

**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:	2022/62/91270/W
Site Address:	9, Lumb Lane, Almondbury, Huddersfield, HD4 6SZ
Description:	Replacement of balcony to rear of bungalow
Recommending Officer:	Ellie Worth

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 21-Jun-2022

Officer report

Site description

9 Lumb Lane, Almondbury is a detached bungalow constructed from brick with a tiled roof. Its design features include circular front bay windows. To the rear is an existing balcony. Pedestrian and vehicular access can be taken from the front boundary onto Lumb Lane. There is also a change in levels within the site, due to the topography of the wider area with the land sloping downwards from the front to rear of the site

The site is situated within a predominantly residential area, whereby the neighbouring dwellings vary in design and form. The site is also situated within the Green Belt on the Kirklees Local Plan, with open countryside being located to the rear of the site.

Description of development

Planning permission is sought for a replacement balcony. The measurements of the development are as follows:

- 13.2m in width
- 2m in height (3.1m including glass balustrade)
- 3m in depth

The balcony would be constructed from either metal or timber posts with a glass balustrade.

History of negotiations/amendments received

No negotiations have taken place; however, an amended plan has been sought to enlarge the balcony at the request of the applicant. This was received on the 3rd May 2022.

Relevant Planning History

None at the application site.

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 20th June 2022, whereby no representations have been received.

The application has been re-advertised due to the increase in the width of the balcony proposed.

Consultation responses

None necessary.

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 within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality
- LP 57 – The extension, alteration, or replacement of existing buildings

Supplementary Planning Documents (SPD)

- House Extensions and Alterations (2021)
- Highways Design Guide (2019)

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 4** – Decision Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

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 general principle of extending and making alterations to a property in the green belt are assessed against Policy LP57 of the Kirklees Local Plan and Government advice contained within Chapter 13 of the NPPF. The principle of development is also subject to the impact upon visual amenity, residential amenity, highways safety and other relevant material considerations.

As the site is within the Green Belt the main issues are considered to be:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Paragraph 149 of the NPPF states that the construction of new buildings is regarded as inappropriate development in the Green Belt. However, Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original building.

The Kirklees Local Plan echoes the NPPF here by stating in LP57(a) that extensions will normally be acceptable where: *"... the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building"*.

In this case, the applicant is seeking permission for a replacement balcony in which would have a larger footprint than the one in situ. Whilst the built form is not explicitly an extension, additional external floor space would be provided. Therefore, the development has been considered against Policy LP57 (a) of the KLP.

In this instance, the development would result in a 26% increase in floor space to the existing dwelling. When taking this into account along with the open nature of the balcony (i.e. that it would not be covered) and it's relatively low height, it is considered that it would not appear as a disproportionate addition to the existing building.

In design terms, the balcony would also be situated to the rear of the dwelling and therefore would not appear as a dominant element at the site.

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

Policy LP57(c) of the Kirklees Local Plan sets out that proposals for extensions or alterations should not result in a greater impact upon openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access.

When viewing the properties along Lumb Lane, it is evident that some dwellings already benefit from balconies of a similar size and scale. Therefore, the works would not appear out of context for this area, especially given the change in topography.

Further to this, in this instance, the works would adjoin the rear elevation of the host property and would be within the site's domestic curtilage. Therefore, on balance, the development would not result in an undue impact upon openness.

Having taken into account the above, the proposal has been considered acceptable in principle as it would accord with Policy LP57 (a) and (c) of the Kirklees Local Plan and the aims of Chapter 13 of the NPPF.

2. Impact on visual amenity

Policy LP57(d) of the Kirklees Local Plan states that proposals for extensions or alterations in the Green Belt will need to have a design and materials that have regard to relevant design policies to ensure the resultant development does not materially detract from its Green Belt Setting.

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 Policy 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.”*

Paragraph 2.11 of this SPD also states that *“one of the purposes of the Green Belt is to safeguard the countryside from encroachment. Any application for the extension of a building in the Green Belt must therefore have regard to its Green Belt setting so care should be taken to ensure that the design is sympathetic to countryside character, both on the building itself and in the treatment of any outside space. It should not introduce or proliferate the use of unsympathetic discordant or incongruous domestic or urban features such as porches, balconies or dormer windows”*.

Section 5.5 of the SPD provides guidelines to balconies. It states that:

“Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- *Sited away from locations that are sensitive to additional noise levels or disruption.”*

In this case, it is noted that a balcony is proposed and Paragraph 2.11 of the SPD advises against this, however, the principle of having a balcony at the dwelling has already been established, and there are balconies on other neighbouring dwellings. This element would also not be highly prominent within the landscape. It is considered that the balcony with an overall projection of 3 metres, would not prejudice the open countryside, especially as the dwelling benefits from a large garden at approximately 27 metres.

In terms of materials, the plans show the structure to be constructed from timber or metal posts with glass balustrade. Such materials have been considered acceptable and would be appropriate for the end use.

Having taken into account the above, it is considered that the balcony would not cause any significant harm to the visual amenity of either the host dwelling or wider street scene, in accordance with Policies LP24 and LP57(d) of the KLP, the Kirklees Householder Extensions and Alterations SPD and Chapter 12 of the NPPF.

3.Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact 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.

Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Principle 4 notes 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. Furthermore, Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property, and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Further to this, Principle 7 states 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.”*

As outlined above, Section 5.5 of this SPD provides guidelines to balconies. It states that:

“Balconies and roof terraces on existing buildings should not negatively affect neighbouring properties or alter the local character of the area. Balconies and roof terraces should be:

- *Positioned, and screened if required, so that they do not overlook neighbouring homes or gardens.*
- *Sited away from locations that are sensitive to additional noise levels or disruption.”*

To the rear of the site is open countryside. It is therefore considered that the properties considered mostly likely to be impacted are those next door, to either side of No.9. The impact of the development on these surrounding properties will be assessed in turn.

No.7 Lumb Lane

7 Lumb Lane is the neighbouring property to the East of the application site. It has been noted that the balcony would extend close to the side boundary shared with No.7. However, No. 7 appears to be set further back into its plot, with no existing side openings facing the site, and the balcony would not protrude far beyond the rear wall of neighbouring dwelling at No.7. As such, there are considered to be no significant overbearing or overshadowing impacts from the works proposed including the glass balustrade.

Nonetheless, it has been noted that these neighbours benefit from a rear balcony and whilst it may be at an oblique angle to the host property, there is potential for adverse overlooking especially given the close proximity of the

proposed balcony to this neighbouring property. As such, officers consider it necessary to attach a condition stating that the side balustrade should be at a height of 1.8m-2m and fit with obscure glazing. This has been considered necessary in line with Policy LP24 of the KLP and Principle 3 of the SPD. Officers consider that it would be preferable for the proposed balcony to be set further off the side boundary to reduce the amount of overlooking into the rear garden of No.7, but hold the view that the privacy screen would be sufficient to prevent undue harm to No.7. It should be noted that the balcony at No.9 would likely achieve similar views of the rear garden of No.7, as No.7 currently achieves from their balcony of No.9's garden.

No.11 Lumb Lane

Likewise, the impact on No. 11's amenity from the additional built form would be limited, especially due to the balcony not exceeding the full width of the rear elevation (set off 3 metres from the shared boundary). However, whilst the extension would be set-off the shared boundary, it has been noted that these neighbours benefit from a glazed conservatory and a side opening. Therefore, officers consider it necessary to attach a condition to ensure that the side balustrade is fitted with 1.8m-2m high obscure glazing to prevent an undue loss of privacy or overlooking.

The SPD outlines that balconies should be away from locations that are sensitive to additional noise levels or disruption. As this balcony would cover an area already used as residential garden, it is considered that it would not result in a material increase of noise from the site.

Overall, it has been considered that the impact on amenity is acceptable, subject to the condition highlighted above. Therefore, the proposal is considered to comply with LP24 of the Kirklees Local Plan, the aims of the Councils House Extension and Alterations SPD and Chapter 12 of the NPPF.

4. Impact on highway safety

Given the nature of the development proposed, there would be no impact on highway safety or parking. This is to accord with Policies LP21 and LP22 of the KLP, the aims of the Highways Design Guide SPD and Chapter 9 of the NPPF.

5. Other matters

Bats

The application site lies within the bat alert layer on the Council's GIS system. In this case, given the development proposed, there would be no impact upon roosting bats, as the works would not interfere with the eaves or roof on the host dwelling. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

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 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the balcony would provide a useable outdoor space for the occupants, given the dwellings southern facing garden.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/91270

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, LP24, LP30, LP51 and LP57 of the Kirklees Local Plan, the aims of the Council's House Extensions and Alterations Supplementary Planning Document and the National Planning Policy Framework.

3. Notwithstanding the submitted plans, a 1.8m-2m high privacy screen, which shall be blank and exclude any glazing, shall be erected along both side boundaries of the balcony hereby approved. The screen shall be provided before the balcony is first brought into use and shall be retained thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 3 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapter 12 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 work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
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Location Plan at a scale of 1:1250 on A4 paper	-	-	11 th April 2022
Existing and Proposed Floor Plans and Elevations	-	-	3 rd May 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, however, an amended plan has been sought to enlarge the balcony at the request of the applicant. This was received on the 3rd May 2022.

Report Dated: 21st June 2022