

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2022/70/91223/W
Site Address:	179, Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SP
Description:	Variation condition 2 (plans) on previous permission 2014/93129 for erection of side and rear extensions
Recommending Officer:	Ellie Worth

DECISION – Approve Variation of Condition 2

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 29-Jun-2022

Officer report

Site description

179 Gillroyd Lane, Linthwaite is a two storey semi-detached property faced in stone with a tiled roof. At the time in which the site visit was undertaken it was evident that the majority of the works granted under application 2014/93129 had taken place, subject to the insertion of windows and doors and the roofing materials for the single storey element. To the front of the property is a driveway, along with an irregular shaped garden to the side/rear. Pedestrian and vehicular access can be taken from the front boundary onto Gillroyd Lane. Boundary treatment consists of stone walling and timber fencing.

The site is situated within a wider residential area, whereby the properties appear to vary in design and form. The site is also unallocated on the Kirklees Local Plan, however, to the West is Linthwaite Conservation Area.

Description of proposal

The applicant seeks to vary condition 2 (plans) on previous permission 2014/93129 for erection of side and rear extensions at 179, Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SP.

The relevant conditions stipulate the following:

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 D2, BE13 and BE14 of the Kirklees Unitary Development Plan.

The amendment proposed is to increase the height of the single storey flat roof extension so that it sits at the same height as the outrigger at no. 177 Gillroyd Lane.

History of negotiations/amendments received

No negotiations or amendments have been sought as part of this application.

Relevant Planning History

At the application site:

2014/93129 Erection of side and rear extensions – Granted.

Representations

We are currently undertaking 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 which expired on the 1st June 2022. As a result of the above publicity, no representations have been received.

Alongside the above, officers have noted that the front of the application site is adjacent to Linthwaite Conservation Area. However, given that the minor amendment is to the rear extension, in which is well concealed within the site, it is not considered to affect the setting of the conservation area. As such, the application has not been advertised for this.

Consultation responses

None necessary.

Policy & Legislation

The site is unallocated on the Kirklees Local Plan.

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 21 – Highway Safety
- LP 22 - Parking
- LP 24 – Design

Supplementary Planning Documents (SPD)

- Highways design guide
- House extensions and alterations

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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well design places

Assessment

In this instance the proposal is to vary condition 2 (plans) on previous permission 2014/93129 for erection of side and rear extensions. As such, the application is not to reassess the principle of development, as this has already been established.

Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration

of design stating that “the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 - that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 - that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

In this case, the alteration proposed is to increase the overall height of the flat roof single storey rear extension to 3.6m to match the height of the existing outrigger at the adjoining property. The change would result in additional courses of stonework above the bi-folding doors and window, however, it would be more in keeping with neighbouring built form.

As such, it has been considered that the development would comply with Policy LP24 of the KLP, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
- Principle 4 - that “extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”
- Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 - that “extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

In this case, the nearest residential properties to the application site are no. s 177 and 183 Gillroyd Lane.

It has been assessed that there would be no material impact upon the amenity of no. 177, as the single storey extension would sit at the same overall height as the existing outrigger at this property. Therefore, there would be no material overbearing or overshadowing over and above what has previously been approved on site. There would also be no additional privacy issues as a result of the alteration proposed.

183 Gillroyd Lane is the neighbouring property to the south of the application site. It has been noted that a separation distance of approximately 6.2m would be retained from the side elevation of the rear extension to the northern facing side elevation at these neighbours. Furthermore, having been out on site, it has been noted that these neighbours do not benefit from any openings towards the rear of their side elevation in which would directly conflict with the built form. Appropriate boundary treatment in the formation of shrubs/planting would also mitigate some of the impact from the increased height. For these reasons, officers do not consider the amendment proposed to give rise to any undue overbearing, overshadowing or overlooking onto these neighbours amenity.

As such, the development would accord with Policy LP24 of the KLP, the aims of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

Impact on highway safety

There would be no additional impact upon highway safety, given the alteration proposed, as two on site parking spaces would be retained to the front of the dwelling. This is to accord with Policies LP21 and LP22 of the KLP and the aims of the Highways Design Guide SPD.

Other matters

Review of conditions:

Condition 1 (Time frame) – As development has commenced, there is no need to re-attach this condition to the decision notice.

Condition 2 (In accordance with the plans) – This condition will be retained and updated to reflect the current Local Plan policies. The development will need to be carried out in accordance with the approved plans.

Representations

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

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 GRANT VARIATION OF CONDITION

Decision Authorisation - Delegated Powers

Application Number: 2022/91223

Officer Recommendation: Approve Variation of Condition 2

Conditions and Reasons

1.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, the aims of the Council's House Extensions and Alterations Supplementary Planning Document, and Government guidance contained within 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 work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan and existing and proposed floor plans, elevations and site plan	14J31 03	-	20 April 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. In this instance, no negotiations have taken place and no amendments have been sought.

Report Dated: 29th June 2022