relationship with the host property, with the use of render for the walling, which will match the render at first floor level. The design is contemporary with the use of a parapet roof form. However, this is to the rear with limited views in the wider area. Therefore, the single storey rear extension is considered acceptable in terms of visual amenity.

Rear dormer

The dormer is large, and box like in terms of its appearance. However, it is to be sited to the rear of the dwelling, with limited views in the wider area. Furthermore, there is a fall-back position in terms of permitted development, as the volume created, with the hip to gable enlargement, would meet the permitted development criteria. On balance, this is considered acceptable in terms of visual amenity.

Summary

Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, thus complying with policy LP24 of the KLP (a) in

terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building 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.

There are no properties to the front or rear, which could be affected by the works proposed.

Impact on 272 Hunsworth Lane

The side extension would reduce the space between the host property and this adjacent neighbouring house. However, the neighbouring property has two openings, one window in the side elevation, at first floor level, which appears to serve a landing and a small downstairs window, which does not appear to serve a habitable room. The land to the side of the dwelling forms part of the driveway. Given the spatial relationship between the properties, Officers are satisfied that there would be no significant impact on the amenities of the occupiers of the adjacent 272 Hunsworth Lane. The rear extension would be close to the shared boundary with the rear garden of this neighbouring house. However, it is single storey, with a limited projection of 3m. Furthermore, this neighbouring property has its own extensions to the rear. Given the scale of the extension, together with the spatial relationship with the adjacent property, there would not be a significant effect on the amenities of the occupiers of the adjacent property. The dormer would be set up within the rear roof plane, with limited opportunity to impact on the amenities of the occupiers of this adjacent property.

Impact on 276 Hunsworth Lane

The side extension would be on the opposite side of the host property to the adjoining dwelling and, as such, it would have no effect upon the amenities of the occupiers of the neighbouring 276 Hunsworth Lane. The rear extension would be constructed along the shared boundary. However, the structure would be single storey and with a limited projection of 3m, which is generally considered to be acceptable. As such, Officers are satisfied that there would be no significant effect on the amenities of the occupiers of the adjoining 276 Hunsworth Lane. The dormer would be set up within the rear roof slope and, given this position, would have little impact on the amenities of the occupiers of the adjoining 276 Hunsworth Lane.

French doors at first floor level

It is noted on the plans that there are French doors shown at first floor level on the rear elevation. These could potentially give access to the roof over the rear extension, which is not acceptable to be used as any kind of a balcony, as this would give rise to a loss of privacy for both the adjoining and adjacent

dwellings. Therefore, a condition is considered both reasonable and necessary to restrict the use of the roof area.

Having reviewed the above, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby 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 proposals will result in some intensification of the domestic use. However, the parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. 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 that the building is 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 would need to be adhered to as part of the construction process and which would require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

None.

7 – Negotiations:

None.

8 – Proposed conditions

Along with the standard timescale condition, 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.
- Matching materials, to ensure that the extensions harmonise with the host property, as using alternative materials would look out of place within the street scene.
- Given the proposed plans show a door at the first floor, which could potentially access the roof over the rear extension, it is considered reasonable and necessary to include a condition to ensure this area is not used as a balcony, to preserve privacy for the neighbouring properties.

9 – Conclusion:

This application to erect a two-storey side extension, single storey rear extension and a rear dormer at 274 Hunsworth Lane 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 it is, therefore, recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/91899

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, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension 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, and the aims of chapter 12 of the National Planning Policy Framework.

4. 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), the roof area of the single storey flat roofed extensions hereby permitted shall not be used as a balcony, terrace or similar amenity area.

Reason: To not detract from the amenities of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

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	01	871292	06/05/2021
Proposed plans	02	871291	00/00/2019

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.

As the submitted plans were considered acceptable, no changes were sought.

Report Dated

28/06/2021

