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: 2021/62/94004/W

Site Address: 57, Burniston Drive, Oakes, Huddersfield, HD3 3PP

Description: Erection of single storey rear extension

Recommending Officer: Katie Chew

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 1/12/2021

Officer Report

Site Description

57 Burniston Drive, Oakes, Huddersfield, HD3 3PP

The application site relates to a two-storey mid terraced property which comprises of retail store at the ground floor and residential on the first floor. To the front there is large portion of hardstanding and to the rear there is a garden/amenity area and access provided to no. 57A Burniston Drive.

The site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of single storey rear extension.

The proposed single storey extension is to be located to the rear of the existing building and will measure approximately 3.8m x 4.7m, with a ridge height of 3.6m.

The existing stairway to the rear is also to be amended to allow for the proposed extension, the stairway is to be re-positioned to run along the north eastern elevation of the extension down into the rear garden/amenity area.

The extension is to be constructed from materials to match the host property.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

91/05231 – Erection of external staircase. Approved 10th December 1991.

89/07205 – Erection of illuminated projecting sign. Approved 19th January 1990.

Consultation Responses

No technical consultations required.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Representations

Final publicity date expires:

Neighbour Letters – Expired 24th November 2021.

No representations have been received to date.

Officer note: 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 only, details of which are outlined above.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP13 – Town Centre Uses**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting and Improvement of Environmental Quality**

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Other:

- Kirklees Highways Design Guide (2019)

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
1) Scale, design and visual impact of the proposed development
2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
3) Impact on highway safety
4) Other matters
5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

The site is without notation in 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 is favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design.

Chapter 6 of the NPPF states that planning decisions should help create conditions where businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity. Furthermore, the development is considered to make efficient use of previously developed land which would accord with the aims of LP7 of the Kirklees Local Plan, and guidance contained within paragraph 81 of the NPPF, in supporting economic growth and productivity.

In this case, the principle of development is considered to be acceptable as the extension proposed would serve the current use of the site and therefore support the existing business on site. The proposals shall now be assessed against all other material planning considerations, including visual and residential amenity.

These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…' and that *'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*

The proposed extension would be modest in scale and size providing additional floorspace of approximately 17.86sqm. the proposed location (to the rear) and mono-pitched roof are all considered to reduce the overall massing and dominancy of the alterations, it is therefore considered that the extension would not detract from the character and appearance of the area. In addition, materials are proposed to match materials found within the existing building and therefore are deemed to be appropriate.

In conclusion, the proposals are considered to be appropriate in scale, size and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for existing and future occupants of land and buildings. This is echoes within Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: -

"Maintain appropriate distances between buildings' and *'…minimise impacts on residential amenity of future and neighbouring occupiers'.*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 55 Burniston Drive

This neighbouring property adjoins the application site to the south west. As no windows are proposed within the south western elevation of the extension there are no concerns in respect to overlooking or loss of privacy. Furthermore, given the location and orientation of the proposals and that it is to be just single storey in height adjacent to an existing rear existing at no. 55 there are no concerns in regards to overshadowing, or the proposals appearing overbearing in nature.

Impact on no. 59 Burniston Drive

This neighbouring property adjoins the application site to the north east. Given the location, scale and size of the extension there are no concerns in respect to the proposals being overbearing or causing significant and detrimental overshadowing. In addition it is noted that no windows are proposed within the north eastern elevation, and therefore there are no concerns in respect to overlooking from the extension.

It is however acknowledged that the existing location of the stairway is to be amended to allow room for the proposed extension, this will mean that additional views could be had into no. 59's window to the rear at first floor level when entering into no. 57A up the stairway. Officer's consider that on balance the additional views would be minimal and when taking into consideration the small platform that already exists at the top of the stairway which extends out and provides an area in which residents could gather and look into this neighbouring properties window, it is not considered that the views gained from climbing the stairway would be significantly or detrimentally worse than what currently exists at the site.

Impact on no. 57A Burniston Drive

This neighbouring property is located above no. 57 and is accessed via both a front door facing out on to Burniston Drive and a set of steps located to the rear. These steps form part of this planning application. Given the scale, size and location of the proposed extension there are no concerns in respect to overshadowing or the proposals appearing overbearing in nature. In addition, no windows are proposed to be installed and therefore there are no concerns in regards to overlooking.

It is therefore concluded that the proposed development would not cause undue harm to the residential amenities of neighbouring properties, and that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF

states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Given the nature of the proposals and that no changes are proposed to the existing access and parking arrangements, it is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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.

Considering the small-scale of the proposed development, it is considered that the proposed scheme would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

The NPPF has introduced a presumption if 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/94004

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 with Policy LP24 of the Kirklees Local Plan.

3. The external walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site/Location Plan	9498	-	19th October 2021
Existing Plan/Elevation, Proposed Plan/Elevations	9498/01	-	19th October 2021
Section	9498/01	-	19th October 2021
Design and Access Statement – Supporting Information	-	-	19th October 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 preapplication 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 requested as the proposals were considered to be acceptable as submitted.

Report Dated:

25/11/2021