

**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: 2021/62/92789/W

Site Address: Holmlea, 80, Long Lane, Honley, HD9 6EB

Description: Erection of pergola to trampoline area

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.

Emma Thompson

AUTHORISED OFFICER

Date: 02-Sep-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92789>

Site Description

Holmlea, 80 Long Lane is a modern detached bungalow located within an area without notation within the Kirklees Local Plan. The property is set back from the roadside, separated by an area of hardstanding and has a garden area to the rear. The property is constructed from red brick to the front elevation and is clad to the rear elevation with render and timber panelling with a tiled roof. The property sits at right angles with the properties on Broadacres within a predominantly residential area.

Description of Proposal

Permission is sought for erection of a pergola to the trampoline area to the rear of the property. The existing trampoline is sunken and has a bed which is at ground level within the southern corner of the rear garden.

The proposed pergola would be a width of 2.6 metres, length of 3.1 metres with a maximum height of 2.6 metres. The pergola would have a louvred roof and constructed from aluminium, finished in the colour Anthracite.

A roller blind screen is also proposed to the rear of the property for shading to the courtyard.

History of negotiations/amendments received

None

Relevant Planning History

- | | |
|------------|--|
| 1987/00287 | Erection of detached garage
<i>Granted Conditionally</i> |
| 2004/90535 | Erection of single and two storey extensions
<i>Conditional Full Permission</i> |
| 2015/90939 | Erection of detached dwelling and demolition of existing dwelling
<i>Conditional Full Permission</i> |
| 2015/93854 | Removal of conditions 3 (planted or erected within 2m of frontage), 5 (new footway and boundary wall), 6 (gates and barriers) and variation of Condition 2 (plans and specifications) on previous permission 2015/90939 for erection of detached dwelling and demolition of existing dwelling
<i>Approved</i> |

2016/91000 Discharge of condition 8 (site levels) on previous permission 2015/90939 for erection of detached dwelling and demolition of existing dwelling
Approved

2020/91570 Conversion of loft and external alterations to create additional living space
Conditional Full Permission

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 24th August 2021

Holme Valley Parish Council – Support

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design

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

House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on House Extensions and Alterations in June 2021. 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. This is considered in detail in the report below.

Holme Valley Neighbourhood Plan

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The relevant policy is:

- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

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:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible,

and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

The proposed pergola would be located within the rear garden area of the property and would cover the existing sunken trampoline. The pergola would be relatively small in scale being a maximum of 2.6 metres in height. Due to the topography of the site, the rear boundary screening is high as is the fencing to the side boundary which separates the garden area from the adjacent path. Due to this, the pergola would be barely seen from public vantage points.

The design of the structure is simplistic with sympathetic materials alongside the modern materials of the modern dwelling and it is therefore not considered that the proposal would have an unacceptable impact on visual amenity.

With regard to the House Extensions and Alterations Supplementary Planning Document, the scheme complies with the guidance within Section 5.30 which states that outbuildings should be subservient, set back behind the building line and preserves a reasonable amount of private amenity space. This is clearly demonstrated on the submitted Proposed Site Plan.

As such, the proposal is considered acceptable and would comply with Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

It is noted that permitted development rights have been removed from the property for Class E development, amongst other Classes. The reason for this was due to the topography of the site and so as not to prejudice the amenities of neighbouring properties from overlooking and loss of privacy.

It is not considered that there would be a significant impact on residential amenity from the pergola as the property to the rear is set on a higher ground level than the application site. It is not considered that there would be any increase in overlooking from the structure and is of a sufficient distance from the neighbouring property to not cause significant harm from overshadowing.

It is therefore considered that the proposal is acceptable in terms of its impact on residential amenity and is local and national policy compliant.

4 – Impact on highway safety:

None

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. It is not considered that specific mitigation measures are required in this instance.

6 – Representations:

None

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: 2021/92789

Officer Recommendation: Approve

Conditions

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 and LP24 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	PL-01		8 th July 2021
Block plan	PL-02		8 th July 2021
Existing site plan	PL-03		8 th July 2021
Proposed site plan	PL-04		8 th July 2021
Existing rear elevation	PL-101		8 th July 2021
Proposed rear elevation	PL-201		8 th July 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: 1st September 2021

Coal - low