

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:	2022/62/93747/E
Site Address:	146, Nab Lane, Mirfield, WF14 9QJ
Description:	Erection of conservatory to rear
Recommending Officer:	Edward Cheseldine

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: 19.1.23

OFFICER REPORT

Site Description

146 Nab Lane is a single storey, ground floor flat in Mirfield. The property is adjoined by a flat on the first floor only, allowing for 146 Nab Lane to be detached on the surrounding ground floor. The property walls are made of yellow stone which are accompanied by wood effect window frames. The dwellinghouse benefits from a rear garden space which is enclosed by a low wooden fence. The rear garden is positioned next to a car parking space and the backs of neighbouring terraces. There is a designated car parking space in a shared car park which will not be affected by the proposal. The property is not within a conservation area or near a Listed building.

146 Nab Lane is located in a residential cul-de-sac with properties of a similar age, style and character. Older properties are found on Nab Lane which differ in characteristics and are mainly Victorian dwellings.

Proposal Description

The applicant is seeking permission to erect a conservatory to the rear of the property.

The extension is to project 2.5m from the existing rear wall, to a width of 3.2m. The conservatory would reach a height of 2.0m to the eaves and a total height of 2.5m to the ridgeline. The roof would be formed in a sloping canopy style.

Materials of the of the extension would be consistent with the materials of the existing property. The frame of the conservatory would be a dark woodgrain pvcu material with double glazing inset within. Matching would be the doors and windows. The canopy roof would be a dark woodgrain aluminium with tinted glass inset. Double patio doors would be installed on the east face of the conservatory.

Relevant Planning History

There is no relevant planning history for this property

History of negotiations

No amended plans have been considered.

Representations

The application was advertised by neighbour letters, which expired on 09/01/2023.

As a result of the publicity, we have received two letters of objection. Firstly, concern was raised regarding the impact the extension will have on the views of a neighbouring property, the impact the development will have on the water supply, and the disruption caused by the construction. Regarding these concerns, the development is placed in a position where the sight of neighbouring properties will not be affected. The development is relatively small in scale and would therefore not affect the supply of water or present a disturbance due to the construction due to the modest scale of the conservatory.

Secondly, concerns were raised regarding the conservatory would be in keeping with property in the surrounding area, which is answered in the visual amenity section of this report.

The objections raised were afforded weight as material considerations within the decision for planning permission.

Consultation Responses

No consultation has been required.

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 Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping

- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 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 HEASPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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

Assessment

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

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 & Alterations Supplementary Planning Document 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.

Impact on visual amenity:

The proposal is to construct a single storey rear extension onto an existing property, the rear of the dwelling is highly visible from Nab Lane and surrounding land, therefore the extension would have a visual impact to the host dwelling and street scape.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (HEASPD) does state 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*. Furthermore, Key Design Principle 2 of the HEASPD goes on to state 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 details*.

The proposed conservatory is adequate in scale, extending across the exterior wall by less than half the total area of the original house. In terms of size, the conservatory meets the requirements set out in the HEASPD, not exceeding 4.0m in height or projecting more than 3.0m from the rear wall. The conservatory would be placed away from neighbouring gardens and property boundaries that are shared with neighbours.

Whilst the positioning of the conservatory is such that it will be visible from public areas, due to the layout of the host building the extension is restricted to being placed to where shown. Taking into account its scale and positioning it is not considered, on balance, to impact to the degree refusal can be justified.

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 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to outlining principles.

Key Design Principle 3 of the HEASPD states, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours*'. Key Design Principle 4 of the

HEASPD states, *'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'*.

Paragraph 5.7 of the House Extensions & Alteration SPD states, conservatories should maintain the quality of the environment for neighbours by:

- Be in keeping with the original house;
- Not overlook a neighbouring property;
- Not over dominate adjacent gardens

A visual assessment of 138, 140, 142, 150, 162 Nab Lane has been made to determine the impact the development will have on residential amenity. Whilst the extension is surrounded by residential properties, 138, 140, 142 Nab Lane have high fencing separating them from the cul-de-sac, non-habitable rooms face onto 146 Nab lane. Fencing mostly shields ground level windows, dark glazing would obscure the view into first-floor windows. The area of the conservatory already has a built platform to the height of the conservatory ground level which is used by the resident offering views to surrounding areas. Although the conservatory would be in close proximity to neighbouring windows, due to the fencing, non-habitable accommodation and existing relationship of the platform to neighbouring development, it is considered there will be sufficient mitigation and justification due to the existing view and use. 150 Nab Lane has no windows on the rear of the property. 165 Nab Lane is separated by a car parking spot and cul-de-sac road. As the platform is already used as amenity space and seating the erection of the conservatory is deemed to not contribute to any additional vista that would negatively impact privacy levels.

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, 4, 5, & 6 of the House Extensions & Alterations SPD and chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in a small intensification of the domestic use, which does not affect bedroom numbers. The designated parking bay would not be affected by the proposal and is considered to represent a sufficient provision. Bin storage for the dwelling is to the front of the house and would not be moved as part of the proposals. 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.

Biodiversity

The proposal is for the construction of a conservatory which will not affect the roof of the existing dwelling. As the site is situated in an area that is known to include bat habitats, care should be taken if construction was to commence. As such, if signs of bat habitats were found, building must cease, expert advice should be taken and the advice of a licensed bat worker sought.

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.

Conclusion:

This application to erect a conservatory at the rear of the property, with a canopy roof at 146 Nab Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations 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

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walling of the extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

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: 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: 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.

Plans and specifications table: -

Plan Type	Reference	Web ID	Date Received
Proposed Site / Block Layout	A	963107	24/11/2022

Location Plan	B	963106	24/11/2022
Grouped Plans and Elevations	C	962832	17/11/2022
Grouped Plans and Elevations	D	962831	17/11/2022

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 has, 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 amendment were sought.