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:	**2022/62/90164/E**
Site Address:	2A, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB
Description:	Erection of raised rear balcony deck and external alterations
Recommending Officer:	Olivia Roberts

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-May-2022

Officer Report

Site Description

The application relates to 2A Brewerton Lane, a detached dwelling in Dewsbury Moor. Due to the topography of the surrounding area, the dwelling appears to be two storeys to the front elevation and three stories to the rear where there is a garage at basement level. The dwelling is constructed from brick for the external walls with areas of stone cladding to the front elevation. The rear of the dwelling, and part of the southern side elevation, are thought to have been previously clad in white uPVC, however at the time of site visit, this had been removed. The dwelling is set back from the access road, with a driveway to the front and amenity space to the side and rear. Vehicle access to the property is taken from the front Staincliffe Road, whilst Brewerton Lane runs at an angle to the south west of the site.

The surrounding area is predominantly residential in nature, comprising properties which vary in terms of their design.

Description of Proposal

The application seeks planning permission for the erection of a raised rear balcony deck and external alterations. Amendments have been made to the scheme which is being assessed as follows:

An area of raised decking is proposed to the rear of the existing ground floor level kitchen. Due to the topography of the site, where land levels drop to the rear, the decking would be raised 1.7m above the level of the existing decking to the rear of the property and 2.3m above ground level. The decking would have a projection of 4.3m and a width of 5.6m. A small section of the decking would have an additional width of 0.45m to fit to the boundary of the site. The decking would be framed with steel balustrade and glass panels to a height of 1.1m. To the northern elevation, a 2m high fence is proposed along the shared boundary.

New and replacement openings are proposed to the rear elevation of the dwelling that would serve the kitchen at ground floor level and garage at lower ground level.

The areas to the side and rear of the dwelling which were previously clad in uPVC cladding, other than the area that has been finished in stone, are proposed to the be finished in render.

History of Negotiations/Amendments Received

Following a visit to the property, it was noted that works to complete the external alterations to the dwelling were underway. The case officer sought revisions to the plans to reflect slight discrepancies between the works that had been completed and those that were shown on the original drawings. Revisions were also made to reflect the changes to the scheme that were highlighted by the applicant during the site visit. The following revisions have been made:

- Replacement openings to the rear elevation amended to reflect those on site
- The area of proposed render extended to include the full rear of the dwelling as well as part of the side elevation
- Proposed 2m high previously screen shown to the side of the raised decking

Due to the nature of the revisions made, which increased the height of the privacy screen within close proximity of the boundary shared with the neighbouring property, the publicity period was extended to allow comments to be received based on the amended plans. Final publicity expired on 7th March 2022.

Clarification has been sought from the applicant's agent regarding the colour of the proposed render. The applicant's agent has confirmed that this would be off-white.

Relevant Planning History

At the application site –

2008/91724 – Erection of kitchen extension with storage under. Granted.

Representations

The application was advertised by neighbour letters which expired on 7th March 2022.

As a result of the above publicity, no representations have been received.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultations were considered necessary during the course of the application.

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.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 53 – Contaminated and unstable land

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, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents:

Kirklees Council has recently adopted its supplementary planning guidance on house extensions which is now being considered in the assessment of householder planning applications, with full 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 this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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 (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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with The House Extensions and Alterations Supplementary Planning Document (SPD) and 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.

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

2 – Impact on visual amenity:

Key Design Principle 1 of the House Extensions and Alterations SPD states that extensions and alterations should be in keeping with the design and local character of the area and the street scene.

The new opening to the lower ground floor garage and replacement opening to the kitchen are considered acceptable from a visual amenity perspective. Whilst there would be some variation in their design to the other openings used on the property, this is not considered to have a negative impact on the design or character of the dwelling.

Whilst the use of render would introduce a new material to the property, it is noted that the areas where the use of this material is proposed, have previously been clad in white uPVC. The use of render in these areas is therefore considered not to have a greater impact on the visual amenity of the host dwelling or wider area. It is however considered appropriate to condition that the render shall be off-white in colour.

Paragraph 5.28 of the House Extensions and Alterations SPD relates specifically to balconies and roof terraces and sets out balconies on existing buildings should not alter the local character of the area.

In this case, whilst the decking would be of a relatively large scale and height due to the topography of the site, it is considered that it would remain subservient to the original dwelling. The materials proposed for the decking, along with the boundary fencing and balustrade are considered appropriate for the nature of the development and would not appear incongruous within the residential setting. The dwelling occupies a prominent plot between Staincliffe Road and Brewerton Lane, exacerbated by the drop in land levels to the rear of the site. Whilst there would be some views of the raised decking from Brewerton Lane and the wider area, the supporting structure of the decking would be screened to an extent by the existing boundary treatment. Views of the decking when entering onto Brewerton Lane from Staincliffe Road would also be screen by the outbuilding which is positioned towards the corner of the site. When taking this into account, the impact of the decking on the character of the wider area is considered, on balance, acceptable.

Having taken the above into account, the proposal would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the KLP (a) and (c), Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Paragraph 5.28 of the House Extensions and Alterations SPD sets out how balconies and roof terraces on existing buildings should not negatively affect neighbouring properties, by being positioned and screened, if required, so that

they do not overlook neighbouring homes and gardens and are sited away from locations that are sensitive to additional noise levels or disruption.

The proposed decking would be located within close proximity of the boundary shared with Trinity House, 307 Staincliffe Road. The decking would be located to the rear elevation of the dwelling and could therefore offer the potential for overlooking towards the property and its private amenity space. Notwithstanding this, it is noted that a 2m high, close boarded fence is proposed to the northern elevation of the decking which is considered sufficient to prevent harmful overlooking towards the property. Whilst the fence, due to its height and close proximity to the boundary, has the potential to have an overbearing and overshadowing impact to the property, it is noted that there is substantial boundary treatment between the two properties as existing, including fencing and mature planting. When taking this into account, it is considered that any additional impact would not be sufficient to warrant refusal of the application.

The decking would be located within close proximity of the shared boundary and at an elevated position which could result in the potential for additional noise generation. Notwithstanding this, it is noted that there is an area of decking in the same location as existing. The decking would be used for residential purposes, and it is considered that any additional noise would not be to a level that would be detrimental to the amenity of the occupiers of the property.

The elevated position of the decking would allow for some overlooking to the properties to the west. Notwithstanding this, it is considered that the distance retained between the decking and these properties due to the location of Brewerton Lane, along with the indirect relationship, would be sufficient to prevent overlooking to a level that would be detrimental to the amenity of the occupiers of the properties.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP (b), Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal comprises the erection of a raised, rear balcony and external alterations. The proposal would not result in an intensification in the domestic use of the dwelling that would require the provision of additional parking, nor would it affect the existing access, parking and bin storage arrangements at

the site. As such, it is considered that the scheme would not represent additional harm in terms of highway safety complying with Policies LP21 and LP22 of the KLP as well as Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

5 – Other matters:

Contaminated Land

The application site is located towards the outside of the outer zone for a known hazardous material site. Given the nature of the proposal and that limited ground works are proposed, the inclusion of a condition relating to the reporting of unexpected land contamination is considered to be proportionate. This is in accordance with Policy LP53 of the KLP and the aims of the NPPF.

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 predates 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 comprises 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.

6 – Representations:

No representations have been received.

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: 2022/90164

Officer Recommendation:

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 Policies LP1, LP2, LP22, LP24 and LP53 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations Supplementary Planning Document and the aims of the National Planning Policy Framework.

3. The render to the external walls to the side and rear of the dwelling as shown on the submitted plans shall be off-white in colour.
Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved

remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 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 13.00hours, 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 can 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
Existing Plans	DL741-01	-	19/01/2022
Proposed Plans	DL741-02	B	19/01/2022

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 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. Amended plans were submitted during the course of the application to reflect the development that had commenced on site. The decision is made on the amended plans and conditions listed.

Report Dated: 29/04/2022