

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:	2023/62/90212/E
Site Address:	11, Norristhorpe Lane, Norristhorpe, Liversedge, WF15 7AA
Description:	Alterations to convert existing garage to create dwelling forming annex accommodation associated with 11, Norristhorpe Lane, Norristhorpe, Liversedge, WF15 7AA
Recommending Officer:	Elenya Jackson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 23/03/2023

OFFICER REPORT

Site Description

11, Norristhorpe Lane, Norristhorpe, Liversedge, WF15 7AA is a two storey semi-detached dwelling which currently benefits from a private rear garden, a driveway, a garage next to the existing dwelling and a garage in the rear garden. The property is set back from the street scene.

The street is not uniform in appearance however, the material palette is predominantly stone or red brick, dwellings are set back from the street scene and have low level boundaries separating them from the public realm.

Description of Proposal

This application has been received for alterations to the existing outbuilding to create a dwelling forming annex accommodation associated with 11, Norristhorpe Lane, Norristhorpe, Liversedge, WF15 7AA.

The existing building, which has a red brick finish, has a depth of 7m and a width of 6m with a pitched roof with a maximum height of 4.4m. The building was approved under application 2006/90328.

Relevant Planning History

2006/90328: ERECTION OF 2 STOREY EXTENSION DETACHED GARAGE AND BOUNDARY WALL. Granted

2005/94485: ERECTION OF 2 STOREY EXTENSION, DETACHED GARAGE AND BOUNDARY WALL. Withdrawn.

Representations

The application was advertised by neighbour letters, which expired on 15/13/2023

No representations received.

Consultation Responses

KC Highways Authority: No objections however, the proposal should remain ancillary to existing dwelling following informal consultation on 21.03.2023.

KC Environmental Health: No objections subject to conditions following informal consultation on 16.03.2023.

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 22** – Parking
- **LP 24** - Design

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 SPD 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) 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 the House Extension SPD 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.

These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) 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 HESPD goes onto 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 proposal is not visible from the street scene as it is set back from the existing dwelling and not overly prominent.

The proposal would include the introduction of additional fenestration to the existing structure. However, as this is in the rear garden to no.11 and would not be highly prominent from the public realm, it is considered these alterations would not significantly impact the character of the area.

Having taken the above into account, the proposal 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.

3 – 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 Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

13 Norristhorpe: Adjoins the application site to the east.

Overlooking/overshadowing/loss of light/overbearing: the proposal would be situated 12m north west of no.13, not extend any closer to the main dwelling of no.13 and not have any direct visibility of no.13 therefore, no significant issues would arise regarding overlooking/overshadowing/loss of light/overbearing.

11 Norristhorpe: is the application property.

Overlooking: The proposal would feature two side facing windows for a kitchen and a bathroom. The bathroom would be obscured glazing and the kitchen would feature a high level window. Therefore, no significant issues would arise regarding overlooking. Furthermore, the use of the building would remain ancillary to this host property.

Overshadowing/loss of light/overbearing: the proposal would not extend any closer to the main dwelling of no.11 or feature any additional alterations other than to the fenestration. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

9 Norristhorpe: adjoins the application property to the west.

The proposal would not increase in height or extend closer to no.9 than the existing structure and all fenestration is high level or would not have a direct relationship with no.9; therefore, no significant issues would arise regarding overlooking/ overshadowing/loss of light/overbearing.

No other properties would be affected by the proposal.

Due to the location of the proposal and the separation distance of neighbouring properties no other properties would be impacted by the proposal.

Impact on residential amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed annexe Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National space standards require the following gross internal floor area for a one bedroom dwelling:

- 1 Bedroom, 1-person dwelling set over 1 storeys- 37 square metres
- 1 Bedroom, 2-person dwelling set over 1 storeys- 50 square metres

The proposed floor plans show the proposal would have 1 bedroom and therefore is required to have an internal floor space of at least 37m².

The proposal is shown to have an internal floor space of 33m² across the floor. This is less than what is set out in the space standards for a new dwelling; however, as this is for an annexe which is ancillary to no.11 Norristhorpe, it is considered that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders SPD states that all new houses should have adequate access to private outdoor space. The annexe would be ancillary to no.11 Norristhorpe and is an existing structure, it is therefore considered that sufficient amenity space would be retained should the proposal receive permission and would not represent an overdevelopment of the site.

Overall, it has been considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of Policy LP24 (c) of the KLP.

4 – Impact on highway safety:

Highways Development Management officers have been informally consulted on the application and raised no concerns relating to the parking provision on site; however, it was requested that a condition is added to the application for the annexe to remain ancillary to the main dwelling to ensure highway safety and ensure a suitable site layout.

This is consistent with condition 4 which was imposed on the original planning permission for the garage, which stated (4) The garages shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purposes.

With the inclusion of this condition, it is considered that the proposal would comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5– Other matters:

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.

Environmental Health

The proposal does not reside within an area known to experience contaminated land in the LPA's GIS system but it does reside within a low Risk Coal area. The proposal does not include ground works as the structure is already present on site; however, it is considered necessary to add a condition relating to the unexpected discovery of contaminated land. Therefore, subject to conditions, the proposal is considered to accord with LP53 of the Kirklees Local Plan.

A condition relating to hours of construction is not considered necessary, this would suffice as a note on the application due to the scale of the development.

6 – Representations:

No responses received.

7 – Negotiations:

N/A

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Contaminated land condition for the reason set out above.

Ancillary use to the host property, no. 11 Norristhorpe

Obscured fenestration to protect the amenity of existing and future residents.

9 – Conclusion:

This application for the Alterations to convert existing garage to create dwelling forming annex accommodation associated with 11, Norristhorpe Lane, Norristhorpe, Liversedge, WF15 7AA 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: 2023/90212

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

4 The annex dwelling hereby approved shall be used by the occupants or relative of the dwelling house known as 11 Norristhorpe Lane and shall at no

time be sold, rented, or severed to be occupied as a separate independent dwelling unit.

Reason: In the interests of highway safety and to achieve a satisfactory layout site in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of chapter 12 of the National Planning Policy Framework.

5. The development shall not be occupied until the south facing fenestration have been obscure glazed. The obscure glazing shall be of Pilkington level four or above and thereafter be retained for the life of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

Note: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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	Date Received
Location Plan	23/10	9/02/2023
Proposed Annexes	23/10	9/02/2023
Existing Plans	23/10	9/02/2023
Site Plan	23/10	9/02/2023

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/further information were sought during the course of the application.

REPORT DATED: 23/3/2023