

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:	2022/62/90674/E
Site Address:	Poplar Farm, Briestfield Road, Briestfield, Dewsbury, WF12 0PA
Description:	Alterations to integral garage to extend living accommodation and alterations to parking facilities
Recommending Officer:	Nina Sayers

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-Oct-2022

Officer Report

Site Description

The application site relates to a two-storey, detached dwelling in Briestfield, Dewsbury. The property is a new dwelling, approved under application 2016/92041. The property is an 'L' shaped dwelling with an integral garage in the south-western side of the property. The property is accessible via Briestfield Lane.

The property is located in a predominantly residential area with a public house opposite. The properties in the surrounding area vary in design, age and size. The site is unallocated in the Kirklees Local Plan.

Description of Proposal

The application is seeking permission for the alterations to integral garage to extend living accommodation and alterations to parking facilities. It is noted that this application is retrospective.

The proposed development would change the existing garage area into a games room and would include bi-folding doors installed in the north-eastern elevation. It is noted that there would be a re-configuration of the internal layout and external alterations as part of the proposal. This would include the removal of one ground floor window on the north-western elevation.

History of negotiations/amendments received

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process.

Officers had concerns regarding the layout of the proposed driveway and lack of provision for turning area. Amendments were sought and received and considered acceptable.

The description of proposal was amended to include all exterior alterations to the scheme.

Officers had concerns regarding the design of the proposed flat roof, amendments were provided with a gable end roof, in keeping with the existing. This was considered acceptable.

The proposed development was not re-advertised through neighbour notification letters as the principle of development and publicised plans did not change significantly following amendments.

Relevant Planning History

2014/92154 Outline application for erection of 4 detached dwellings with integral garages. Conditional Outline Permission.

2016/92041 Demolition of existing buildings and erection of 3no. dwellings. Conditional full permission.

2018/90751 Discharge conditions 14, 15, 16 and 17 on previous permission 2016/92041 for demolition of existing buildings and erection of 3 dwellings. Discharge of conditions approved.

2018/92114 Discharge conditions 3, 4, 5, 13, 20, 24 on previous permission

2016/92041 for demolition of existing buildings and erection of 3 dwellings. Discharge of conditions split decision.

2019/94151 Discharge of conditions 3 (plans), 13(boundary treatment), and 24(sewage treatment plants) on previous application 2016/92041 for demolition of existing buildings and erection of 3no. dwellings. Discharge of conditions approved.

2020/93682 Variation condition 20 (landscape and ecology) and removal of condition 9 (driveway surfacing) on previous permission 2016/92041 for demolition of existing buildings and erection of 3 dwellings. Removal or modification of conditions.

2022/90844 Erection of extension and alterations to connect two existing outbuildings to extend living accommodation (at adjacent property). Conditional full permission.

2021/94542 Alterations to integral garage to extend living accommodation and alterations to parking facilities (at adjacent property). Conditional full permission.

Representations

The application was advertised by neighbour letter. Final publicity expired 16/03/2022.

No representations were received.

Consultation Responses

KC Highways DM – No objections.

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).

Kirklees Council has adopted supplementary planning guidance on house extensions and alterations 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.

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 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

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. With regard to 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.

The proposed development would include amendments to the exterior of the property including the conversion of the existing garage to living accommodation and removal of a window.

The north-western elevation of the property faces Briestfield Road and is prominent within the street scene. The north-western elevation would not significantly change from the originally approved property under 2016/92041. The only alteration would be that of a small ground floor window would be removed. Therefore, the proposed amendments are considered to not cause any significant additional harm to visual amenity.

Other than the removal of a window the majority of the proposed works are to the south-eastern sides of the property. These would not be visible from Briestfield Road and due to the ‘L’ shape of the property, are shielded from most neighbouring properties. Therefore, the proposal would not cause harm to the visual amenity of the wider street scene.

The originally proposed flat roof would not be in keeping with the character of the surrounding area or the host dwelling and therefore it was requested that this was amended to a gable end roof to match the existing. Amendments were provided, with the proposed roof a gable end, as existing, this was considered acceptable.

The proposed amendments would be in keeping with the existing dwelling in terms of design and materials and it is noted that there is a live application for a similar scheme at the adjacent property (2021/94542). The removal of the internal garage would require additional parking to the front of the property which would include the addition of hard standing. There would remain adequate soft landscaping and amenity space, complying with paragraph KDP 15 of the House Extensions and Alterations SPD and LP24 of the Kirklees Local Plan.

Having taken the above into account, the proposed extension 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 Kirklees Local Plan (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, KDP 1,2 and 15 of the House Extension and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

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, providing a high standard of amenity for future and neighbouring occupiers.

The proposed development would not change the external footprint of the property and due to the relationship with neighbouring properties would not cause any significant harm to the residential amenity of any neighbouring properties or future occupiers, over and above the existing arrangement on site. The proposed windows in the games room would face the living space proposed under application 2021/94542. The windows would remain approximately 23 metres apart and therefore would comply with the minimum separation distance for inhabited windows as outlined in the Housebuilders Design Guide SPD.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would include the removal of an integral garage which would be replaced with living accommodation. For a property of this size, three off-street parking spaces are recommended. The proposed development would include the enlarging of the driveway which would provide parking for three vehicles so is considered acceptable. Amendments were sought and provided to show adequate space for a vehicle to turn around within the site. This was considered acceptable and therefore KC Highways

officers had no objections to the scheme. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5 – Other matters

Ecology

The site is located within a bat alert layer. If approved, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Carbon Budget

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.

There are no other matters for consideration.

6 - Representations

No representations were received.

7 – Conclusion

This application for alterations to integral garage to extend living accommodation and alterations to parking facilities at Poplar Farm, Briestfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Design SPD, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be 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 is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/90674

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 Policies LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and 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 species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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
Location Plan	1541_09_F		07/03/2022
Landscaping Plan	2050_14_L		09/05/2022
Existing Floor Plans	2050_04_RevA_BWPlans_Plot 1 A1 20		07/03/2022
Existing Elevations	20_50_03		07/03/2022
Proposed Floor Plans	2050_04_RevA_BWPlans_Plot 2 A1 20		07/03/2022
Proposed Elevations	1541_SK02_02_C		07/03/2022

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.

The original application form had the incorrect certificate of ownership signed. The correct certificate was signed, and the application form was updated. No readvertisement was considered necessary as all neighbours had been notified of the development and the affected neighbour would be notified as part of the certificate B signing process.

Officers had concerns regarding the layout of the proposed driveway and lack of provision for turning area. Amendments were sought and received and considered acceptable.

The description of proposal was amended to include all exterior alterations to the scheme. The proposed development was not re-advertised through neighbour notification letters as the principle of development and publicised plans did not significantly change following amendments.

Report Dated: 14/10/2022

