

**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:	2022/62/92569/E
Site Address:	3, Near Bank, Shelley, Huddersfield, HD8 8LS
Description:	Extension to existing driveway to create additional off street parking space
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: 15-Mar-2023

Officer Report

Site Description

3 Near Bank is a two-storey, semi-detached dwelling in Shelley. The property has a garden and driveway to the front and a small garden area to the rear. It is noted that the property is set down significantly from the highway. The property is located on a residential street with other dwellings of a similar size and age but a variety of designs.

The application site is located within the Green Belt as allocated on the Kirklees Local Plan.

Description of Proposal

The applicant is seeking permission for the extension to existing driveway to create additional off-street parking space.

The existing parking area to the front of the dwelling would be extended by a width of 4.2 metres. It would have a total depth of 5.3 metres. It would be finished in Indian Sandstone Paving Slabs.

The proposal would also include the widening of the existing dropped kerb to a total of 8.6 metres. It is noted that Near Bank is not a classified highway and as such planning permission is not required for the dropped kerb.

History of negotiations/amendments received

No amendments were sought or provided.

Relevant Planning History

2006/94224 Erection of extension. Conditional full permission.

89/01635 Erection of two-storey extension to form bedroom, kitchen and entrance lobby. Granted conditionally.

Representations

The application was advertised by neighbour letter. Final publicity expired 27/09/2022.

No representations were received.

Consultation Responses

No consultees were considered necessary for this 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).

Kirklees Council has adopted supplementary planning guidance on house extensions 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 located in the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP57** – The extension, alteration or replacement of existing buildings

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
- Chapter 13 – Green belt

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 application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for the extension to existing driveway to create an additional off street parking space

In relation to any application within the Green Belt, the NPPF maintains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 150 of the NPPF states that certain forms are not inappropriate in the Green Belt a providing that they preserve its openness and do not conflict with including land within in it.

In terms of this application, paragraph 150 (b) relates to engineering operations. To provide off-street parking for the property, the existing retaining wall would need to be extended so the proposed parking area is level with the highway.

Policy LP57 of the Kirklees Local Plan mirrors the view of the NPPF by aiming to ensure that a proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

The construction of an extended retaining wall would not result in harm to the openness of the Green Belt. It is noted that additional hard standing would be introduced as part of the proposal, however given this is within an existing domestic curtilage, directly adjacent to the highway and to a relatively small area, it is considered to not result in harm to the openness of the Green Belt.

As such, the proposed scheme would not be considered inappropriate development in the Green Belt and the principle of development is considered acceptable. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues will 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.

Key design principles 15 (Provision for parking) outlines that consideration should be taken to ensure development retains as much of the garden boundary and soft landscaping as possible.

The proposed development would extend the existing parking provision to the front of the host dwelling and as such the precedent for hard landscaping has already been determined. It is noted that the properties opposite the application site have hardstanding for vehicle access and as such the addition of hardstanding would not be out of character with the surrounding area.

It is noted that some of the existing garden area would be lost to the proposed parking provision. From a visual amenity perspective, this is considered to not cause significant harm as the existing garden is set down at a lower elevation to the highway and as such does not shape the character of the front of the property when viewed from the highway.

The proposed parking area would be finished in Indian sandstone paving slabs, with a dry-stone wall to the rear, which is considered to be in keeping with the character of the wider area.

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 and the House Extension and Alterations Supplementary Design Guide 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 include the extension of the existing retaining wall and the erection of a dry-stone wall. This would result in a structure to the front of the host dwelling which would have a total height of 1.1 metres. Given the set down of the host dwelling, this could potentially result in some additional overshadowing to the openings in the front elevation. It is noted that this would be a relatively small addition in height, and it would be set away from the front elevation of the property. It is also noted that there is already an existing retaining structure to the front of the property. As such it is considered on balance that no significant harm would be caused to the amenity of any future occupiers, over and above the existing arrangement on site.

The retaining wall would be a significant distance from the neighbouring property to prevent any significant harm to residential amenity of the neighbouring occupants.

Having considered the above factors, the proposals are considered to not 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 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would widened the existing parking area to the front of the dwelling. KC Highways DM were consulted regarding this proposal and they outlined that whilst it is acknowledged that the depth of the bays is not to the prescribed standard, the double bay would be so wide as to almost be able to accommodate two vehicles parked parallel to the highway. It therefore seems reasonable to expect two cars to be able to park without obstruction the existing footway on Near Bank.

Details of the surfacing and drainage of the proposed parking area would be conditioned.

It is noted that the proposed structure would result in a retaining wall in close proximity to the highway and as such a footnote would be added to any decision to outline the applicants' responsibilities. Whilst not requiring planning permission, the changes to the dropped kerb would require a section 184 agreement, a footnote would also be added detailing this.

As such the scheme would not represent any additional harm in terms of highway safety and therefore 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 identified as being located within the bat alert layer and therefore consideration has to be given to the impact of the proposed development on bats and bat roosts. The construction would not include any works to the existing structure so it is unlikely any harm would be caused to protected species. As a precautionary measure, 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 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 to extend the existing driveway at 3 Near Bank 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: 2022/92569

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.

3. Before the development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. (01484) 225616 who can advise further on this matter.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at vehicle.crossing@kirklees.gov.uk with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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 Plans	3NearBank_SiteLocationPlan_V2	V2	02/08/2023
Existing Block Plan	3NearBank_ExistingBlockPlan_V2	V2	02/08/2023
Proposed Block Plan	3NearBank_ProposedBlockPlan_V2	V2	02/08/2023
Visibility Splay Block Plan	3NearBank_FisiblitySplayBlockPlan_V2	V2	01/08/2023
Existing and Proposed Plans	3NearBank_Plans_V1	V1	01/08/2023
Existing and Proposed Elevations and Sections	3NearBank_ElevationsAndSections_V2	V2	01/08/2023

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.

No amendments were sought or provided.

Report Dated: 09/03/2023

